

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

59th Legislative Day

Friday, March 6, 2009

Prayer	By the chaplain, Rev. Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.	11
Pledge	By Senator Heath.	13
Call to Order	By the President at 9:00 a.m.	15
Roll Call	Present--33 Excused--2, Keller, Renfroe. Present later--1, Renfroe.	18 19 20
Quorum	The President announced a quorum present.	21 22
Reading of Journal	On motion of Senator Lundberg, reading of the Journal of Thursday, March 5, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.	24 25 26 27

COMMITTEE OF REFERENCE REPORTS

Judiciary	After consideration on the merits, the Committee recommends that HB09-1198 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.	32 33 34 35 36
	Amend reengrossed bill, page 2, line 9, strike "IN" and substitute "EXCEPT AS OTHERWISE PROVIDED, IN".	37 38 39
	Page 5, line 3, after " durable. ", insert "(1)";	40 41
	line 4, strike "UNDER THIS PART 7" and substitute "ON AND AFTER JANUARY 1, 2010,";	42 43 44
	strike line 6 and substitute the following:	45 46
	"(2) A POWER OF ATTORNEY EXISTING ON DECEMBER 31, 2009,";	47 48
	line 7, strike "DATE OF THIS PART 7";	49 50
	line 8, strike "SECTIONS" and substitute "SECTION" and strike "and 15-14-502." and substitute "OR SECTION 15-14-745 (2).";	51 52 53
	line 18, strike "THE EFFECTIVE DATE OF";	54 55
	line 19, strike "THIS PART 7" and substitute "JANUARY 1, 2010,";	56 57
	line 21, strike "THE";	58 59
	line 22, strike "EFFECTIVE DATE OF THIS PART 7" and substitute "JANUARY 1, 2010,";	60 61 62
	after line 23, insert the following:	63 64 65
	"(2.5) IT SHALL NOT BE INFERRED FROM THE PORTION OF THE DEFINITION OF "INCAPACITY" IN SECTION 15-14-702 (5) (b) THAT AN	66 67

INDIVIDUAL WHO IS EITHER INCARCERATED IN A PENAL SYSTEM OR OTHERWISE DETAINED OR OUTSIDE OF THE UNITED STATES AND UNABLE TO RETURN LACKS THE CAPACITY TO EXECUTE A POWER OF ATTORNEY AS A CONSEQUENCE OF SUCH DETENTION OR INABILITY TO RETURN."

Page 6, line 8, after the period, add "NOTHING IN THIS SUBSECTION (4) SHALL PRECLUDE A THIRD PARTY RELYING UPON A POWER OF ATTORNEY FROM REQUESTING THE ORIGINAL DOCUMENT.";

line 16, strike "OR GUARDIAN";

line 24, strike "OR GUARDIAN".

Page 8, line 12, before "PURPOSE", insert "EXPRESS";

after line 17, insert the following:

"(1.5) IN THE CASE OF A POWER OF ATTORNEY IN EXISTENCE ON DECEMBER 31, 2009, "INCAPACITATED" SHALL MEAN AN INDIVIDUAL WITH AN INCAPACITY AS SPECIFIED IN SECTION 15-14-702 (5) (a) AND NOT AS SPECIFIED IN SECTION 15-14-702 (5) (b) UNLESS, ON THAT DATE, THIS PART 7 APPLIES TO THE POWER OF ATTORNEY AS PROVIDED IN SECTION 15-14-745 (2)."

Page 13, line 3, after "AUTHORITY", insert "PROVIDED IN THE POWER OF ATTORNEY".

Page 15, line 25, after "15-14-720", insert a comma.

Page 16, line 1, strike "AN" and substitute "A PURPORTEDLY";

line 5, strike "AN" and substitute "A PURPORTEDLY";

strike line 16 and substitute the following:

"INVESTIGATION, ONE OR MORE OF THE FOLLOWING:";

line 22, strike "AND" and substitute "OR";

line 27, strike "TRANSLATION" and substitute "TRANSLATION, AN AGENT'S CERTIFICATION,".

Page 17, strike lines 2 and 3 and substitute the following:

"EXPENSE.";

line 4, strike "15-1-720," and substitute "15-14-720,".

Page 18, line 2, strike "CIRCUMSTANCES;" and substitute "CIRCUMSTANCES, INCLUDING, WITHOUT LIMITATION, THE CIRCUMSTANCES SET FORTH IN PARAGRAPHS (a.3) AND (a.5) OF THIS SUBSECTION (1);";

after line 2, insert the following:

"(a.3) THE AGENT SEEKS TO ESTABLISH A CUSTOMER RELATIONSHIP UNDER THE POWER OF ATTORNEY AND THE PRINCIPAL IS NOT CURRENTLY A CUSTOMER;

(a.5) THE AGENT SEEKS SERVICES UNDER THE POWER OF ATTORNEY THAT THE PERSON DOES NOT OFFER;"

strike lines 4 and 5 and substitute the following:

"PRINCIPAL IN THE SAME CIRCUMSTANCES OR ACCEPTANCE OF THE POWER OF ATTORNEY IN THE SAME CIRCUMSTANCES WOULD BE INCONSISTENT WITH ANY FEDERAL OR STATE LAW, RULE, OR REGULATION OTHER THAN

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AS SET FORTH IN THIS PART 7;"

after line 21, insert the following:

"(f.5) THE PERSON HAS AN APPREHENSION, FORMED IN GOOD FAITH, THAT THE AGENT OR PERSON ACTING FOR OR WITH THE AGENT HAS ACTED OR IS ACTING, IN ANY CAPACITY, EITHER UNLAWFULLY OR NOT IN GOOD FAITH IN DEALING WITH THE PERSON AND THE PERSON IS INVESTIGATING IN GOOD FAITH TO DETERMINE WHETHER THE PERSON MAY, BASED ON THE RESULTS OF THE INVESTIGATION, FORM A GOOD FAITH BELIEF THAT THE PRINCIPAL MAY BE SUBJECT TO FINANCIAL ABUSE, NEGLIGENCE, EXPLOITATION, OR ABANDONMENT BY THE AGENT OR A PERSON ACTING FOR OR WITH THE AGENT."

Page 20, strike lines 5 and 6 and substitute the following:

"(g) EXERCISE:

(I) A POWER HELD BY THE PRINCIPAL IN A FIDUCIARY CAPACITY;

(II) A POWER TO NOMINATE, APPOINT, OR REMOVE A FIDUCIARY OR TO CONSENT, VETO, OR OTHERWISE PARTICIPATE IN THE DESIGNATION OR CHANGING OF A FIDUCIARY; OR

(III) A POWER TO DIRECT A FIDUCIARY IN THE EXERCISE OF A POWER OF THE FIDUCIARY WITH RESPECT TO PROPERTY SUBJECT TO THE FIDUCIARY RELATIONSHIP, INCLUDING, BUT NOT LIMITED TO, A POWER TO DIRECT INVESTMENTS, OR TO CONSENT, VETO, OR OTHERWISE PARTICIPATE IN CONTROLLING THE EXERCISE OF SUCH A POWER."

Page 21, line 22, strike "authority." and substitute "authority - incorporation by reference."

Page 22, after line 4, insert the following:

"(2.5) IN ADDITION TO THE INCORPORATION OF AUTHORITY AS PROVIDED IN SUBSECTIONS (1) AND (2) OF THIS SECTION, A WRITING OR OTHER RECORD IN EXISTENCE WHEN A POWER OF ATTORNEY IS EXECUTED MAY BE INCORPORATED BY REFERENCE IF THE LANGUAGE OF THE POWER OF ATTORNEY MANIFESTS THIS INTENT AND DESCRIBES THE WRITING OR OTHER RECORD SUFFICIENTLY TO PERMIT ITS IDENTIFICATION. A WRITING OR OTHER RECORD SO INCORPORATED BY REFERENCE IS CONSIDERED AS SET OUT IN FULL IN THE POWER OF ATTORNEY."

line 5, after "AUTHORITY", insert "OR A WRITING OR OTHER RECORD".

Page 32, line 10, strike "DEPENDENTS, AND" and substitute "DEPENDENTS,";

strike line 11 and substitute the following:

"TYPE OF INSURANCE OR ANNUITY, AND MODE OF PAYMENT, AND DESIGNATE A BENEFICIARY THAT WILL BE THE ESTATE OF THE PRINCIPAL;"

Page 33, line 17, after "ENTITLED", insert "AS A BENEFICIARY".

Page 40, line 26, strike "NAME;" and substitute "NAME AND DESIGNATE A BENEFICIARY THAT WILL BE THE ESTATE OF THE PRINCIPAL;"

Page 48, strike lines 5 and 6 and substitute the following:

"() DISCLAIM, REFUSE, OR RELEASE AN INTEREST IN PROPERTY OR A POWER OF APPOINTMENT

() EXERCISE A POWER OF APPOINTMENT OTHER THAN: (1) THE EXERCISE OF A GENERAL POWER OF APPOINTMENT FOR THE BENEFIT

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OF THE PRINCIPAL WHICH MAY, IF THE SUBJECT OF ESTATES,
 TRUSTS, AND OTHER BENEFICIAL INTERESTS IS AUTHORIZED ABOVE,
 BE EXERCISED AS PROVIDED UNDER THE SUBJECT OF ESTATES,
 TRUSTS, AND OTHER BENEFICIAL INTERESTS; OR (2) THE EXERCISE
 OF A GENERAL POWER OF APPOINTMENT FOR THE BENEFIT OF
 PERSONS OTHER THAN THE PRINCIPAL WHICH MAY, IF THE MAKING
 OF A GIFT IS SPECIFICALLY AUTHORIZED ABOVE, BE EXERCISED
 UNDER THE SPECIFIC AUTHORIZATION TO MAKE GIFTS

() EXERCISE POWERS, RIGHTS, OR AUTHORITY AS A PARTNER,
 MEMBER, OR MANAGER OF A PARTNERSHIP, LIMITED LIABILITY
 COMPANY, OR OTHER ENTITY THAT THE PRINCIPAL MAY EXERCISE
 ON BEHALF OF THE ENTITY AND HAS AUTHORITY TO DELEGATE
 EXCLUDING THE EXERCISE OF SUCH POWERS, RIGHTS, AND
 AUTHORITY WITH RESPECT TO AN ENTITY OWNED SOLELY BY THE
 PRINCIPAL WHICH MAY, IF OPERATION OF ENTITY OR BUSINESS IS
 AUTHORIZED ABOVE, BE EXERCISED AS PROVIDED UNDER THE
 SUBJECT OF OPERATION OF THE ENTITY OR BUSINESS".

Page 49, line 6, strike "OR";

line 7, strike "GUARDIAN";

line 9, strike "OR GUARDIAN".

Page 56, line 22, strike "THE EFFECTIVE DATE OF THIS" and substitute
 "JANUARY 1, 2010:";

strike line 23.

Page 57, line 2, strike "THE EFFECTIVE DATE OF THIS PART 7;" and
 substitute "JANUARY 1, 2010:";

line 4, strike "THE EFFECTIVE DATE" and substitute "January 1, 2010:";

strike line 5;

line 7, strike "THE EFFECTIVE DATE OF THIS";

line 8, strike "PART 7" and substitute "JANUARY 1, 2010,";

line 13, strike "THE EFFECTIVE DATE OF THIS PART 7" and substitute
 "JANUARY 1, 2010,";

after line 14, insert the following:

"(2) (a) A POWER OF ATTORNEY IS DURABLE AS DETERMINED
 PURSUANT TO SECTION 15-14-704(1) AND IS OTHERWISE CONSTRUED AND
 APPLIED IN ACCORDANCE WITH THIS PART 7 PRIOR TO JANUARY 1, 2010, IF
 THE POWER OF ATTORNEY:

(I) IS SIGNED ON OR AFTER THE DATE THIS PART 7 BECOMES LAW
 AND BEFORE JANUARY 1, 2010;

(II) IS EITHER:

(A) SUBSTANTIALLY IN THE FORM SET FORTH IN SECTION
 15-14-741; OR

(B) STATES THAT IT IS SUBJECT TO THE "UNIFORM POWER OF
 ATTORNEY ACT" OR TO THIS PART 7.

(b) TO THE EXTENT OF ANY CONFLICT BETWEEN THIS SUBSECTION
 (2) AND EITHER PART 13 OF ARTICLE 1 OF THIS TITLE OR SECTION
 15-14-501, THIS SUBSECTION (2) SHALL CONTROL."

Page 58, after line 23, insert the following:

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"SECTION 5. Part 5 of article 14 of title 15, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

15-14-500.3. [Formerly 15-14-601.] Legislative declaration.

(1) The general assembly hereby recognizes that each adult individual has the right as a principal to appoint an agent to deal with property or make personal decisions for the individual, but that this right cannot be fully effective unless the principal may empower the agent to act throughout the principal's lifetime, including during periods of disability, and be sure that any third party will honor the agent's authority at all times.

(2) The general assembly hereby finds, determines, and declares that:

(a) In light of modern financial needs, the statutory recognition of the right of delegation in Colorado must be restated, among other things, to expand its application and the permissible scope of the agent's authority, to clarify the power of the individual to authorize an agent to make financial decisions for the individual, and to better protect any third party who relies in good faith on the agent so that reliance will be assured.

(b) The public interest requires a standard form ~~affidavit of agency~~ FOR CERTIFICATION OF AGENCY that any third party may use to assure that an agent's authority under an agency has not been altered or terminated.

(3) The general assembly hereby finds, determines, and declares that nothing in this ~~part 6~~ PART 5 OR PARTS 6 OR 7 OF THIS ARTICLE shall be deemed to authorize or encourage any course of action that violates the criminal laws of this state or the United States. Similarly, nothing in this ~~part 6~~ PART 5 OR PARTS 6 OR 7 OF THIS ARTICLE shall be deemed to authorize or encourage any violation of any civil right expressed in the constitution, statutes, case law, or administrative rulings of this state or the United States or any course of action that violates the public policy expressed in the constitution, statutes, case law, or administrative rulings of this state or the United States.

(4) The general assembly hereby recognizes each adult's constitutional right to accept or reject medical treatment, artificial nourishment, and hydration and the right to create advanced medical directives and to appoint an agent to make health care decisions under a medical durable power of attorney. The "Colorado Patient Autonomy Act", sections 15-14-503 to 15-14-509, is intended to assist the exercise of such rights.

(5) In the event of a conflict between the provisions of ~~this part 6~~ PART 7 OF THIS ARTICLE and the "Colorado Patient Autonomy Act" or between the provisions of powers of attorney prepared pursuant to ~~this part 6~~ PART 7 OF THIS ARTICLE and the "Colorado Patient Autonomy Act", the provisions of the "Colorado Patient Autonomy Act" or provisions of powers of attorney prepared pursuant to the "Colorado Patient Autonomy Act" shall prevail.

(6) ~~This part 6 does~~ PARTS 6 AND 7 OF THIS ARTICLE DO not abridge the right of any person to enter into a verbal principal and agent relationship. A brokerage relationship between a real estate broker and a seller, landlord, buyer, or tenant in a real estate transaction established pursuant to part 8 of article 61 of title 12, C.R.S., shall be governed by the provisions of part 8 of article 61 of title 12, C.R.S., and not by ~~this part 6~~ PARTS 6 AND 7 OF THIS ARTICLE.

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(7) ~~This part 6 does~~ PARTS 6 AND 7 OF THIS ARTICLE DO not create any power or right in an agent that the agent's principal does not hold or possess and does not abridge contracts existing between principals and third parties."

Renumber succeeding sections accordingly.

Page 59, strike lines 5 through 7 and substitute the following:

"ALSO INCLUDES A POWER OR DELEGATION THAT IS:

(I) EXCLUDED FROM THE APPLICATION OF PART 7 OF THIS ARTICLE PURSUANT TO SECTION 15-14-703;

(II) NOT A POWER TO MAKE HEALTH CARE DECISIONS; AND

(III) NOT EFFECTIVE WITHOUT APPLICATION OF SECTION 15-14-502."

Page 60, after line 8, insert the following:

"SECTION 8. Repeal. 15-14-603 (2) (b), (3) (b), and (4), Colorado Revised Statutes, are repealed as follows:

15-14-603. Applicability. (2)(b) ~~The statutory power of attorney for property form set forth in section 15-1-1302 does not limit the applicability of the provisions of this part 6. It is the general assembly's intent that every agency instrument, including but not limited to statutory agency instruments, shall have the benefit of and be governed by all of the general provisions of this part 6, except as otherwise provided in this part 6 or to the extent the terms of the agency instrument are inconsistent with the provisions of this part 6.~~

(3) (b) ~~Any durable power of attorney executed under this part 6 may also have a document with a written statement as provided in section 12-34-105 (b), C.R.S., or a statement in substantially similar form, indicating a decision regarding organ and tissue donation. Such a document shall be executed in accordance with the provisions of the "Revised Uniform Anatomical Gift Act", part 1 of article 34 of title 12, C.R.S. Such a written statement may be in the following form:~~

~~I hereby make an anatomical gift, to be effective upon my death, of:~~

~~A. _____ Any needed organs/tissues~~

~~B. _____ The following organs/tissues:~~

~~_____~~
~~_____~~
~~Donor signature: _____~~

(4) ~~A principal must be at least eighteen years of age to execute an agency instrument under the provisions of this part 6. A natural person must be at least twenty-one years of age to be appointed as an agent under an agency instrument.~~

SECTION 9. 15-14-604, Colorado Revised Statutes, is amended to read:

15-14-604. Duration of agency - amendment and revocation - resignation of agent. (1) ~~Where an agency instrument contains the language specified in section 15-14-501(1) or otherwise specifies that the agent designated therein may exercise the authority conferred notwithstanding the principal's disability, such agent may exercise such authority notwithstanding the principal's later disability or incapacity or later uncertainty as to whether the principal is dead.~~

(2) Any agency created by an agency instrument continues until the ~~death of the principal~~ CEASED TO EXIST, regardless of the length of time that elapses, unless the agency instrument states an earlier

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1 termination date. The principal may amend or revoke the agency
 2 instrument at any time and in any manner that is communicated to the
 3 agent or to any other person who is related to the subject matter of the
 4 agency. Any agent who acts in good faith on behalf of the principal
 5 within the scope of an agency instrument is not liable for any acts that are
 6 no longer authorized by reason of an amendment or revocation of the
 7 agency instrument until the agent receives actual notice of the amendment
 8 or revocation. An agency may be temporarily continued under the
 9 conditions specified in section 15-14-607.

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 11 ~~(3) All acts of the agent that are within the scope of the agency
 12 and are committed during any period of disability, incapacity, or
 13 incompetency of the principal have the same effect and inure to the
 14 benefit of and bind the principal and his or her successors in interest as
 15 if the principal were competent and not disabled.~~

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 17 (4) Any agent acting on behalf of a principal under an agency
 18 instrument has the right to resign under the terms and conditions stated in
 19 the agency instrument. If the agency instrument does not specify the
 20 terms and conditions of resignation, an agent may resign by notifying the
 21 principal, or the principal's ~~guardian or conservator~~ RECEIVER,
 22 CUSTODIAN, TRUSTEE IN BANKRUPTCY, LIQUIDATING TRUSTEE, OR SIMILAR
 23 REPRESENTATIVE if one has been appointed, in writing of the agent's
 24 resignation. The agent shall also notify in writing the successor agent, if
 25 any, and all reasonably ascertainable third parties who are affected by the
 26 resignation. In all cases, any party who receives notice of the resignation
 27 of an agent is bound by such notice.

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 29 **SECTION 10.** 15-14-606, Colorado Revised Statutes, is amended
 30 to read:

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 32 **15-14-606. Duty - standard of care - record-keeping -**
 33 **exoneration.** Unless otherwise agreed by the principal and agent in the
 34 agency instrument, an agent is under no duty to exercise the powers
 35 granted by the agency or to assume control of or responsibility for any of
 36 the principal's property ~~care~~, or affairs. ~~regardless of the principal's~~
 37 ~~physical or mental condition.~~ Whenever the agent exercises the powers
 38 granted by the agency, the agent shall use due care to act in the best
 39 interests of the principal in accordance with the terms of the agency. Any
 40 agent who acts under an agency instrument shall be liable for any breach
 41 of legal duty owed by the agent to the principal under Colorado law. The
 42 agent shall keep a record of all receipts, disbursements, and significant
 43 actions taken under the agency. The agent shall not be liable for any loss
 44 due to the act or default of any other person. ~~When exercising any~~
 45 ~~powers under an agency, during any period of disability of the principal,~~
 46 ~~the agent shall be held to the standard of care of a fiduciary as specified~~
 47 ~~in sections 15-16-302 and 15-14-418.~~

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 49 **SECTION 11.** 15-14-607 (1) (b) (I), Colorado Revised Statutes,
 50 is amended to read:

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 52 **15-14-607. Reliance on an agency instrument.** (1) (b) (I) Any
 53 third party who deals with an agent may presume, in the absence of actual
 54 knowledge to the contrary, that:

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 56 (A) The agency instrument naming the agent was validly
 57 executed;

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 59 (B) The principal ~~was competent~~ HAD AUTHORITY TO ACT at the
 60 time of execution; and

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 62 (C) At the time of reliance, the principal ~~is alive~~ EXISTS, the
 63 agency instrument and the relevant powers of the agent have not
 64 terminated or been amended, and the acts of the agent conform to the
 65 standards of this part 6."

66
 67 Renumber succeeding sections accordingly.

Page 61, strike lines 3 through 21.

Renumber succeeding sections accordingly.

Page 66, strike lines 6 through 15 and substitute the following:

"SECTION 19. Repeal of provisions being relocated in this act. 15-14-601, Colorado Revised Statutes, is repealed.

SECTION 20. Effective date. Sections 2 through 19 of this act shall take effect on January 1, 2010, and the remainder of this act shall take effect upon passage.

SECTION 21. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Education After consideration on the merits, the Committee recommends that **HB09-1189** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Education After consideration on the merits, the Committee recommends that **HB09-1272** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 7, line 14, strike "PAYABLE" and substitute "INCURRED";

line 18, strike "REPAID INTO THE FUND,";

strike lines 19 through 23 and substitute the following:

"SHALL BE DEDUCTED WITHOUT INTEREST FROM THE MONEYS OTHERWISE DISTRIBUTABLE PURSUANT TO SECTION 12-47.1-701.5 (3) (b) AND (3) (c) AS SOON AS THE AMOUNT AVAILABLE FOR DISTRIBUTION UNDER THOSE PARAGRAPHS IS SUFFICIENT TO MAKE SUCH REPAYMENT."

Page 11, line 19, after "COLLEGE," insert "THE TWO-YEAR ACADEMIC ROLE AND MISSION OF ADAMS STATE COLLEGE,";

line 21, strike everything after the period;

strike lines 22 through 24.

Page 12, strike line 21 and substitute the following:

"CORRECT; EXCEPT THAT THE CREDIT HOURS SHALL NOT BE COUNTED FOR FTE PURPOSES IF THE COURSES BEING CLAIMED ARE GENERAL EDUCATION COURSES AND THE STUDENTS ARE:".

Local Government and Energy After consideration on the merits, the Committee recommends that **HB09-1185** 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 **HB09-1197** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 3, line 24, strike "STATISTICS." and substitute "STATISTICS; EXCEPT THAT ANY POLITICAL SUBDIVISION OF THE STATE MAY CITE FORECLOSURE STATISTICS AS THEY ARE REPORTED BY THE PUBLIC TRUSTEE OF ANY COUNTY IN THE STATE.";

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line 25, after "DIVISION", insert "AND ANY OTHER POLITICAL SUBDIVISION OF THE STATE";

line 27, after "DIVISION.", add "FOR THE PURPOSES OF REPORTING FORECLOSURE DATA AS ALLOWED PURSUANT TO THIS SECTION, THE TERM "FORECLOSURE" SHALL BE USED ONLY TO REFER TO A PROPERTY THAT HAS BEEN SOLD AT AUCTION.".

Local
Government
and Energy

After consideration on the merits, the Committee recommends that **HB09-1203** 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

March 5, 2009

The House has voted to concur in the Senate amendments to HB09-1148,1159, 1078 and has repassed the bills as so amended.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR09-019 by Senator(s) Newell; also Representative(s) Apuan--Concerning the support of National Multiple Sclerosis Awareness Week.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

INTRODUCTION OF BILLS -- FIRST READING

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

SB09-243 by Senator(s) Boyd, Carroll M.; --Concerning payments for workers' compensation benefits. Business, Labor and Technology

COMMITTEE OF REFERENCE REPORTS

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 COLORADO COMMISSION ON THE AGING

for a term expiring July 1, 2012:

Alice Langley of Denver, Colorado, to serve as a Republican from the First Congressional District, appointed

Health & Human Services

After consideration on the merits, the Committee recommends that **HB09-1059** be referred to the Committee of the Whole with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB09-1188** be referred to the Committee on Appropriations with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB09-1223** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Finance

After consideration on the merits, the Committee recommends that **SB09-240** be postponed indefinitely.

Finance

After consideration on the merits, the Committee recommends that **HB09-1036** be referred to the Committee on Appropriations with favorable recommendation.

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 SECURITIES BOARD

for terms expiring July 1, 2011:

Paul E. Washington of Boulder, Colorado, a member of the public at large, appointed;

Herrick K. Lidstone, Jr. of Centennial, Colorado, who is licensed by the state supreme court to practice law in the state of Colorado and who is conversant in securities law, reappointed.

MESSAGE FROM THE HOUSE

March 6, 2009

In response to the request of the Senate for a second conference committee, the House did not appoint a second conference committee. The House has voted to adhere to its position on SB09-217. The bill is returned herewith.

THIRD READING OF BILLS -- FINAL PASSAGE

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

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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.

Laid over until Monday, March 9, retaining its place on the calendar.

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

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

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

HB09-1153 by Representative(s) May; also Senator(s) Harvey--Concerning the requirements applicable to the formation of an issue committee under Colorado law governing campaign finance. Amendment No. 1, State, Veterans & Military Affairs Committee Amendment. (Printed in Senate Journal, March 3, page 580-581 and placed in members' bill files.) As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

HB09-1112 by Representative(s) Kerr J.; also Senator(s) Spence--Concerning the information provided to the staff of the legislative council in connection with the preparation of fiscal notes for legislative measures.

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

HB09-1169 by Representative(s) Riesberg, McFadyen, Sonnenberg; also Senator(s) Bacon, Penry, Schwartz--Concerning an extension of the repeal date for the capital development committee.

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

HB09-1241 by Representative(s) Roberts; also Senator(s) Morse--Concerning title 15 of the Colorado Revised Statutes. Amendment No. 1, Judiciary Committee Amendment. (Printed in Senate Journal, March 3, page 588-592 and placed in members' bill files.) As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

HB09-1178 by Representative(s) Green; also Senator(s) Boyd--Concerning the creation of a task force to study the establishment of a registry of caregivers who are deemed to have a substantiated allegation of wrongdoing against a person with a developmental disability. Amendment No. 1, Judiciary Committee Amendment. (Printed in Senate Journal, March 3, page 592 and placed in members' bill files.) As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB09-177 by Senator(s) Schwartz; also Representative(s) Vigil--Concerning the valuation of new solar energy facilities for the purpose of property taxation.

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

HB09-1012 by Representative(s) Rice and Stephens, Curry, Massey, Swalm; also Senator(s) Mitchell and Newell--Concerning incentives provided by health insurance carriers to encourage voluntary participation in programs to promote health.

Upon request of Senator Shaffer, HB09-1012 was removed from the General Orders Second Reading of Bills Consent Calendar of March 6 and was placed at the end of the General Orders -- Second Reading of Bills Calendar of Friday, March 6.

HB09-1122 by Representative(s) Roberts, Levy, Merrifield; also Senator(s) Morse--Concerning

increasing the age of persons eligible for sentencing to the youthful offender system.

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

HB09-1005 by Representative(s) Marostica; also Senator(s) Veiga, White--Concerning the authority of a special district to establish special improvement districts within the boundaries of the special district.

Amendment No. 1, Local Government & Energy Committee Amendment.
(Printed in Senate Journal, February 25, page 510 and placed in members' bill files.)

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

HB09-1092 by Representative(s) Peniston, Gagliardi; also Senator(s) Kester--Concerning the risk of damage to underground facilities caused by excavation.

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

HB09-1090 by Representative(s) Rice; also Senator(s) Williams--Concerning the use of titles associated with interpretation for deaf persons, and, in connection therewith, making unauthorized use of such titles a deceptive trade practice under the "Colorado Consumer Protection Act".

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

HB09-1008 by Representative(s) Miklosi; also Senator(s) Williams--Concerning the expansion of the ability to transfer annual leave between employees in the state personnel system.

Upon request of Senator Shaffer, HB09-1008 was removed from the General Orders Second Reading of Bills Consent Calendar of March 6 and was placed at the end of the General Orders -- Second Reading of Bills Calendar of Friday, March 6.

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

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-177, HB09-1153 as amended, HB09-1112, HB09-1169, HB09-1241 as amended, HB09-1178 as amended, HB09-1122, HB09-1005 as amended, HB09-1092, HB09-1090.

Removed from the General Orders Second Reading of Bills Consent Calendar and placed on the General Orders Second Reading of Bills Calendar of March 6: HB09-1012, HB09-1008.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

- HB09-1093** by Representative(s) Levy, McGihon, Benefield, Judd, Miklosi, Ferrandino, Fischer, Gagliardi, Green, Merrifield, Pommer, Solano; also Senator(s) Veiga, Carroll M.-- Concerning additional income tax reporting requirements for a corporate taxpayer. 10
Amendment No. 1(L.008), by Senator Veiga. 11
 Amend reengrossed bill, page 7, line 10, strike "39-22-658" and substitute "39-22-659". 12
 As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 13
HB09-1101 by Representative(s) Benefield, Todd, Apuan, Ferrandino, Kefalas, Merrifield, Murray, Stephens; also Senator(s) Veiga, Hudak--Concerning the administration of sales tax collections by the department of revenue. 14
 Ordered revised and placed on the calendar for Third Reading and Final Passage. 15
HB09-1082 by Representative(s) Peniston; also Senator(s) Tochtrop--Concerning recording of public meetings of school district boards of education. 16
Amendment No. 1, Education Committee Amendment. 17
 (Printed in Senate Journal, February 27, page 538 and placed in members' bill files.) 18
 As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 19
 (For further action, see Amendments to the Report of the Committee of the Whole.) 20
HB09-1052 by Representative(s) Waller; also Senator(s) Heath--Concerning limitations on the solicitation of donated items that will be sold for profit. 21
Amendment No. 1, Business, Labor & Technology Committee Amendment. 22
 (Printed in Senate Journal, February 24 , page 487 and placed in members' bill files.) 23
 As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 24
HB09-1080 by Representative(s) Marostica; also Senator(s) Williams--Concerning a grant of qualified immunity to building code officials rendering assistance during a disaster emergency. 25
 Ordered revised and placed on the calendar for Third Reading and Final Passage. 26
HB09-1072 by Representative(s) Middleton; also Senator(s) Hudak--Concerning modifications to statutory provisions addressing the governance of library districts. 27
 Ordered revised and placed on the calendar for Third Reading and Final Passage. 28
HB09-1215 by Representative(s) Ferrandino, Pommer, Marostica; also Senator(s) Tapia, Keller, White-- Concerning the creation of a stabilization fund to assist with the state's efforts to meet the federal maintenance of effort requirements for the state supplemental security income program. 29
 Ordered revised and placed on the calendar for Third Reading and Final Passage. 30
HB09-1088 by Representative(s) Balmer, Benefield, Looper, Todd; also Senator(s) Newell--Concerning certification of public benefit nonprofit entities as local public procurement units. 31

	Ordered revised and placed on the calendar for Third Reading and Final Passage.	1
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HB09-1219	by Representative(s) Judd; also Senator(s) Sandoval--Concerning the interest paid to taxpayers on certain tax overpayments.	3
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	Ordered revised and placed on the calendar for Third Reading and Final Passage.	5
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HB09-1162	by Representative(s) Gerou; also Senator(s) Kopp--Concerning intergovernmental cooperation for the purpose of mitigating wildfires.	7
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	<u>Amendment No. 1, Local Government & Energy Committee Amendment.</u>	11
	(Printed in Senate Journal, February 27, page 527 and placed in members' bill files.)	12
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	As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	14
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HB09-1079	by Representative(s) Vaad, Marostica; also Senator(s) Renfroe--Concerning annexing adjacent municipalities to existing junior college districts.	17
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	Ordered revised and placed on the calendar for Third Reading and Final Passage.	20
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HB09-1174	by Representative(s) Riesberg; also Senator(s) Hodge, Brophy--Concerning the exemption of depletions from pumping that occurred prior to 1974.	22
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	Ordered revised and placed on the calendar for Third Reading and Final Passage.	25
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SB09-099	by Senator(s) Morse; also Representative(s) Ferrandino--Concerning centralized databases to aid the delivery of state procurement services, and making an appropriation in connection therewith.	27
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	<u>Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.</u>	31
	(Printed in Senate Journal, February 11, page 242 and placed in members' bill files.)	32
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	<u>Amendment No. 2, Appropriations Committee Amendment.</u>	34
	(Printed in Senate Journal, February 27, page 533 and placed in members' bill files.)	35
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	<u>Amendment No. 3(L.003), by Senator Morse.</u>	37
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	Amend printed bill, page 3, line 7, after "24-110-101 (3)", insert "AND THAT ARE PARTICIPATING IN THE ELECTRONIC PROCUREMENT SYSTEM,"	39
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	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	43
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	(For further action, see Amendments to the Report of the Committee of the Whole.)	46
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SB09-064	by Senator(s) King K., Romer, Bacon, Groff, Heath, Hudak, Kopp, Spence, Williams; also Representative(s) Massey, Merrifield, Baumgardner, Benefield, Gardner B., Middleton, Murray, Peniston, Priola, Scanlan, Schafer S., Solano, Summers, Todd--Concerning building inspections relating to utilities.	48
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	Declared LOST on Second Reading.	53
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	(For further action, see Amendments to the Report of the Committee of the Whole.)	55
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SB09-168	by Senator(s) Tochtrop; also Representative(s) Soper--Concerning workers' compensation procedures.	58
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	<u>Amendment No. 1, Business, Labor & Technology Committee Amendment.</u>	61
	(Printed in Senate Journal, March 3, page 586 and placed in members' bill files.)	62
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	<u>Amendment No. 2(L.002), by Senator Tochtrop.</u>	64
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	Amend the Business, Labor and Technology Committee Report, dated March 2, 2009, page 3, line 11, after "PARTY.", insert "PRIOR TO	66
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COMMENCING THE AUDIO RECORDING, THE EXAMINING PHYSICIAN SHALL DISCLOSE TO THE EMPLOYEE THE FACT THAT THE EXAM IS BEING RECORDED."

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

HB09-1066 by Representative(s) Vaad; also Senator(s) Gibbs--Concerning the codification of existing practices of the division of aeronautics.

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

HB09-1027 by Representative(s) Rice, Fischer, Levy, Marostica, McFadyen, Merrifield, Primavera; also Senator(s) Gibbs, Williams--Concerning the duty of drivers to yield the right-of-way to transit buses entering traffic.

Laid over until Monday, March 9, retaining its place on the calendar.

HB09-1012 by Representative(s) Rice and Stephens, Curry, Massey, Swalm; also Senator(s) Mitchell and Newell--Concerning incentives provided by health insurance carriers to encourage voluntary participation in programs to promote health.

Laid over until Monday, March 9, retaining its place on the calendar.

HB09-1008 by Representative(s) Miklosi; also Senator(s) Williams--Concerning the expansion of the ability to transfer annual leave between employees in the state personnel system.

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

Amend reengrossed bill, page 2, line 6, after "of", insert "OR OTHER PERSON WHO RESIDES WITH AND IS DEPENDENT IN WHOLE OR IN PART ON".

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB09-099 by Senator(s) Morse; also Representative(s) Ferrandino--Concerning centralized databases to aid the delivery of state procurement services, and making an appropriation in connection therewith.

Senator Schultheis moved to amend the Report of the Committee of the Whole to show that the following Schultheis floor amendment, (L.002) to SB 09-099, did pass, and that SB 09-099, as amended, did pass:

Amend printed bill, page 3, line 1, after "(2.5)", insert "(a)";

after line 20, insert the following:

"(b) EACH VENDOR SHALL PROVIDE PROOF TO THE DEPARTMENT OF THE VENDOR'S PARTICIPATION IN THE FEDERAL ELECTRONIC VERIFICATION PROGRAM, AS DEFINED IN SECTION 8-2-124 (1) (b), C.R.S., OR ANY SUCCESSOR PROGRAM, PRIOR TO UTILIZING THE ELECTRONIC PROCUREMENT SYSTEM PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2.5). THE DEPARTMENT SHALL INVESTIGATE ANY REPORT OF A VENDOR'S NONCOMPLIANCE WITH THE REQUIREMENTS OF THIS PARAGRAPH (b) WITHIN FIFTEEN DAYS OF NOTIFICATION OF THE NONCOMPLIANCE. IF THE DEPARTMENT DETERMINES THAT THE VENDOR IS NOT A PARTICIPANT IN THE FEDERAL ELECTRONIC VERIFICATION PROGRAM, THE DEPARTMENT SHALL REMOVE THE VENDOR FROM THE ELECTRONIC PROCUREMENT SYSTEM FOR A MINIMUM OF ONE YEAR. PRIOR TO REINSTATEMENT IN THE ELECTRONIC PROCUREMENT SYSTEM, THE VENDOR SHALL SUBMIT TO THE DEPARTMENT PROOF OF PARTICIPATION IN THE FEDERAL ELECTRONIC VERIFICATION PROGRAM FOR THE SIX MONTHS PRECEDING REINSTATEMENT."

The amendment to the Report of the Committee of the Whole was declared **lost** on the following roll call vote:

YES	15	NO	19	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

HB09-1082 by Representative(s) Peniston; also Senator(s) Tochtrop--Concerning recording of public meetings of school district boards of education.

Senator Tochtrop moved to amend the Report of the Committee of the Whole to show that the Education Committee amendment to HB 09-1082, did not pass, and that HB 09-1082, as amended, did pass:

The amendment to the Report of the Committee of the Whole was declared **lost** on the following roll call vote:

YES	17	NO	17	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	Y	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	N
Brophy	Y	Isgar	Y	Penry	Y	Tapia	N
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	N	Kester	N	Romer	N	Veiga	N
Foster	N	King K.	N	Sandoval	Y	White	Y
Gibbs	N	Kopp	Y	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	N	Mitchell	Y	Schwartz	Y		

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

Senator King moved to amend the Report of the Committee of the Whole to show that SB 09-064, as amended, did pass:

The amendment to the Report of the Committee of the Whole was declared **adopted** on the following roll call vote:

YES	22	NO	12	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	N	Morse	Y	Shaffer B.	Y
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	Y
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	Y	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	N	Mitchell	Y	Schwartz	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-099 as amended, SB09-064 as amended, SB09-168 as amended, HB09-1093 as amended, HB09-1101, HB09-1082 as amended, HB09-1052 as amended, HB09-1080, HB09-1072, HB09-1215, HB09-1088, HB09-1219, HB09-1162 as amended, HB09-1079, HB09-1174, HB09-1066, HB09-1008 as amended.
Laid over until Monday, March 9 retaining their place on the Calendar. HB09-1027, HB09-1012.

INTRODUCTION OF BILLS -- FIRST READING

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

SB09-244 by Senator(s) Shaffer B.; also Representative(s) Primavera--Concerning health insurance benefits for the treatment of autism spectrum disorders.
Health and Human Services

COMMITTEE OF REFERENCE REPORTS

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

MEMBER OF THE
BOARD OF GOVERNORS OF THE
COLORADO STATE UNIVERSITY SYSTEM

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

Marguerite Salazar of Alamosa, Colorado, a resident of southern Colorado and a Democrat, appointed.

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

MEMBERS OF THE
BOARD OF TRUSTEES FOR MESA STATE COLLEGE

for terms expiring December 31, 2012:

Lena Ann Elliott of Grand Junction, Colorado, a Republican resident of Mesa County, reappointed;

Douglas M. Price of Denver, Colorado, a Democrat, appointed.

Education

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

MEMBERS OF THE
COLLEGEINVEST BOARD OF DIRECTORS

effective eight o'clock a.m. on January 7, 2009 for terms expiring July 31, 2012:

Patty S. Fontneau of Centennial, Colorado, reappointed.

Education

After consideration on the merits, the Committee recommends that **SB09-170** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. 23-7-110, Colorado Revised Statutes, is amended to read:

23-7-110. Tuition classification for persons who attend and graduate from Colorado high schools or complete a Colorado general educational development certificate - repeal. (1) Notwithstanding any other provision of this article to the contrary ~~a student who is a United States citizen~~ AND REGARDLESS OF IMMIGRATION STATUS, A PERSON shall be classified as an in-state student for tuition purposes if:

(a) The ~~student graduated from~~ PERSON ATTENDED a public or private high school in this state FOR AT LEAST THREE ACADEMIC YEARS; and

(b) (I) The ~~student attended~~ PERSON IS ADMITTED TO AN INSTITUTION WITHIN THE NEXT ACADEMIC YEAR FOLLOWING GRADUATION FROM a public or private high school in this state; ~~for at least three years immediately preceding the date the student enrolled in a Colorado institution of higher education;~~ or

(II) The ~~student completed~~ PERSON IS ADMITTED TO AN INSTITUTION WITHIN THE NEXT ACADEMIC YEAR AFTER EARNING a general ~~equivalency diploma~~ EDUCATIONAL DEVELOPMENT CERTIFICATE in this state. ~~and resided in this state for at least three years immediately preceding the date the student enrolled in a Colorado institution of higher education.~~

(1.5) (a) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, FOR THE 2009-10 ACADEMIC YEAR, A PERSON SHALL BE CLASSIFIED AS AN IN-STATE STUDENT FOR TUITION PURPOSES IF:

(I) THE PERSON IS A MINOR AT THE TIME OF APPLYING FOR IN-STATE STUDENT CLASSIFICATION; AND

(II) THE PERSON MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION; EXCEPT THAT THE PERSON WAS NOT ADMITTED TO AN INSTITUTION WITHIN THE NEXT ACADEMIC YEAR FOLLOWING GRADUATION OR RECEIPT OF A GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATE.

(b) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JULY 1, 2010.

(2) Any information provided to satisfy the criteria specified in this section shall be confidential unless disclosure is explicitly required by law.

(3) ~~This section provides an additional option for a student~~

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~~seeking to be classified as an in-state student for tuition purposes.~~ This section shall not be interpreted to impose additional requirements upon a student seeking to be classified as an in-state student for tuition purposes under any other section of this article.

(4) A PERSON WHO IS CLASSIFIED AS AN IN-STATE STUDENT FOR TUITION PURPOSES SOLELY PURSUANT TO THIS SECTION IS NOT ELIGIBLE FOR A STIPEND PURSUANT TO THE COLLEGE OPPORTUNITY FUND PROGRAM CREATED IN SECTION 23-18-201 AND IS NOT ELIGIBLE TO RECEIVE STATE-FUNDED, NEED-BASED FINANCIAL AID.

(5) (a) A PERSON SHALL CONTINUE TO BE CLASSIFIED AS AN IN-STATE STUDENT FOR TUITION PURPOSES PURSUANT TO THIS SECTION SO LONG AS:

(I) THE PERSON IS A MINOR; OR

(II) IF THE PERSON IS NO LONGER A MINOR, THE PERSON PROVIDES TO THE INSTITUTION AN AFFIDAVIT INDICATING THAT THE PERSON HAS FILED AN APPLICATION TO BECOME A PERMANENT RESIDENT OR WILL FILE THE APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

(b) AN INSTITUTION THAT RECEIVES AN AFFIDAVIT DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL TREAT THE AFFIDAVIT AS AN EDUCATION RECORD OF THE PERSON UNDER THE PROVISIONS OF THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g.

SECTION 2. 23-18-102 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

23-18-102. Definitions. As used in this article, unless the context otherwise requires:

(5) (c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (5), "ELIGIBLE UNDERGRADUATE STUDENT" DOES NOT INCLUDE A STUDENT WHO IS CLASSIFIED AS AN IN-STATE STUDENT FOR TUITION PURPOSES SOLELY PURSUANT TO SECTION 23-7-110.

SECTION 3. Effective date - applicability. This act shall take effect upon passage and shall apply to persons admitted to an institution of higher education prior to, on, or after said date.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Education After consideration on the merits, the Committee recommends that **HB09-1099** be referred to the Committee of the Whole with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **HB09-1182** be referred to the Committee of the Whole with favorable recommendation.

Agriculture and Natural Resources After consideration on the merits, the Committee recommends that **SB09-235** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, line 25, strike "ACQUIRING" and substitute "OBTAINING";

line 26, strike "TO THAT HABITAT ARE CRITICAL" and substitute "ARE IMPORTANT".

Page 5, line 2, strike "BIG";

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strike line 3;

line 4, strike "SUCH SPECIES, AS" and substitute "BIG GAME SPECIES IS";

line 5, after "VISITORS", insert "TO COLORADO" and, after "ENJOY,", insert "WHICH";

line 13, strike "EXTRAORDINARY".

Page 6, line 11, strike "MAINTENANCE" and substitute "MAINTENANCE, SUCH AS WEED CONTROL AND FENCING,";

line 18, strike "2011," and substitute "2010,".

Page 7, line 6, strike "HABITAT" and substitute "COLORADO WILDLIFE PASSPORTS";

line 7, strike "STAMPS";

strike line 18 and substitute the following: "purchases made WITH REVENUES COLLECTED pursuant to this section, NOT INCLUDING PURCHASES OF WATER FOR MAINTENANCE OR ENHANCEMENT OF AQUATIC HABITATS, SUCH AS MINIMUM STORAGE POOLS OR DIRECT FLOW RIGHTS PURCHASED SPECIFICALLY TO PROTECT HABITAT, SHALL BE PRIMARILY FOR THE PURPOSE OF PROVIDING ACCESS TO THE PUBLIC FOR WILDLIFE-RELATED RECREATION, AND shall be MADE available to the public for".

Page 8, line 8, after "COMMITTEE,", insert "THE COMMISSION MAY APPROVE THE APPLICATION OF";

line 10, strike "MAY BE APPLIED";

line 11, strike "COMMITTEE'S" and substitute "COMMISSION'S";

line 13, strike "SHALL" and substitute "MAY";

strike line 15 and substitute the following;

"2013.".

Page 9, line 3, strike "(bb.5)" and substitute "(z.5)" and strike "2015:" and substitute "2013:".

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Appropriations

After consideration on the merits, the Committee recommends that **SB09-128** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, after line 10, insert the following:

SECTION 7. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the medication administration cash fund created in section 25-1.5-303 (5) (a), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for allocation to the health facilities and emergency medical services division, for the fiscal year beginning July 1, 2009, the sum of fifteen thousand two hundred eighteen dollars (\$15,218) cash funds and 0.1 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding sections accordingly.

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

Appropriations

After consideration on the merits, the Committee recommends that **SB09-174** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB09-144** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 9, line 23, before "(2)", insert "(1) and" and strike "is" and substitute "are";

strike line 27 and substitute the following:

"reimbursement. (1) ~~All moneys appropriated to administer this article shall be deposited in the Colorado commission for the deaf and hard of hearing cash fund, which fund is hereby created in the state treasury~~ THERE IS HEREBY CREATED IN THE STATE TREASURY THE COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING CASH FUND, and all moneys credited to the fund shall be used exclusively for the administration and discharge of this article. All moneys credited to the fund and any interest earned on the fund shall remain in the fund and shall not revert to the general fund or any other fund at the end of any fiscal year.

(2) The commission, SUBJECT TO SPENDING AUTHORITY".

Page 10, strike lines 22 and 23 and substitute "ASSEMBLY.";

line 26, strike "AN AMOUNT OF" and substitute "NO MORE THAN FIFTY THOUSAND DOLLARS ANNUALLY";

line 27, strike "MONEYS".

Page 11, line 1, strike "COMMISSION" and substitute "STATE DEPARTMENT".

Page 15, strike lines 8 through 10 and substitute "reading services for the blind. The moneys in such fund not";

line 12, strike "and" and substitute "and";

strike lines 14 and 15;

line 16, strike "C.R.S.,";

after line 18, insert the following:

"SECTION 12. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the disabled telephone users cash fund created in section 40-17-104 (1), Colorado Revised Statutes, not otherwise appropriated, to the Colorado commission for the deaf and hard of hearing cash fund created in section 26-21-107, Colorado Revised Statutes, for the fiscal year beginning July 1, 2009, the sum of one hundred thirty-five thousand one hundred eighty-nine dollars (\$135,189) cash funds, or so much thereof as may be necessary, for the implementation of this act. Of said sum, one hundred ten thousand one hundred eighty-nine dollars (\$110,189) cash funds and 1.6 FTE, or so much thereof as may be necessary, is further appropriated as reappropriated funds to the department of human services, for allocation to the Colorado commission for the deaf and hard of hearing, and twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, is further appropriated as reappropriated funds to the department of human services for allocation to the Colorado commission for the deaf and hard of hearing grant program created in section 26-21-107.5, Colorado revised statutes."

Renumber succeeding section accordingly.

Page 1, strike line 101 and substitute "**CONCERNING THE COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING AND PROGRAMS ADMINISTERED IN CONNECTION THEREWITH, AND MAKING AN**

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APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the Committee recommends that **SB09-081** be postponed indefinitely.

Appropriations

After consideration on the merits, the Committee recommends that **SB09-161** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, after line 8, insert the following:

"SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund created in section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the division of motor vehicles, driver and vehicle services, for the fiscal year beginning July 1, 2009, the sum of sixteen thousand eighty dollars (\$16,080), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

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

Appropriations

After consideration on the merits, the Committee recommends that **SB09-056** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Health and Human Services Committee Report, dated February 12, 2009, page 1, strike lines 1 through 12 and substitute the following:

"Amend printed bill, page 3, line 5, after the period, add "IN MAKING A DECISION, THE STATE DEPARTMENT SHALL CONSIDER ANY INDEPENDENT FEASIBILITY STUDY THAT MAY BE CONDUCTED BY OR ON BEHALF OF ANY TRINIDAD OR LAS ANIMAS COUNTY ORGANIZATION AND SHALL MAKE AVAILABLE UPON REQUEST ANY NONCONFIDENTIAL INFORMATION CONCERNING THE TRINIDAD STATE NURSING HOME THAT MAY BE NEEDED FOR SUCH FEASIBILITY STUDY."."

Appropriations

After consideration on the merits, the Committee recommends that **SB09-178** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE GOVERNOR

May 14, 2008

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 and submit to your consideration, the following:

MEMBER OF THE
COLORADO TOURISM OFFICE BOARD OF DIRECTORS

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for a term expiring June 1, 2009:

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

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 5/27/08
Karen Goldman, Secretary of the Senate

Committee on Agriculture & Natural Resources

January 16, 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 and submit to your consideration, the following:

CORRECTED
MEMBER OF THE
COLORADO TOURISM OFFICE BOARD OF DIRECTORS

for a term expiring June 1, 2012:

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

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/22/09
Karen Goldman, Secretary of the Senate

Committee on Agriculture & Natural Resources

January 16, 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 and submit to your consideration, the following:

MEMBERS OF THE
COLORADO TOURISM OFFICE BOARD OF DIRECTORS

for a term expiring June 1, 2011:

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

for a term expiring June 1, 2012:

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

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/22/09
Karen Goldman, Secretary of the Senate

Committee on Agriculture & Natural Resources

SENATE SERVICES REPORT

Correctly Reengrossed: SB09-075, 087 and 225.
Correctly Enrolled: SB09-032 and 055; SJR09-014, 015, 016 and 018.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB09-001, 086, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 209, 214 and 218.

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 Friday, March 6, 2009, was laid over until Monday, March 9, 2009, retaining its place on the calendar.

Consideration of Resolutions: SJR09-017
Conference Committees to Report: SB09-215, SB09-208, SB09-210

On motion of Senator Shaffer, the Senate adjourned until 10:00 a.m., Monday, March 9, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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