

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

101 Legislative Day Friday, April 17, 2009

- Prayer By the chaplain, Rev. John Thompson, Park Hill United Methodist Church, Denver. 11
- Pledge By Senator Tochtrop. 13
- Call to Order By the President at 9:30 a.m. 15
- Roll Call Present--35 17
- Quorum The President announced a quorum present. 20
- Reading of Journal On motion of Senator Carroll, reading of the Journal of Thursday, April 16, 2009, was dispensed with and the Journal was approved as corrected by the Secretary. 22

COMMITTEE OF REFERENCE REPORTS

Local Government and Energy The Committee on Local Government and Energy has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed: 29

MEMBER OF THE
 OIL AND GAS CONSERVATION COMMISSION
 OF THE STATE OF COLORADO

for a term expiring July 1, 2012: 36

Dr. DeAnn "Dolly" Craig of Denver, Colorado, to serve as a member with substantial experience in the oil and gas industry and with a college degree in petroleum geology or petroleum engineering, and as a Republican, appointed. 38

Local Government and Energy The Committee on Local Government and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed: 42

MEMBERS OF THE
 COAL MINE BOARD OF EXAMINERS

for terms expiring July 1, 2012: 48

Trent A. Peterson of Durango, Colorado, to serve as an engineer experienced in coal mining, reappointed; 50

Crecencio O. Salazar of Hayden, Colorado, to serve as a coal miner of known experience and practice in underground coal mining residing in the State of Colorado and actively engaged in the coal mining industry during the term of office, reappointed; 53

Karl C. Koehler of Hayden, Colorado, to serve as a Colorado coal mine owner, operator, manager or other mine official actively engaged in the surface coal mining industry during the term of office, reappointed; 57

Robert L. Wade of Nucla, Colorado, to serve as a Colorado mine owner, operator, manager or other mine official actively engaged in the underground coal mining industry during the term of office, appointed. 61

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Local Government and Energy

After consideration on the merits, the Committee recommends that **SB09-232** 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. 34-63-102 (5.3) (a) (I), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH to read:

34-63-102. Creation of mineral leasing fund - distribution - advisory committee - definitions. (5.3) (a) Bonus payments 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 each quarter commencing on July 1, October 1, January 1, or April 1 of any state fiscal year as follows:

(I) (C) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS, OR HIS OR HER DESIGNEE; THE STATE TREASURER, OR HIS OR HER DESIGNEE; THE DIRECTOR OF THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT, OR HIS OR HER DESIGNEE; AND THE MEMBERS OF THE ENERGY IMPACT ASSISTANCE ADVISORY COMMITTEE CREATED IN SECTION 34-63-102 (5) (b) (I), C.R.S., THAT REPRESENT FEDERAL MINERAL LEASE COMMUNITIES, SHALL WORK TOGETHER WITH THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, OF THE COLORADO MUNICIPAL LEAGUE, OR ITS SUCCESSOR ORGANIZATION; THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, OF COLORADO COUNTIES, INCORPORATED, OR ITS SUCCESSOR ORGANIZATION; REPRESENTATIVES OF THE ENERGY AND MINERAL INDUSTRY OF FEDERAL MINERAL LEASE PRODUCING COUNTIES; AND ANY OTHER STAKEHOLDERS TO EVALUATE THE PRIORITIES AND OPPORTUNITIES ASSOCIATED WITH THE LOCAL GOVERNMENT PERMANENT FUND CREATED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), INCLUDING BUT NOT LIMITED TO ECONOMIC DEVELOPMENT, INFRASTRUCTURE, COMMUNITY SUSTAINABILITY, LEVERAGING OPPORTUNITIES PRESENTED BY THE "AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009", PUB.L. 111-5, AND DISTRIBUTION OF THE LOCAL GOVERNMENT PERMANENT FUND. THE GROUP SPECIFIED IN THIS SUB-SUBPARAGRAPH (C) SHALL RECOMMEND ANY PROPOSED LEGISLATION TO THE LOCAL GOVERNMENT AND ENERGY COMMITTEE OF THE SENATE AND THE LOCAL GOVERNMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, NO LATER THAN JANUARY 31, 2010.

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 5, 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."

Local Government and Energy

After consideration on the merits, the Committee recommends that **SB09-238** be postponed indefinitely.

Finance

After consideration on the merits, the Committee recommends that **HB09-1242** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 1, strike "INSTITUTION." and substitute "INSTITUTION OR A RESEARCH INSTITUTION THAT HAS AN OFFICE OF TECHNOLOGY TRANSFER."

Finance

After consideration on the merits, the Committee recommends that **HB09-1043** be referred to the Committee on Appropriations with favorable recommendation.

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Finance After consideration on the merits, the Committee recommends that **HB09-1035** be referred to the Committee on Appropriations with favorable recommendation. 1
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Finance After consideration on the merits, the Committee recommends that **HB09-1173** be referred to the Committee on Appropriations with favorable recommendation. 3
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Education After consideration on the merits, the Committee recommends that **HB09-1312** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation. 6
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Amend reengrossed bill, page 6, after line 20, insert the following: 10
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"(4) A QUALIFIED SCHOOL DISTRICT MAY APPLY FOR A LOAN FROM THE LOAN PROGRAM FOR A RENEWABLE ENERGY PROJECT OR A BATTERY-POWERED, COMPRESSED NATURAL GAS, OR HYBRID-ELECTRIC BUS PROJECT THAT IS LOCATED AT A CHARTER SCHOOL OF THE SCHOOL DISTRICT." 12
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Page 12, line 1, strike "BATTERY-POWERED" and substitute "BATTERY-POWERED, COMPRESSED NATURAL GAS,". 18
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Page 13, after line 18, insert the following: 21
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"SECTION 5. Accountability. Two years after this act becomes law and in accordance with section 2-2-1201, Colorado Revised Statutes, the legislative service agencies of the Colorado General Assembly shall conduct a post-enactment review of the implementation of this act utilizing the information contained in the legislative declaration set forth in section 22-92-102, Colorado Revised Statutes, which section is set forth in section 1 of this act, and report their conclusions to the education committees of the House of Representatives and Senate, or any successor committees." 23
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Renumber succeeding section accordingly. 33
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Education After consideration on the merits, the Committee recommends that **HB09-1243** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation. 36
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Amend reengrossed bill, page 5, line 20, strike "EXTENDED" and substitute "EXPANDED". 39
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Page 6, line 9, strike ""EXTENDED" and substitute ""EXPANDED". 42
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Page 11, line 16, strike "EXTENDED" and substitute "EXPANDED". 44
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Page 18, line 6, strike "EXTENDED" and substitute "EXPANDED". 46
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Page 21, line 17, strike "INCLUDING" and substitute "WHICH SUPPORTS, AT A MINIMUM, SHALL INCLUDE". 48
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Page 29, strike line 1. 51
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Renumber succeeding subparagraphs accordingly. 53
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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: 56
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MEMBERS OF THE
PINNACOL ASSURANCE BOARD OF DIRECTORS 59
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for terms expiring January 1, 2013: 62
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Paul P. Pettinger of Fort Collins, Colorado, an employee of an employer whose liability is insured by Pinnacol, appointed; 64
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Robert John "R.J." Jolly of Kit Carson, Colorado, a farmer or employer whose liability is insured by Pinnacol, reappointed. 67
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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 CHILDREN'S TRUST FUND BOARD

for terms expiring November 7, 2011:

Frances H. Cosby of Denver, Colorado, to serve as a member with knowledge of child abuse prevention, appointed;

Lori A. Moriarty of Golden, Colorado, to serve as a parent, appointed.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB09-1204** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 8, line 1, strike "PROVIDERS IN OUTPATIENT" and substitute "PROVIDERS;"

strike line 2.

Page 10, line 1, strike "PROVIDERS IN OUTPATIENT" and substitute "PROVIDERS.";

strike lines 2 and 3.

Strike page 15 and substitute the following:

"SECTION 7. Section 5 (1) of chapter 411, Session Laws of Colorado 2008, is amended to read:

Section 5. **Effective date - applicability.** (1) Except as specified in subsection (2) of this section, this act shall take effect upon passage and shall apply to policies and contracts that are delivered, issued, renewed, or reinstated on or after ~~July 1, 2009~~ JANUARY 1, 2010.

SECTION 8. Applicability. This act shall apply to policies or contracts issued, delivered, renewed, or reinstated on or after January 1, 2010.

SECTION 9. 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."

Health & Human Services

After consideration on the merits, the Committee recommends that **HB09-1022** be referred to the Committee on Appropriations with favorable recommendation.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB09-101

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 SB09-101, concerning the requirement for the creation of an independent historic preservation commission by any city receiving moneys from the state historical fund for historic preservation purposes when the city is not a certified local government, and, in connection therewith, establishing the

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composition and operation of such a commission, 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.

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

Amend rerevised bill, page 2, line 18, strike "(4.5);" and substitute "(4.5), AND THAT THE CITY'S HISTORIC PRESERVATION COMMISSION REVIEW AND RECOMMEND GRANT AWARDS TO THE GOVERNING BODY;" .

Respectfully submitted,

Senate Committee:

House Committee:

(signed)
Senator White, Chair
Senator Tochtrop
Senator Morse

(signed)
Representative Levy, Chair
Representative J. Kerr
Representative Middleton

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON SB09-013

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 SB09-013, concerning the extension of civil immunity to persons engaged in emergency response activities, 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.

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 2, line 8, strike "**definition.**" and substitute "**definition - legislative declaration.**".

Page 3, after line 13, insert the following:

"(5) THE GENERAL ASSEMBLY INTENDS THAT THE PROVISIONS OF THIS SECTION AND OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S., BE READ TOGETHER AND HARMONIZED. IF ANY PROVISION OF THIS SECTION IS CONSTRUED TO CONFLICT WITH A PROVISION OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", THE PROVISION THAT GRANTS THE GREATEST IMMUNITY SHALL PREVAIL.";

line 16, strike "**definitions.**" and substitute "**definitions - legislative declaration.**".

Page 4, after line 25, insert the following:

"(3) THE GENERAL ASSEMBLY INTENDS THAT THE PROVISIONS OF THIS SECTION AND OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S., BE READ TOGETHER AND HARMONIZED. IF ANY PROVISION OF THIS SECTION IS CONSTRUED TO CONFLICT WITH A

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PROVISION OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", THE PROVISION THAT GRANTS THE GREATEST IMMUNITY SHALL PREVAIL."

Page 5, line 1, after "(1.7)", insert "(a)";

after line 14, insert the following:

"(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (1.7), A PLAINTIFF MAY SUE AND RECOVER CIVIL DAMAGES FROM A PERSON OR ENTITY SPECIFIED IN SAID PARAGRAPH (a) BASED UPON A NEGLIGENT ACT OR OMISSION INVOLVING THE OPERATION OF A MOTOR VEHICLE; EXCEPT THAT THE AMOUNT RECOVERED FROM SUCH PERSON OR ENTITY SHALL NOT EXCEED THE LIMITS OF APPLICABLE INSURANCE COVERAGE MAINTAINED BY OR ON BEHALF OF SUCH PERSON OR ENTITY WITH RESPECT TO THE NEGLIGENT OPERATION OF A MOTOR VEHICLE IN SUCH CIRCUMSTANCES. HOWEVER, NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE RIGHT OF A PLAINTIFF TO RECOVER FROM A POLICY OF UNINSURED OR UNDERINSURED MOTORIST COVERAGE AVAILABLE TO THE PLAINTIFF AS A RESULT OF A MOTOR VEHICLE ACCIDENT.

(c) THE GENERAL ASSEMBLY INTENDS THAT THE PROVISIONS OF THIS SUBSECTION (1.7) AND OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S., BE READ TOGETHER AND HARMONIZED. IF ANY PROVISION OF THIS SUBSECTION (1.7) IS CONSTRUED TO CONFLICT WITH A PROVISION OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", THE PROVISION THAT GRANTS THE GREATEST IMMUNITY SHALL PREVAIL."

Respectfully submitted,

Senate Committee:

House Committee:

(signed)
Senator Gibbs, Chair
Senator Schwartz
Senator Kopp

(signed)
Representative Levy, Chair
Representative King
Representative Miklosi

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB09-1057

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 HB09-1057, concerning parental involvement in kindergarten through twelfth grade education, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendment made to the bill, as the amendment appears in the rerevised bill.

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

Amend rerevised bill, page 5, strike line 5 and substitute the following:

"IN A SITUATION WHERE THE ABSENCE OF THE EMPLOYEE WOULD RESULT IN A HALT OF SERVICE OR PRODUCTION."

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Respectfully submitted,

House Committee:

Senate Committee:

(signed)
Representative A. Kerr, Chair
Representative T. Carroll
Representative Waller

(signed)
Senator Bacon, Chair
Senator Groff
Senator King

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MESSAGE FROM THE HOUSE

April 16, 2009

The House has voted to grant the House conferees on the First Conference Committee on HB09-1057 to consider matters not at issue between the two houses.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1338, 1332, 1339.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1067, amended as printed in House Journal, April 15, page 1204.

HB09-1288, amended as printed in House Journal, April 15, pages 1204-1205.

HB09-1202, amended as printed in House Journal, April 15, page 1214.

HB09-1330, amended as printed in House Journal, April 15, page 1214.

The House has passed on Third Reading and returns herewith SB09-260, 261,262, 264, 265, 267, 268, 270, 272, 274, 277, 278, 280.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;SB09-263, amended as printed in House Journal, April 15, page 205-206.

SB09-275, amended as printed in House Journal, April 15, page 1207.

The House has adopted and returns herewith SJR09-038, and SJR09-043.

The Speaker has announced Representative Marostica replaced Representative May as Prime sponsor on SB09-121

The House has adopted and returns herewith SJR09-035.

MESSAGE FROM THE REVISOR OF STATUTES

April 16, 2009

We herewith transmit:

Without comment, HB09-1332, 1338, and 1339.

Without comment, as amended, HB09-1067, 1202, 1288, and 1330.

Without comment, as amended, SB09-263 and 275.

With comment, SB09-278.

SENATE SERVICES REPORT

Correctly Printed: SJR09-043.

Correctly Engrossed: SJR09-038 and 043.

Correctly Reengrossed: SB09-135, 163, 180, 235 and 245.

Correctly Enrolled: SB09-031.

MESSAGE FROM THE GOVERNOR

April 16, 2009

To the Honorable Senate
Sixty-seventh General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB09-030 CONCERNING THE "CHILD MENTAL HEALTH TREATMENT ACT".

Approved April 16, 2009 at 1:43 p.m.

SB09-038 CONCERNING TECHNICAL CHANGES TO JUDICIAL FEES.

Approved April 16, 2009 at 11:02 a.m.

SB09-047 CONCERNING THE OVERSIGHT OF CRIME VICTIM SERVICES, AND, IN CONNECTION THEREWITH, CREATING THE CRIME VICTIM SERVICES ADVISORY BOARD AND REPEALING THE VICTIMS COMPENSATION AND ASSISTANCE COORDINATING COMMITTEE AND THE VICTIMS ASSISTANCE AND LAW ENFORCEMENT ADVISORY BOARD.

Approved April 16, 2009 at 1:16 p.m.

SB09-048 CONCERNING THE FINANCIAL AUDIT OF THE OFFICE OF THE CHILD'S REPRESENTATIVE.

Approved April 16, 2009 at 12:10 p.m.

SB09-069 CONCERNING COURT-APPOINTED PARENTING COORDINATORS.

Approved April 16, 2009 at 12:10 p.m.

SB09-112 CONCERNING THE REPEAL OF THE ON-LINE LEARNING ADVISORY BOARD.

Approved April 16, 2009 at 12:11 p.m.

SB09-117 CONCERNING THE CONTINUATION OF THE REGULATION BY THE DEPARTMENT OF AGRICULTURE OF PERSONS SELLING PROCESSED MEAT, AND, IN CONNECTION THEREWITH, CLARIFYING THE STATUTORY DISTINCTION BETWEEN CUSTOM MEAT PROCESSORS AND THE SELLERS OF HOME FOOD SERVICE PLANS, AMENDING TERMS TO COMPORT WITH CURRENT BUSINESS PRACTICES, AND INCREASING CONSUMER PROTECTIONS.

Approved April 16, 2009 at 12:12 p.m.

SB09-139 CONCERNING THE ADOPTION OF RECENT CHANGES TO THE "UNIFORM PRINCIPAL AND INCOME ACT" PROPOSED BY THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS.

Approved April 16, 2009 at 1:25 p.m.

SB09-210 CONCERNING TRANSFERS FOR HEALTH PROGRAMS FROM THE TOBACCO LITIGATION FUNDS, AND, IN CONNECTION THEREWITH, MAKING MODIFICATIONS TO APPROPRIATIONS.

Approved April 16, 2009 at 12:13 p.m.

SB09-225 CONCERNING THE DEFINITION OF CONTRACEPTIVE.

Approved April 16, 2009 at 12:58 p.m.

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SB09-227 CONCERNING ASSISTANCE WITH THE UNFUNDED ACCRUED LIABILITY OF OLDHIRE PENSION PLANS THAT ARE AFFILIATED WITH THE FIRE AND POLICE PENSION ASSOCIATION, AND, IN CONNECTION THEREWITH, ELIMINATING THE STATE CONTRIBUTION TO THE OLD HIRE PENSION PLANS FOR THE 2008-09, 2009-10, AND 2010-11 STATE FISCAL YEARS, EXTENDING THE STATE CONTRIBUTION THROUGH THE 2014-15 STATE FISCAL YEAR, EXTENDING THE AMORTIZATION PERIOD FOR UNDERFUNDED OLD HIRE PENSION PLANS THAT NO LONGER RECEIVE STATE ASSISTANCE, AND MODIFYING THE APPROPRIATION THEREFOR.

Approved April 16, 2009 at 12:15 p.m.

Sincerely,

Bill Ritter, Jr.
Governor

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB09-1053, 1200, 1220, 1229, 1293, 1294, 1296, 1301, HB09-1018, 1108, 1110, 1216, 1279, 09-1103, 1227, 1233; SM09-002 and SJR09-032.

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:

HB09-1180 by Representative(s) King S.; also Senator(s) Brophy--Concerning allowing valid Colorado concealed handgun permits to satisfy background check requirements for transfers of firearms.

Third Reading Amendment No. 1,(L.015), by Senator Brophy.

Amend revised bill, page 2, line 15, strike "THE EFFECTIVE" and substitute "JANUARY 1, 2010,";

line 16, strike "DATE OF THIS SUBSECTION (1.5),";

line 17, strike "IF HE" and substitute "IF, AT";

strike lines 18 and 19 and substitute the following:

"THE TIME OF THE TRANSFER OR ATTEMPTED TRANSFER OF A FIREARM, HE OR SHE PRESENTS TO A GUN SHOW VENDOR TRANSFEROR:

(a) THE PERMIT; AND

(b) A VALID IDENTIFICATION CARD THAT HAS BEEN ISSUED BY AN AGENCY OF THE FEDERAL GOVERNMENT OR ANY STATE GOVERNMENT, INCLUDING BUT NOT LIMITED TO A UNITED STATES PASSPORT OR A STATE DRIVER'S LICENSE."

Page 3, after line 22, insert the following:

"SECTION 3. 18-12-204 (1) (a), Colorado Revised Statutes, is amended, and the said 18-12-204 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

18-12-204. Uniform permits required - permit contents - validity - carrying requirements - repeal. (1) (a) (I) Each permit shall bear a color photograph of the permittee and shall display the signature of the sheriff who issues the permit. In addition, the sheriffs of this state shall ensure that all permits issued pursuant to this part 2 contain the same items of information and are the same size and the same color.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JANUARY 1, 2010.

(1.5) (a) ON OR BEFORE JANUARY 1, 2010, THE SHERIFFS OF THE STATE SHALL COLLABORATE TO ESTABLISH A TEMPLATE FOR A PERMIT, WHICH TEMPLATE SHALL SATISFY THE PROVISIONS OF THIS SECTION AND ENSURE THAT EVERY PERMIT ISSUED OR RENEWED BY A SHERIFF PURSUANT TO THIS PART 2 CONTAINS THE SAME ITEMS OF INFORMATION AND IS UNIFORM IN APPEARANCE.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE TO THE CONTRARY, ON AND AFTER JANUARY 1, 2010, A SHERIFF SHALL NOT:

(I) ISSUE A PERMIT OTHER THAN A PERMIT THAT IS BASED ON THE TEMPLATE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1.5); EXCEPT THAT A SHERIFF MAY ISSUE A TEMPORARY EMERGENCY PERMIT TO A PERSON AS PROVIDED IN SECTION 18-12-209; OR

(II) RENEW A PERMIT OTHER THAN A PERMIT THAT IS BASED ON THE TEMPLATE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1.5); EXCEPT THAT A SHERIFF MAY RENEW SUCH A PERMIT AS DESCRIBED IN SECTION 18-12-211 (3).

(1.7) THE TEMPLATE ESTABLISHED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1.5) OF THIS SECTION SHALL ENSURE THAT EACH PERMIT ISSUED BY A SHERIFF PURSUANT TO THIS PART 2 DISPLAYS, AT A MINIMUM, THE FOLLOWING:

- (a) THE NAME AND ADDRESS OF THE PERMITTEE;
- (b) A COLOR PHOTOGRAPH OF THE PERMITTEE;
- (c) THE SIGNATURE OF THE SHERIFF WHO ISSUED THE PERMIT; AND
- (d) THE TELEPHONE NUMBER OF THE OFFICE OF THE SHERIFF WHO ISSUED THE PERMIT."

Renumber succeeding sections accordingly.

Page 4, line 23, strike "18-12-211 (2)," and substitute "18-12-211,";

strike line 25 and substitute the following:

"18-12-211. Renewal of permits. (1) Within one hundred twenty days prior to expiration of a permit, the permittee may obtain a renewal form from the issuing sheriff and renew the permit by submitting to the issuing sheriff a completed renewal form, a notarized affidavit stating that the permittee remains qualified pursuant to the criteria specified in section 18-12-203 (1) (a) to (1) (g), and the required renewal fee not to exceed fifty dollars, as set by the sheriff pursuant to section 18-12-205 (5). The renewal form shall meet the requirements specified in section 18-12-205 (1) for an application. The sheriff shall verify pursuant to section 18-12-205 (4) that the permittee meets the criteria specified in section 18-12-203 (1) (a) to (1) (g) and is not a danger as described in section 18-12-203 (2) and, EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, shall either renew or deny the renewal of the permit in accordance with the provisions of section 18-12-206 (1). If the sheriff denies renewal of a permit, the permittee may seek a second review of the renewal application by the sheriff and may submit additional information for the record. The permittee may also seek judicial review as provided in section 18-12-207.

(2) (a) A permittee who fails".

Page 5, after line 13, insert the following:

"(3) ON AND AFTER JANUARY 1, 2010, A SHERIFF SHALL NOT RENEW A PERMIT THAT WAS ISSUED BEFORE JANUARY 1, 2010; EXCEPT THAT A SHERIFF MAY RENEW SUCH A PERMIT PURSUANT TO THE PROVISIONS OF THIS SECTION IF THE SHERIFF CONFISCATES THE PERMIT THAT WAS ISSUED BEFORE JANUARY 1, 2010, AND ISSUES IN ITS PLACE A

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PERMIT THAT IS BASED ON THE TEMPLATE DESCRIBED IN SECTION 18-12-204 (1.5).";

line 19, strike "AND PRESENTS";

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

strike line 25 and substitute the following:

"TRANSFER OF A FIREARM IF HE OR SHE PRESENTS TO THE TRANSFEROR OF THE FIREARM:

(a) THE PERMIT; AND

(b) A VALID IDENTIFICATION CARD THAT HAS BEEN ISSUED BY AN AGENCY OF THE FEDERAL GOVERNMENT OR ANY STATE GOVERNMENT, INCLUDING BUT NOT LIMITED TO A UNITED STATES PASSPORT OR A STATE DRIVER'S LICENSE."

Page 6, line 4, strike "PRESENTS A" and substitute "PRESENTS:";

strike lines 5 through 7 and substitute the following:

"(a) A VALID PERMIT TO CARRY A CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED OR RENEWED PURSUANT TO THE PROVISIONS OF THIS ARTICLE ON OR AFTER JANUARY 1, 2010; AND

(b) A VALID IDENTIFICATION CARD THAT HAS BEEN ISSUED BY AN AGENCY OF THE FEDERAL GOVERNMENT OR ANY STATE GOVERNMENT, INCLUDING BUT NOT LIMITED TO A UNITED STATES PASSPORT OR A STATE DRIVER'S LICENSE."

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

YES	30	NO	5	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	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	Y	Schwartz	Y		

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

Third Reading Amendment No. 2, (L.018), by Senator Schwartz.

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

"**SECTION 4.** 18-12-207, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-12-207. Judicial review - permit denial - permit suspension - permit revocation - confiscation and forfeiture. (4) IF A SHERIFF REVOKES A PERMIT, HE OR SHE SHALL CONFISCATE THE PERMIT FROM THE PERMIT HOLDER AND THE PERMIT HOLDER SHALL FORFEIT HIS OR HER PERMIT."

Renumber succeeding sections accordingly.

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		

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

Third Reading Amendment No. 3, (L.019), by Senator Newell.

Amend revised bill, page 2, line 15, strike "THE EFFECTIVE" and substitute "JANUARY 1, 2010,";

line 16, strike "DATE OF THIS SUBSECTION (1.5),";

line 17, strike "IF HE" and substitute "IF, AT";

strike lines 18 and 19 and substitute the following:

"THE TIME OF THE TRANSFER OR ATTEMPTED TRANSFER OF A FIREARM, HE OR SHE PRESENTS TO A GUN SHOW VENDOR TRANSFEROR:

(a) THE PERMIT; AND

(b) A VALID IDENTIFICATION CARD THAT HAS BEEN ISSUED BY AN AGENCY OF THE FEDERAL GOVERNMENT OR ANY STATE GOVERNMENT, INCLUDING BUT NOT LIMITED TO A UNITED STATES PASSPORT OR A STATE DRIVER'S LICENSE."

Page 3, after line 22, insert the following:

"SECTION 3. 18-12-204 (1) (a), Colorado Revised Statutes, is amended, and the said 18-12-204 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

18-12-204. Uniform permits required - permit contents - validity - carrying requirements - repeal. (1) (a) (I) Each permit shall bear a color photograph of the permittee and shall display the signature of the sheriff who issues the permit. In addition, the sheriffs of this state shall ensure that all permits issued pursuant to this part 2 contain the same items of information and are the same size and the same color.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JANUARY 1, 2010.

(1.5) (a) ON AND AFTER JANUARY 1, 2010, EACH SHERIFF OF THE STATE SHALL ENSURE THAT EACH PERMIT THAT HE OR SHE ISSUES PURSUANT TO THIS ARTICLE CONFORMS TO THE TEMPLATE ESTABLISHED BY THE BUREAU PURSUANT TO SECTION 24-33.5-427, C.R.S.; EXCEPT THAT A SHERIFF MAY ISSUE A TEMPORARY EMERGENCY PERMIT AS PROVIDED IN SECTION 18-12-209.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE TO THE CONTRARY, ON AND AFTER JANUARY 1, 2010, A SHERIFF SHALL NOT RENEW A PERMIT OTHER THAN A PERMIT THAT CONFORMS TO THE TEMPLATE ESTABLISHED BY THE BUREAU PURSUANT TO SECTION 24-33.5-427, C.R.S.; EXCEPT THAT A SHERIFF MAY RENEW A PERMIT AS DESCRIBED IN SECTION 18-12-211 (3)."

Renumber succeeding sections accordingly.

Page 4, line 23, strike "18-12-211 (2)," and substitute "18-12-211,";

strike line 25 and substitute the following:

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"18-12-211. Renewal of permits. (1) Within one hundred twenty days prior to expiration of a permit, the permittee may obtain a renewal form from the issuing sheriff and renew the permit by submitting to the issuing sheriff a completed renewal form, a notarized affidavit stating that the permittee remains qualified pursuant to the criteria specified in section 18-12-203 (1) (a) to (1) (g), and the required renewal fee not to exceed fifty dollars, as set by the sheriff pursuant to section 18-12-205 (5). The renewal form shall meet the requirements specified in section 18-12-205 (1) for an application. The sheriff shall verify pursuant to section 18-12-205 (4) that the permittee meets the criteria specified in section 18-12-203 (1) (a) to (1) (g) and is not a danger as described in section 18-12-203 (2) and, EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, shall either renew or deny the renewal of the permit in accordance with the provisions of section 18-12-206 (1). If the sheriff denies renewal of a permit, the permittee may seek a second review of the renewal application by the sheriff and may submit additional information for the record. The permittee may also seek judicial review as provided in section 18-12-207.

(2) (a) A permittee who fails".

Page 5, after line 13, insert the following:

"(3) ON AND AFTER JANUARY 1, 2010, A SHERIFF SHALL NOT RENEW A PERMIT THAT WAS ISSUED BEFORE JANUARY 1, 2010; EXCEPT THAT A SHERIFF MAY RENEW SUCH A PERMIT PURSUANT TO THE PROVISIONS OF THIS SECTION IF THE SHERIFF CONFISCATES THE PERMIT THAT WAS ISSUED BEFORE JANUARY 1, 2010, AND ISSUES IN ITS PLACE A PERMIT THAT CONFORMS TO THE TEMPLATE ESTABLISHED BY THE BUREAU PURSUANT TO SECTION 24-33.5-427, C.R.S.";

line 19, strike "AND PRESENTS";

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

strike line 25 and substitute the following:

"TRANSFER OF A FIREARM IF HE OR SHE PRESENTS TO THE TRANSFEROR OF THE FIREARM:

(a) THE PERMIT; AND

(b) A VALID IDENTIFICATION CARD THAT HAS BEEN ISSUED BY AN AGENCY OF THE FEDERAL GOVERNMENT OR ANY STATE GOVERNMENT, INCLUDING BUT NOT LIMITED TO A UNITED STATES PASSPORT OR A STATE DRIVER'S LICENSE."

Page 6, line 4, strike "PRESENTS A" and substitute "PRESENTS:";

strike lines 5 through 7 and substitute the following:

"(a) A VALID PERMIT TO CARRY A CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED OR RENEWED PURSUANT TO THE PROVISIONS OF THIS ARTICLE ON OR AFTER JANUARY 1, 2010; AND

(b) A VALID IDENTIFICATION CARD THAT HAS BEEN ISSUED BY AN AGENCY OF THE FEDERAL GOVERNMENT OR ANY STATE GOVERNMENT, INCLUDING BUT NOT LIMITED TO A UNITED STATES PASSPORT OR A STATE DRIVER'S LICENSE.

SECTION 8. 24-33.5-412 (1) (r), Colorado Revised Statutes, is amended, and the said 24-33.5-412 is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-33.5-412. Functions of bureau - legislative review. (1) The bureau has the following authority:

(r) To conduct criminal history records checks pursuant to section 24-72-305.3; AND

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(s) TO ESTABLISH AND MAINTAIN A TEMPLATE ESTABLISHING A UNIFORM APPEARANCE FOR PERMITS TO CARRY A CONCEALED HANDGUN PURSUANT TO SECTION 24-33.5-427.

SECTION 9. Part 4 of article 33.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-33.5-427. Permits to carry concealed handguns - template required. (1) ON OR BEFORE OCTOBER 1, 2009, THE BUREAU SHALL ESTABLISH AND MAKE AVAILABLE TO EACH SHERIFF IN THE STATE A TEMPLATE FOR PERMITS TO CARRY CONCEALED HANDGUNS, WHICH PERMITS ARE ISSUED BY SHERIFFS PURSUANT TO ARTICLE 12 OF TITLE 18, C.R.S.

(2) IN ESTABLISHING THE TEMPLATE DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE BUREAU SHALL ENSURE THAT EACH PERMIT:

- (a) IS RESISTANT TO TAMPERING AND FORGERY;
- (b) SATISFIES THE PROVISIONS OF ARTICLE 12 OF TITLE 18, C.R.S.;
- (c) CONTAINS THE SAME ITEMS OF INFORMATION AND IS UNIFORM IN APPEARANCE; AND
- (d) DISPLAYS, AT A MINIMUM, THE FOLLOWING INFORMATION:
 - (I) THE NAME AND ADDRESS OF THE PERMITTEE;
 - (II) A COLOR PHOTOGRAPH OF THE PERMITTEE;
 - (III) THE SIGNATURE OF THE SHERIFF WHO ISSUED THE PERMIT;
 AND
 - (IV) THE TELEPHONE NUMBER OF THE OFFICE OF THE SHERIFF WHO ISSUED THE PERMIT."

Renumber succeeding section accordingly.

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	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	N	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

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

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--SJR09-036.

CONSIDERATION OF RESOLUTIONS

SJR09-036 by Senator(s) Bacon, Tapia; also Representative(s) Kefalas and Fischer, Marostica, Massey, McFadyen, Pace--Concerning recognition of the Colorado State University System.

On motion of Senator Bacon, the resolution was read at length and **adopted** by 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		

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

RECONSIDERATION OF HB09-1180

HB09-1180 by Representative(s) King S.; also Senator(s) Brophy--Concerning allowing valid Colorado concealed handgun permits to satisfy background check requirements for transfers of firearms.

Having voted on the prevailing side, Senator Brophy moved for reconsideration of the last Senate action, Third Reading of Bills--Final Passage, on HB09-1180. The roll call was taken with the following result:

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

Less than a majority of all members elected to the Senate having voted in the affirmative, reconsideration was **lost**.

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

Upon request of Senator Shaffer, SB09-283 was removed from the General Orders--Second Reading of Bills--Consent Calendar and placed at the end of the General Orders--Second Reading of Bills Calendar of Friday, April 17.

**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:

SB09-258 by Senator(s) Veiga; also Representative(s) Scanlan--Concerning required acts of employee leasing companies by the department of labor and employment pursuant to the "Colorado Employment Security Act".

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, April 14, page 1056 and placed in members' bill files.)

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

HB09-1120 by Representative(s) Stephens; also Senator(s) Penry--Concerning criminalizing certain acts in order to protect the safety of certain public servants.

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

HB09-1325 by Representative(s) Todd; also Senator(s) Bacon--Concerning the governor's authority to activate the National Guard.

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

HB09-1315 by Representative(s) Todd; also Senator(s) Williams--Concerning clarifying restrictions on public employee leave for purposes of public service.

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

HB09-1311 by Representative(s) Benefield; also Senator(s) Veiga--Concerning the sourcing of sales of companies providing mutual fund services for Colorado income tax apportionment.

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

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

On motion of Senator Bacon, the Report of the Committee of the Whole was adopted 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 Committee of the Whole took the following action:

Passed on Second Reading: SB09-258 as amended, HB09-1120, HB09-1325, HB09-1315, HB09-1311.

Removed from General Orders--Second Reading of Bills--Consent Calendar and placed on the General Orders--Second Reading of Bills Calendar for Friday, April 17, 2009: SB09-283.

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

HB09-1250 by Representative(s) Merrifield; also Senator(s) Penry--Concerning increasing the allocation to public schools of federal moneys received by the state on behalf of certain counties pursuant to the act of congress of May 23, 1908, as amended, relating to receipts from national forests.

Laid over until Monday, April 20, retaining its place on the calendar.

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 Monday, April 20, retaining its place on the calendar.

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

Laid over until Monday, April 20, retaining its place on the calendar.

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

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, March 12, page 712-722 and placed in members' bill files.)

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

Amendment No. 3(L.014), by Senator Tochtrop.

Amend the Health and Human Services Committee Report, dated March 11, 2009, page 1, line 12, strike "ROLE" and substitute "SCOPE, ROLE,";

strike lines 16 and 17 of the committee report.

Page 2 of the committee report, strike lines 1 through 3.

Reletter succeeding paragraphs accordingly.

Page 2 of the committee report, strike lines 4 and 5 and substitute the following:

"(b) PRACTICE";

line 6, after "MEDICATIONS", insert "AS MAY BE AUTHORIZED PURSUANT TO SECTION 12-38-111.6.";

strike lines 7 and 8 of the committee report;

strike lines 12 through 32 of the committee report.

Page 3 of the committee report, strike lines 1 through 3;

line 22 of the committee report, strike "21." and substitute "20.".

Renumber succeeding sections in the committee report accordingly.

Amendment No. 4(L.013), by Senator Veiga.

Amend printed bill, page 24, after line 9, insert the following:

"SECTION 25. 25-1-311 (1), (3), and (10), Colorado Revised Statutes, as they will become effective July 1, 2009, are amended to read:

25-1-311. Involuntary commitment of alcoholics. (1) A person may be committed to the custody of the division by the court upon the petition of the person's spouse or guardian, a relative, a physician, an advanced practice nurse, the administrator in charge of any approved treatment facility, or any other responsible person. The petition shall allege that the person is an alcoholic and that the person has threatened or attempted to inflict or inflicted physical harm on himself or herself or on another and that unless committed the person is likely to inflict physical harm on himself or herself or on another or that the person is incapacitated by alcohol. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician ~~or advanced practice nurse~~ who has examined the person within two days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the physician's ~~or advanced practice nurse's~~ findings in support of the allegations of the petition.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony of at least one licensed physician who has examined the person whose commitment is sought. The person shall be present unless the court believes that the person's presence is likely to be injurious to the person; in this event, the court shall appoint a guardian ad litem to represent the person throughout the proceeding. If the person has refused to be examined by a licensed physician, ~~or advanced practice nurse~~ he or she shall be given an opportunity to be examined by a court-appointed licensed physician. ~~or advanced practice nurse.~~ If the person refuses and there is sufficient evidence to believe that the allegations of the petition are true or if the court believes that more medical evidence is necessary, the court may commit the person to a licensed hospital for a period of not more than five days for a diagnostic examination. In such event, the court shall schedule a further hearing for final determination of commitment, in no event later than five days after the first hearing.

(10) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, to be represented by counsel at every stage of any proceedings relating to the person's commitment and recommitment, and to have counsel appointed by the court or provided by the court if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for the person regardless of his or her wishes. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician of the person's choice. If the person is unable to obtain a licensed physician and requests examination by a physician, ~~or advanced practice nurse,~~ the court shall employ a licensed physician. ~~or advanced practice nurse.~~

SECTION 26. 25-1-1107 (1), (3), and (11), Colorado Revised Statutes, as they will become effective July 1, 2009, are amended to read:

25-1-1107. Involuntary commitment of drug abusers. (1) A person may be committed to the custody of the division by the court upon the petition of the person's spouse or guardian, a relative, a physician, an advanced practice nurse, the administrator in charge of any approved treatment facility, or any other responsible person. The petition shall allege that the person is a drug abuser and that the person has threatened or attempted to inflict or inflicted physical harm on himself or herself or on another and that unless committed the person is likely to inflict physical harm on himself or herself or on another or that the person is incapacitated by drugs. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician ~~or advanced practice nurse~~ who has examined the person within ten days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination or an examination cannot be made of such person due to the person's condition. The certificate shall set forth the physician's ~~or advanced practice nurse's~~ findings in support of the allegations of the petition.

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(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony of at least one licensed physician ~~or advanced practice nurse~~ who has examined the person whose commitment is sought. The person shall be present unless the court believes that the person's presence is likely to be injurious to the person; in this event, the court shall appoint a guardian ad litem to represent the person throughout the proceeding. If the person has refused to be examined by a licensed physician, ~~or advanced practice nurse~~, he or she shall be given an opportunity to be examined by a court-appointed licensed physician. ~~or advanced practice nurse~~. If the person refuses and there is sufficient evidence to believe that the allegations of the petition are true or if the court believes that more medical evidence is necessary, the court may commit the person to a licensed hospital or an approved public or private treatment facility for a period of not more than five days for a diagnostic examination. In such event, the court shall schedule a further hearing for final determination of commitment, in no event later than five days after the first hearing.

(11) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, to be represented by counsel at every stage of any proceedings relating to the person's commitment and recommitment, and to have counsel appointed by the court or provided by the court if the person wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for the person regardless of the person's wishes. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician ~~or advanced practice nurse~~ of the person's choice. If the person is unable to obtain a licensed physician ~~or advanced practice nurse~~ and requests examination by a physician, ~~or advanced practice nurse~~, the court shall employ a licensed physician. ~~or advanced practice nurse~~.

SECTION 27. 25-1-304, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-1-304. Duties of division - review - repeal. (2) (a) THE DIVISION SHALL CONDUCT A REVIEW OF THE INVOLUNTARY COMMITMENT PROCESS, INCLUDING QUALIFICATIONS OF HEALTH CARE PROVIDERS INVOLVED IN THE PROCESS AND ANY OTHER ISSUES THE DIVISION DEEMS APPROPRIATE THAT ARE RELATED TO INVOLUNTARY COMMITMENTS MADE PURSUANT TO SECTIONS 25-1-311 AND 25-1-1107. THE DIVISION SHALL CONSULT WITH INTERESTED PARTIES IN CONDUCTING THE REVIEW. ON OR BEFORE JANUARY 15, 2010, THE DIVISION SHALL PROVIDE A REPORT DETAILING THE FINDINGS AND ANY LEGISLATIVE RECOMMENDATIONS OF THE REVIEW TO THE HEALTH AND HUMAN SERVICE COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

(b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE MARCH 1, 2010."

Renumber succeeding sections accordingly.

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

SB09-226 by Senator(s) Sandoval; --Concerning policies for the management of food allergies among school children.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 27, page 535-536 and placed in members' bill files.)

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

Amendment No. 3(L.006), by Senator Sandoval.

Amend the Health and Human Services Committee Report, dated February 26, 2009, page 2, strike line 14 and substitute the following:

"SUFFICE FOR THE PURPOSES OF THIS SUB-SUBPARAGRAPH (G);

(IV) THE NOTICE REQUIRED BY THIS PARAGRAPH (a) SHALL INCLUDE LANGUAGE THAT ENCOURAGES PARENTS AND LEGAL GUARDIANS OF STUDENTS FOR WHOM MEDICATION HAS BEEN PRESCRIBED FOR TREATMENT OF A FOOD ALLERGY OR ANAPHYLAXIS TO GIVE TO THE SCHOOL NURSE OR OTHER ADMINISTRATOR OF THE STUDENT'S SCHOOL A SUPPLY OF THE MEDICATION UNLESS THE STUDENT HAS AN APPROVED TREATMENT PLAN PURSUANT TO SECTION 22-1-119.5 THAT AUTHORIZES THE STUDENT TO SELF-ADMINISTER THE MEDICATION.";

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

SB09-130 by Senator(s) Spence; --Concerning the creation of the Colorado scholarships for children with autism pilot program.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 13, page 321-324 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 3, pages 956-957 and placed in members' bill files.)

Amendment No. 3(L.008), by Senator Spence.

Amend the Appropriations Committee Report, dated April 3, 2009, page 1, line 12, strike "(b)" and substitute "(c)";

after line 18, insert the following:

"(b) THE DIRECTOR OF SPECIAL EDUCATION IN THE SCHOOL DISTRICT SHALL BE RESPONSIBLE FOR APPROVING THE PLACEMENT OF AN ELIGIBLE CHILD, AS DEFINED IN PARAGRAPH (c) OF THIS SUBSECTION (11), IN A CHARTER SCHOOL PURSUANT TO THIS SUBSECTION (11); HOWEVER, THE PARENT OR PARENTS OF THE ELIGIBLE CHILD AND THE SCHOOL DISTRICT ARE ENCOURAGED TO COOPERATE IN PLACEMENT DECISIONS CONCERNING THE ELIGIBLE CHILD. THE DISTRICT SHALL BE RESPONSIBLE FOR PAYING COSTS IF IT IS UNABLE TO SERVE THE EDUCATIONAL NEEDS OF THE ELIGIBLE CHILD. THE CHARTER SCHOOL SHALL BE RESPONSIBLE FOR NEGOTIATING WITH THE DISTRICT FOR THE PAYMENT OF EXCESS COSTS OR INDIRECT COSTS.";

line 19, strike "(b)" and substitute "(c)".

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

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

SB09-045 by Senator(s) King K.; also Representative(s) Middleton--Concerning agreements between postsecondary students and Colorado public institutions of higher education concerning the transferability of academic credits between institutions.

Laid over until Monday, April 20, retaining its place on the calendar.

SB09-085 by Senator(s) Scheffel and Williams, Mitchell; also Representative(s) Lambert and Priola, McNulty--Concerning a property tax exemption for business personal property.

Laid over until Monday, April 20, retaining its place on the calendar.

SB09-247 by Senator(s) Tochtrop; also Representative(s) Pace--Concerning the expansion of benefits for unemployed workers in Colorado.

Laid over until Monday, April 20, retaining its place on the calendar.

SB09-250 by Senator(s) Tochtrop, Williams, Penry, Shaffer B., Boyd, Carroll M., Hodge, Hudak, Keller, Kester, Newell, Schwartz, Tapia; also Representative(s) Primavera, McNulty,

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Massey, Merrifield, Frangas, Gagliardi, Kefalas, Liston, Marostica, Green--Concerning health benefit plan coverage for oral anticancer medication.

Laid over until Monday, April 20, retaining its place on the calendar.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (HB09-1305, SB09-244, SB09-006, SB09-164, SB09-253, SB09-282, SB09-021, SB09-241, SB09-283) of Friday, April 17, was laid over until Monday, April 20, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB09-130 by Senator(s) Spence; --Concerning the creation of the Colorado scholarships for children with autism pilot program.

Senators Spence and Groff moved to amend the Report of the Committee of the Whole to show that SB 09-130, as amended, did pass.

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	Y
Carroll M.	N	Kester	Y	Romer	Y	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	N	Mitchell	Y	Schwartz	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Bacon, the Report of the Committee of the Whole was adopted 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 Committee of the Whole took the following action:

Passed on Second Reading: SB09-239 as amended, SB09-226 as amended, SB09-130 as amended.

Laid over until Monday, April 20 retaining their place on the Calendar: HB09-1299, HB09-1170, SB09-244, SB09-085, SB09-247, SB09-250, HB09-1250, SB09-045, HB09-1305, SB09-006, SB09-164, SB09-253, SB09-282, SB09-021, SB09-241.

COMMITTEE OF REFERENCE REPORTS

Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that **HB09-1289** 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 appointment and recommends that the appointment be confirmed:

MEMBER OF THE
STATE BOARD OF
STOCK INSPECTION COMMISSIONERS

effective May 1, 2009, for a term expiring May 1, 2013:

Mark B. LeValley of Hotchkiss, Colorado, to represent the non-confinement cattle industry, reappointed.

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:

MEMBERS OF THE
STATE AGRICULTURAL COMMISSION

effective March 2, 2009 for terms expiring March 1, 2013:

Donald S. Rutledge of Yuma, Colorado, to serve as a Democrat from the Second Agricultural District, reappointed;

Bradley A. Rock of Wray, Colorado, to serve as a Republican from the Second Agricultural District, reappointed;

Del R. Chase of McClave, Colorado, to serve as a Republican from the Third Agricultural District, reappointed;

Alex C. Gerace of Denver, Colorado, to serve as an Unaffiliated from the First Agricultural District, reappointed.

Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that **HB09-1303** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, strike lines 3 through 12 and substitute the following:

"COLORADO OIL AND GAS CONSERVATION COMMISSION OR A WELL AUTHORIZED BY A FEDERAL OR TRIBAL ENTITY FOR THE PRIMARY PURPOSE OF MINING, INCLUDING EXPLORATION OR PRODUCTION, OF PETROLEUM PRODUCTS.

SECTION 2. 37-90-137 (2) (b), Colorado Revised Statutes, is amended to read:

37-90-137. Permits to construct wells outside designated basins - fees - permit no ground water right - evidence - time limitation - well permits - repeal. (2) (b) (I) ~~If the state engineer finds that there is unappropriated water available for withdrawal by the proposed well and that the vested water rights of others will not be materially injured, and can be substantiated by hydrological and geological facts;~~ The state engineer shall issue a permit to construct a well ~~but not otherwise~~ ONLY IF:

(A) THE STATE ENGINEER FINDS, AS SUBSTANTIATED BY HYDROLOGICAL AND GEOLOGICAL FACTS, THAT THERE IS UNAPPROPRIATED WATER AVAILABLE FOR WITHDRAWAL BY THE PROPOSED WELL AND THAT THE VESTED WATER RIGHTS OF OTHERS WILL NOT BE MATERIALLY INJURED; AND

(B) ~~Except that no permit shall be issued unless~~ AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), the location of the proposed well will be ~~at a distance of~~ more than six hundred feet from an existing well.

(II) ~~but~~ If the state engineer, after a hearing, finds that circumstances in a particular instance so warrant, or if a court decree is entered for the proposed well location after notice has been given in accordance with SUB-SUBPARAGRAPH (B) OF THIS subparagraph (II), ~~of this paragraph (b);~~ the state engineer may issue a permit without regard to the limitation specified in SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF this ~~subsection (2)~~ PARAGRAPH (b); EXCEPT THAT NO HEARING SHALL BE REQUIRED AND THE STATE ENGINEER MAY ISSUE A WELL PERMIT WITHOUT REGARD TO THE LIMITATION SPECIFIED IN SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b):

~~(H)~~ (A) If the state engineer notifies the owners of all wells within six hundred feet of the proposed well by certified mail and receives no response within the time set forth in the notice; ~~no hearing shall be required.~~

(B) If the proposed well is part of a water court proceeding adjudicating the water right for the well, or if the proposed well is part of an adjudication of a plan for augmentation or change of water right ~~no hearing by the state engineer shall be required~~ AND if evidence is provided to the water court that the applicant has given notice of the water court application, at least ten days before making the application, by registered or certified mail, return receipt requested, to the owners of record of all wells within six hundred feet of the proposed well;

~~(H)~~ (C) ~~The hearing requirement shall not apply to wells located less than six hundred feet from existing wells~~ If the proposed well will serve an individual residential site and the proposed pumping rate will not exceed fifteen gallons per minute; EXCEPT THAT, IF THERE IS AN OIL AND GAS WELL WITHIN SIX HUNDRED FEET OF THE SURFACE LOCATION OF THE PROPOSED WELL, THE STATE ENGINEER SHALL NOTIFY THE OWNER OF SUCH WELL BY CERTIFIED MAIL OF THE PROPOSED WELL AND MAY ISSUE THE WELL PERMIT SUBJECT TO THE LIMITATIONS SPECIFIED IN SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b);

(D) IF THE PROPOSED WELL IS AN OIL AND GAS WELL AND THE ONLY WELLS WITHIN SIX HUNDRED FEET OF THE SURFACE LOCATION OF THE PROPOSED WELL ARE OIL AND GAS WELLS; OR

(E) IF THE PROPOSED WELL IS AN OIL AND GAS WELL, THERE IS AN EXISTING PRODUCTION WATER WELL THAT IS NOT AN OIL AND GAS WELL WITHIN SIX HUNDRED FEET OF THE SURFACE LOCATION OF THE PROPOSED OIL AND GAS WELL, THE STATE ENGINEER HAS PROVIDED WRITTEN NOTICE OF THE APPLICATION BY CERTIFIED MAIL TO THE OWNERS OF SUCH WELLS THAT ARE NOT OIL AND GAS WELLS WITHIN THIRTY DAYS AFTER RECEIPT OF A COMPLETE APPLICATION FOR THE PROPOSED WELL, AND THE STATE ENGINEER HAS GIVEN THOSE TO WHOM NOTICE WAS PROVIDED THIRTY DAYS AFTER THE DATE OF MAILING OF SUCH NOTICE TO FILE COMMENTS ON THE PROPOSED WELL'S APPLICATION."

Page 6, line 1, after "COMMISSION", insert "OR A WELL AUTHORIZED BY A FEDERAL OR TRIBAL ENTITY".

Page 7, line 12, strike "(10)," and substitute "(11),".

INTRODUCTION OF BILLS

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

SB09-289 by Senator(s) Schwartz; also Representative(s) Primavera--Concerning the recycling development fee for waste tires.
Local Government and Energy

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, April 17 was laid over until Monday, April 20, retaining its place on the calendar.

Consideration of Resolutions: SR09-015, SJR09-037, SJR09-039, SJR09-040, SJR09-041, SJR09-042.

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

Consideration of Conference Committee Reports: SB09-148

Conference Committees to Report: SB09-131.

Request for Conference Committee: SB09-094.

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On motion of Senator Shaffer, the Senate adjourned until 10:00 a.m., Monday, April 20, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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