

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

111th Legislative Day

Monday, April 27, 2009

Prayer By Senator Boyd.

Pledge By Senator King.

Call to Order By the President at 10:00 a.m.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Heath, reading of the Journal of Friday, April 24, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **SB09-290** 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 5, after the period, add "ANY CAPITAL CONSTRUCTION PROJECT SUBJECT TO THIS PARAGRAPH (b) SHALL COMPLY WITH THE HIGH PERFORMANCE STANDARD CERTIFICATION PROGRAM ESTABLISHED PURSUANT TO SECTION 24-30-1305, C.R.S.";

strike line 26 and substitute the following:

"(10) (a) (I) THE COMMISSION SHALL REVIEW AND APPROVE ANY PLAN FOR A CAPITAL CONSTRUCTION PROJECT THAT IS ESTIMATED TO REQUIRE TOTAL EXPENDITURES EXCEEDING TWO MILLION DOLLARS AND THAT IS TO BE CONSTRUCTED, OPERATED, AND MAINTAINED SOLELY FROM STUDENT FEES, AUXILIARY FACILITY FUNDS, WHOLLY ENDOWED GIFTS AND BEQUESTS, RESEARCH BUILDING REVOLVING FUNDS, OR A COMBINATION OF SUCH SOURCES, AS PROVIDED IN SECTIONS 23-5-102, 23-5-103, 23-5-112, 23-20-124, 23-31-112, AND 23-41-117, AND SECTION 24-75-303 (3), C.R.S., THAT, IN WHOLE OR IN PART, ARE SUBJECT TO THE HIGHER EDUCATION REVENUE BOND INTERCEPT PROGRAM ESTABLISHED PURSUANT TO SECTION 23-5-139.

(II) The commission shall review and approve any plan for a".

Page 10, strike lines 2 and 3 and substitute the following:

"cash funds held by the institution other than those funds specified in SUBPARAGRAPH (I) OF THIS paragraph (a) of subsection (9) of this section THAT, IN WHOLE OR IN";

strike line 7 and substitute the following:

"appropriated for such purpose, or both. ANY CAPITAL CONSTRUCTION PROJECT SUBJECT TO THIS SUBPARAGRAPH (II) SHALL COMPLY WITH THE HIGH PERFORMANCE STANDARD CERTIFICATION PROGRAM ESTABLISHED PURSUANT TO SECTION 24-30-1305, C.R.S.

(III) Any plan for any such capital".

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Page 12, strike lines 18 through 23 and substitute the following:

~~"(B) Is to be operated and maintained from such cash funds or from state moneys appropriated for such purpose, or both, and the plan for the project~~ IS TO BE CONSTRUCTED IN WHOLE OR IN PART USING MONEYS SUBJECT TO THE HIGHER EDUCATION REVENUE BOND INTERCEPT PROGRAM ESTABLISHED PURSUANT TO SECTION 23-5-139, C.R.S.; AND";

line 24, strike "(D)" and substitute "(C)".

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--SJR09-045.

CONSIDERATION OF RESOLUTIONS

SJR09-045 by Senator(s) Bacon, Brophy, Foster, Groff, Harvey, Hodge, Hudak, Kester, Kopp, Mitchell, Newell, Penry, Romer, Scheffel, Shaffer B., Spence, Williams; also Representative(s) Levy, Acree, Apuan, Balmer, Baumgardner, Bradford, Carroll T., Court, Curry, Ferrandino, Fischer, Frangas, Gagliardi, Gardner C., Gerou, Green, Hulinghorst, Judd, Kagan, Kerr A., Kerr J., King S., Massey, McCann, McFadyen, McNulty, Merrifield, Middleton, Miklosi, Pace, Primavera, Rice, Roberts, Ryden, Scanlan, Solano, Todd, Vaad, Waller--Concerning the declaration of April 19-26, 2009, as "Holocaust Awareness Week".

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, Cadman, Carroll M., Gibbs, Heath, Isgar, Keller, King K., Lundberg, Morse, Renfroe, Sandoval, Schultheis, Schwartz, Tapia, Tochtrop, Veiga and White.

THIRD READING OF BILLS -- FINAL PASSAGE

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

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

A majority of those elected to the Senate having voted in the affirmative, Senators Spence, Bacon, and Romer were given permission to offer a Third Reading amendment.

Third Reading Amendment No.1,(L.009), by Senators Spence, Bacon, and Romer.

Amend the corrected engrossed bill, page 2, strike lines 7 and 8 and substitute "CONTRARY, THE INSTITUTE SHALL SELECT ONE INSTITUTE CHARTER SCHOOL TO IMPLEMENT A PILOT PROGRAM THAT HAS A PURPOSE OF PROVIDING SPECIALIZED SERVICES TO ELIGIBLE";

strike lines 10 and 11.

Page 3, strike lines 1 through 4;

line 5, strike "THE" and substitute "AT THE REQUEST OF A PARENT OR PARENTS OF AN ELIGIBLE CHILD, THE", and after "DISTRICT", insert "OF THE INSTITUTE CHARTER SCHOOL SELECTED AS THE PILOT SCHOOL PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11)";

line 7, strike "(11), IN A" and substitute "(11).";

strike lines 8 through 13 and substitute "THE HOME SCHOOL DISTRICT OF THE ELIGIBLE CHILD WHO IS SEEKING PLACEMENT IN THE INSTITUTE CHARTER SCHOOL SELECTED AS THE PILOT SCHOOL PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION 11 SHALL BE RESPONSIBLE FOR";

line 14, strike "DISTRICT" and substitute "INSTITUTE".

Page 1, line 101, strike "COLORADO SCHOOLS" and substitute "A COLORADO SCHOOL FOR".

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

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

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

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

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

Co-sponsors added: Brophy, Cadman, Groff, Harvey, King K., Kopp, Lundberg, Mitchell, Penry, Renfroe, Romer, Scheffel, Schultheis and White.

SB09-085

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

On motion of Senator Shaffer, SB09-085 was referred to the Committee on Appropriations on the following roll call vote:

YES	20	NO	15	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	N	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	N
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

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

YES	19	NO	16	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	N
Heath	Y	Mitchell	N	Schwartz	N		

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

Co-sponsors added: Carroll M., Foster, Hudak, Morse and Tochtrop.

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

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

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

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

Co-sponsors added: Bacon, Boyd, Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Hudak, Isgar, Morse, Newell, Romer, Sandoval, Schwartz, Shaffer B. and Veiga.

SB09-241 by Senator(s) Morse; also Representative(s) King S. and Tipton--Concerning DNA testing of adults arrested for a felony.

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

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

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

Co-sponsors added: Kopp, Newell, Penry, Romer and White.

Senate in recess. Senate reconvened.

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
COLORADO WATER CONSERVATION BOARD**

for terms expiring February 12, 2012:

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

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

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

MESSAGE FROM THE HOUSE

April 27, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1349, 1333.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1346, amended as printed in House Journal, April 24, pages 1457-1458.
 HB09-1359, amended as printed in House Journal, April 24, pages 1458-1459.
 HB09-1335, amended as printed in House Journal, April 24, page 1460.
 HB09-1336, amended as printed in House Journal, April 24, pages 1460-1461.
 HB09-1337, amended as printed in House Journal, April 24, page 1461.
 HB09-1345, amended as printed in House Journal, April 24, page 1461.

The House has passed on Third Reading and returns herewith SB09-243, 254, 258, 249, 248, 076.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB09-037, amended as printed in House Journal, April 24, page 1462.
 SB09-075, amended as printed in House Journal, April 24, pages 1462-1463.

The House has adopted the First Report of the First Conference Committee on SB09-094, as printed in House Journal, April 23, page 1414, and has repassed the bill as so amended.

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The bill is returned herewith.

The House has adopted the First Report of the Second Conference Committee on SB09-148, as printed in House Journal, April 23, page 1415, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB09-275, as printed in House Journal, April 24, page 1464, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted and transmits herewith HJR09-1020, and amended as printed in House Journal, April 27.

The House has adopted and returns herewith SJR09-045.

MESSAGE FROM THE REVISOR OF STATUTES

April 27, 2009

Without comment, HB09-1333 and 1349.

Without comment, as amended, HB09-1335, 1336, 1337, 1345, 1346, and 1359.

Without comment, as amended, SB09-037 and 075.

MESSAGE FROM THE GOVERNOR

Appointment Letters of designation and appointment from Governor Ritter were read and assigned to Committees as follows:

April 21, 2009

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

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

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

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

Carol L. Block of Fort Collins, Colorado, a finance officer representing county government, reappointed;

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

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 4/27/09
Karen Goldman, Secretary of the Senate

Committee on Finance

April 21, 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:

MEMBER OF THE
STATE BOARD OF NURSING

for a term expiring July 1, 2010:

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

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 4/27/09
Karen Goldman, Secretary of the Senate

Committee on Health & Human Services

April 21, 2009

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
WATER QUALITY CONTROL COMMISSION

for terms expiring February 15, 2012:

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

Robert T. Sakata of Brighton, Colorado, reappointed;

John L. Klomp of Pueblo, Colorado, appointed.

Sincerely,
(signed)

Bill Ritter, Jr.

Governor

Rec'd: 4/27/09

Karen Goldman, Secretary of the Senate

Committee on Agriculture & Natural Resources

April 14, 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, reappoint and submit for your consideration, the following:

MEMBER OF THE
COLORADO LIMITED GAMING CONTROL COMMISSION

for a term expiring July 1, 2012:

Florence E. Hunt of Pueblo, Colorado to serve as a member from the 3rd Congressional District representing registered electors, and as a Democrat, reappointed.

This Senate letter shall amend, repeal and supercede the Senate letter dated September 9, 2008 pertaining to the Colorado Limited Gaming Control Commission.

Sincerely,
(signed)

Bill Ritter, Jr.

Governor

Rec'd: 4/27/09

Karen Goldman, Secretary of the Senate

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

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

The Friday, March 13 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, as extended until Friday, March 27, 2009 (the 80th legislative day), Friday, April 10, 2009 (the 94th legislative day), Friday, April 17, 2009 (the 101st legislative day), and Monday, April 27, 2009 (the 111th legislative day), is further extended until Tuesday, April 28th, 2009 (the 112th legislative day).

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

(signed)	(signed)
Representative T. Carroll	Senator Groff
Speaker of the House of Representatives	President of the Senate
Representative A. Kerr	Senator Shaffer
Acting House Majority Leader	Senate Majority Leader

SENATE SERVICES REPORT

Correctly Printed: SB09-296.
 Correctly Engrossed: SB09-241, 244 and 247; SJR09-037 and 041.
 Correctly Reengrossed: SB09-250.
 Correctly Enrolled: SB09-259.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB09-259, 176; HB09-1063, 1130, 1149, 1151, 1222, 1230, 1295, 1309, 09-1162, 1217, 09-1059; SJR09-036 and 049; SR09-016.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Friday, April 24, 2009, at 2:40 p.m.:
 SB09-259.

To the Governor for signature on Friday, April 24, 2009, at 3:40 p.m.:
 SJR09-035.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

SB09-253 by Senator(s) Veiga, Spence; also Representative(s) Casso, Kerr J., Looper--Concerning the recovery of costs for the relocation of certain utility infrastructure relocated at the request of a Colorado governmental entity.

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

Amendment No. 2, Appropriations Committee Amendment.
 (Printed in Senate Journal, April 15, page 1085 and placed in members' bill files.)

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

HB09-1303 by Representative(s) Curry; also Senator(s) Isgar--Concerning the application of engineering criteria to increase efficiency in the administration of wells that withdraw ground water in conjunction with the mining of minerals, and, in connection therewith, integrating wells that withdraw ground water in conjunction with the mining of minerals

into the prior appropriation system and extending the time schedule for well owners to correct deficiencies in permitting and operation.

Amendment No. 1, Agriculture & Natural Resources Committee Amendment.
(Printed in Senate Journal, April 17, pages 1146-1147 and placed in members' bill files.)

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

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.

Amendment No. 1(L.014), by Senator Penry.

Amend reengrossed bill, page 2, strike lines 2 through 4 and substitute the following:

"SECTION 1. 30-29-101, Colorado Revised Statutes, is amended to read:

30-29-101. Receipts from national forests. (1) All moneys received by the state treasurer from THE federal government under provisions of the act of congress of May 23, 1908, as amended, 16 U.S.C. 500, relating to receipts from national forests, REFERRED TO IN THIS SECTION AS "NATIONAL FOREST PAYMENTS", shall be credited to a clearing account.

(2) ~~During the~~;

strike line 6 and substitute the following:

~~"moneys specified in subsection (1) of this section~~ NATIONAL FOREST PAYMENTS WITHIN THIRTY DAYS AFTER";

line 14, strike "FIVE" and substitute "TWENTY-FIVE";

line 15, strike "ALLOCATE TO" and substitute "A MINIMUM OF TWENTY-FIVE PERCENT TO";

line 16, strike "county:" and substitute "county;"

strike lines 17 through 26.

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

~~"shall ever be allocated for either purpose~~ EXCEPT THAT THE COUNTY MAY ALLOCATE LESS THAN TWENTY-FIVE PERCENT OF THE NATIONAL FOREST PAYMENTS TO THE COUNTY ROAD AND BRIDGE FUND IN ORDER TO MAXIMIZE THE RECEIPT BY THE COUNTY OF FEDERAL PAYMENTS IN LIEU OF TAXES PURSUANT TO 31 U.S.C. 6901 ET SEQ. THE ALLOCATION OF THE REMAINING FIFTY PERCENT OF THE NATIONAL FOREST PAYMENTS SHALL BE DETERMINED PURSUANT TO THE PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (3).

(b) (I) A TOTAL OF THREE REPRESENTATIVES FROM THE SCHOOL DISTRICTS IN THE COUNTY AND THREE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS, OR THEIR DESIGNEES, SHALL MEET AND SHALL NEGOTIATE THE REMAINING PERCENTAGE ALLOCATION OF THE NATIONAL FOREST PAYMENTS TO EITHER THE PUBLIC SCHOOLS IN THE COUNTY OR THE COUNTY ROAD AND BRIDGE FUND. IN DETERMINING THE ALLOCATION OF THE NATIONAL FOREST PAYMENTS, THE PARTIES SHALL SEEK TO MAXIMIZE THE TOTAL AMOUNT OF FEDERAL FUNDS THAT MAY BE RECEIVED BY THE COUNTY AND THE PUBLIC SCHOOLS IN THE COUNTY.

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(II) IN THE EVENT THE PARTIES CANNOT AGREE UPON A NEGOTIATED PERCENTAGE FOR THE ALLOCATION OF THE NATIONAL FOREST PAYMENTS WITHIN NINETY DAYS AFTER RECEIPT OF THE NATIONAL FOREST PAYMENTS, ANY UNALLOCATED NATIONAL FOREST PAYMENTS SHALL BE RETURNED TO THE STATE TREASURER WHO SHALL TRANSMIT THE SAME TO THE APPROPRIATE AGENCY OF THE FEDERAL GOVERNMENT.";

line 4, strike "(b)" and substitute "(c)";

strike lines 9 through 15 and substitute the following:

"(4) NOTWITHSTANDING THE MINIMUM PERCENTAGE ALLOCATIONS TO THE PUBLIC SCHOOLS IN THE COUNTY AND THE COUNTY ROAD AND BRIDGE FUND SET FORTH IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION, IN ANY FEDERAL FISCAL YEAR IN WHICH THE NATIONAL FOREST PAYMENTS RECEIVED BY THE STATE FROM THE FEDERAL GOVERNMENT ARE LESS THAN SIX MILLION DOLLARS, THE PARTIES SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION SHALL ALLOCATE ONE HUNDRED PERCENT OF THE NATIONAL FOREST PAYMENTS TO EITHER THE PUBLIC SCHOOLS IN THE COUNTY OR THE COUNTY ROAD AND BRIDGE FUND PURSUANT TO THE PROVISIONS OF PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION."

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

HB09-1305 by Representative(s) Levy, Apuan, Benefield, Casso, Court, Ferrandino, Frangas, Hullinghorst, Judd, Kerr A., Labuda, McFadyen, Merrifield, Middleton, Miklosi, Pace, Peniston, Pommer, Primavera, Ryden, Scanlan, Schafer S., Solano, Todd, Vigil; also Senator(s) Veiga, Romer, Bacon, Boyd, Carroll M., Foster, Heath, Hodge, Hudak, Isgar, Morse, Newell, Shaffer B., Tapia, Tochtrop, Williams--Concerning limitations on the requirements for cost bonds in civil lawsuits.

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

HB09-1026 by Representative(s) Marostica, Fischer, McFadyen, Rice, Vaad; also Senator(s) Williams, Spence--Concerning the application of vehicle laws to low-power vehicles that operate with less than four wheels in contact with the ground, and, in connection therewith, defining "low-power scooter" and "electric personal assistive mobility device".

Amendment No. 1(L.016), by Senator Williams.

Amend the Transportation Committee Report, dated March 31, 2009, page 1, line 4, strike "42-2-1301, AND 42-2-1301.1," and substitute "42-4-1301, AND 42-4-1301.1,".

Page 3 of the committee report, after line 27, insert the following:

"Page 39, line 20, strike "GLASS OF" and substitute "GLASS OR"."

Amendment No. 2(L.013), by Senator Williams.

Amend reengrossed bill, page 14, line 11, strike ""BICYCLE" INCLUDES";

strike lines 12 and 13.

Page 17, line 4, strike "bicycle" and substitute "bicycle, ELECTRICAL ASSISTED BICYCLE,".

Page 25, after line 27, insert the following:

SECTION 26. 42-3-103 (1) (b) (I), Colorado Revised Statutes, is amended to read:

42-3-103. Registration required - exemptions. (1) (b) This subsection (1) shall not apply to the following:

(I) A bicycle, ELECTRIC ASSISTED BICYCLE, or other human-powered vehicle;"

Renumber succeeding sections accordingly.

Page 29, line 6, strike "and (7)," and substitute "(7), and (11),".

Page 30, line 16, strike "bicycle" and substitute "bicycle, ELECTRICAL ASSISTED BICYCLE,";

line 19, strike "bicycle" and substitute "bicycle, ELECTRICAL ASSISTED BICYCLE,";

line 23, strike "bicycles" and substitute "bicycles, ELECTRICAL ASSISTED BICYCLES,";

after line 26, insert the following:

"(11) Where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to and within one-fourth mile of the right-of-way of heavily traveled streets and highways, the department of transportation may, subject to the provisions of section 43-2-135, C.R.S., by resolution or order entered in its minutes, and local authorities may, where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to it within four hundred fifty feet of the right-of-way of heavily traveled streets, by ordinance, determine and designate, upon the basis of an engineering and traffic investigation, those heavily traveled streets and highways upon which shall be prohibited any bicycle, ELECTRICAL ASSISTED BICYCLE, animal rider, animal-drawn conveyance, or other class or kind of nonmotorized traffic ~~which~~ THAT is found to be incompatible with the normal and safe movement of traffic, and, upon such a determination, the department of transportation or local authority shall erect appropriate official signs giving notice thereof; except that, with respect to controlled access highways, ~~the provisions of~~ section 42-4-1010 (3) shall apply. When such official signs are so erected, no person shall violate any of the instructions contained thereon."

Page 31, line 1, strike "(1) (z)" and substitute "(1) (h), (1) (z),";

after line 9, insert the following:

"(h) Regulating the operation of bicycles OR ELECTRICAL ASSISTED BICYCLES and requiring the registration and licensing of same, including the requirement of a registration fee, consistent with the provisions of this article;"

Page 38, line 1, strike "and (5)," and substitute "(5), (6), (7), and (8),";

line 5, strike "BICYCLE" and substitute "BICYCLE, ELECTRICAL ASSISTED BICYCLE,";

line 6, strike "BICYCLE" and substitute "BICYCLE, ELECTRICAL ASSISTED BICYCLE,";

line 9, strike "bicycle" and substitute "bicycle, ELECTRICAL ASSISTED BICYCLE,";

line 13, strike "bicycle" and substitute "bicycle, ELECTRICAL ASSISTED BICYCLE,";

line 17, strike "bicycle" and substitute "bicycle, ELECTRICAL ASSISTED BICYCLE,";

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line 23, strike "bicycle" and substitute "bicycle, ELECTRICAL ASSISTED BICYCLE,";

after line 25, insert the following:

"(6) A bicycle OR ELECTRICAL ASSISTED BICYCLE shall not be equipped with, nor shall any person use upon a bicycle OR ELECTRICAL ASSISTED BICYCLE, any siren or whistle.

(7) Every bicycle OR ELECTRICAL ASSISTED BICYCLE shall be equipped with a brake or brakes which THAT will enable its rider to stop the bicycle OR ELECTRICAL ASSISTED BICYCLE within twenty-five feet from a speed of ten miles per hour on dry, level, clean pavement.

(8) A person engaged in the business of selling bicycles OR ELECTRICAL ASSISTED BICYCLES at retail shall not sell any bicycle OR ELECTRICAL ASSISTED BICYCLE unless the bicycle OR ELECTRICAL ASSISTED BICYCLE has an identifying number permanently stamped or cast on its frame."

Page 39, line 8, strike "bicycle" and substitute "bicycle, ELECTRICAL ASSISTED BICYCLE,";

after line 20, insert the following:

"SECTION 47. 42-4-234 (1), Colorado Revised Statutes, is amended to read:

42-4-234. Slow-moving vehicles - display of emblem. (1) All machinery, equipment, and vehicles, except bicycles, ELECTRICAL ASSISTED BICYCLES, and other human-powered vehicles, designed to operate or normally operated at a speed of less than twenty-five miles per hour on a public highway shall display a triangular slow-moving vehicle emblem on the rear. Bicycles, ELECTRICAL ASSISTED BICYCLES, and other human-powered vehicles and neighborhood electric vehicles shall be permitted but not required to display the emblem specified in this subsection (1)."

Renumber succeeding sections accordingly.

Page 40, after line 4, insert the following:

"SECTION 48. 42-4-503, Colorado Revised Statutes, is amended to read:

42-4-503. Projecting loads on passenger vehicles. No passenger-type vehicle, except a motorcycle, or a bicycle, OR AN ELECTRICAL ASSISTED BICYCLE shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof. Any person who violates any provision of this section commits a class B traffic infraction.

SECTION 49. 42-4-710 (3), Colorado Revised Statutes, is amended to read:

42-4-710. Emerging from or entering alley, driveway, or building. (3) No person shall drive any vehicle other than a bicycle, ELECTRIC ASSISTED BICYCLE, or any other human-powered vehicle upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway.

SECTION 50. 42-4-802 (3), Colorado Revised Statutes, is amended to read:

42-4-802. Pedestrians' right-of-way in crosswalks. (3) No pedestrian shall suddenly leave a curb or other place of safety and ride a

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bicycle, RIDE AN ELECTRICAL ASSISTED BICYCLE, walk, or run into the path of a moving vehicle ~~which~~ THAT is so close as to constitute an immediate hazard."

Renumber succeeding sections accordingly.

Page 40, after line 12, insert the following:

"SECTION 52. 42-4-1204 (4), Colorado Revised Statutes, is amended to read:

42-4-1204. Stopping, standing, or parking prohibited in specified places. (4) (a) Paragraph (a) of subsection (1) of this section shall not prohibit persons from parking bicycles OR ELECTRICAL ASSISTED BICYCLES on sidewalks in accordance with the provisions of section 42-4-1412 (11) (a) and (11) (b).

(b) Paragraph (f) of subsection (1) of this section shall not prohibit persons from parking two or more bicycles OR ELECTRICAL ASSISTED BICYCLES abreast in accordance with the provisions of section 42-4-1412 (11) (d).

(c) Paragraphs (a), (c), and (d) of subsection (2) of this section shall not apply to bicycles OR ELECTRICAL ASSISTED BICYCLES parked on sidewalks in accordance with section 42-4-1412 (11) (a) and (11) (b)."

Renumber succeeding sections accordingly.

Page 44, line 18, after "bicycle," insert "ELECTRICAL ASSISTED BICYCLE,";

line 22, after "~~bicycle~~", insert "ELECTRICAL ASSISTED BICYCLE";

line 26, after "bicycle," insert "ELECTRICAL ASSISTED BICYCLE,".

Page 45, line 3, after "~~bicycle~~", insert "ELECTRICAL ASSISTED BICYCLE";

after line 4, insert the following:

"SECTION 56. 42-4-1407.5 (3) (g), Colorado Revised Statutes, is amended to read:

42-4-1407.5. Splash guards - when required. (3) This section does not apply to:

(g) Bicycles OR ELECTRICAL ASSISTED BICYCLES."

Renumber succeeding sections accordingly.

Page 46, after line 4, insert the following:

"SECTION 58. 42-4-1412 (1), (3), and (4), the introductory portion to 42-4-1412 (5), 42-4-1412 (5) (a), the introductory portion to 42-4-1412 (6) (a), and 42-4-1412 (6) (a) (II), (7), (8) (a), (8) (b), (9), (10) (a), (10) (b), (10) (c), (11), (12) (b), and (13), Colorado Revised Statutes, are amended to read:

42-4-1412. Operation of bicycles and other human-powered vehicles. (1) Every person riding a bicycle OR ELECTRICAL ASSISTED BICYCLE shall have all of the rights and duties applicable to the driver of any other vehicle under this article, except as to special regulations in this article and except as to those provisions which by their nature can have no application. Said riders shall comply with the rules set forth in this section and section 42-4-221, and, when using streets and highways within incorporated cities and towns, shall be subject to local ordinances regulating the operation of bicycles AND ELECTRICAL ASSISTED BICYCLES as provided in section 42-4-111.

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(3) No bicycle OR ELECTRICAL ASSISTED BICYCLE shall be used to carry more persons at one time than the number for which it is designed or equipped.

(4) No person riding upon any bicycle OR ELECTRICAL ASSISTED BICYCLE shall attach the same or himself or herself to any motor vehicle upon a roadway.

(5) Any person riding a bicycle OR ELECTRICAL ASSISTED BICYCLE shall ride in the right-hand lane. When being overtaken by another vehicle, such person shall ride as close to the right-hand side as practicable. Where a paved shoulder suitable for bicycle riding OR ELECTRICAL ASSISTED BICYCLE RIDING is present, persons operating bicycles OR ELECTRICAL ASSISTED BICYCLES shall ride on the paved shoulder. These provisions shall apply, except under any of the following situations:

(a) When overtaking and passing another bicycle, ELECTRICAL ASSISTED BICYCLE, or vehicle proceeding in the same direction;

(6) (a) Persons operating bicycles OR ELECTRICAL ASSISTED BICYCLES on roadways shall ride single file; except that riding no more than two abreast is permitted in the following circumstances:

(II) When riding on paths or parts of roadways set aside for the exclusive use of bicycles OR ELECTRICAL ASSISTED BICYCLES.

(7) A person operating a bicycle OR ELECTRICAL ASSISTED BICYCLE shall keep at least one hand on the handlebars at all times.

(8) (a) A person riding a bicycle OR ELECTRICAL ASSISTED BICYCLE intending to turn left shall follow a course described in sections 42-4-901 (1), 42-4-903, and 42-4-1007 or may make a left turn in the manner prescribed in paragraph (b) of this subsection (8).

(b) A person riding a bicycle OR ELECTRICAL ASSISTED BICYCLE intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the bicyclist shall stop, as much as practicable, out of the way of traffic. After stopping, the bicyclist shall yield to any traffic proceeding in either direction along the roadway that the bicyclist had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the bicyclist intends to proceed, the bicyclist may proceed in the new direction.

(9) (a) Except as otherwise provided in this subsection (9), every person riding a bicycle OR ELECTRICAL ASSISTED BICYCLE shall signal the intention to turn or stop in accordance with ~~the provisions of~~ section 42-4-903; except that a person riding a bicycle OR ELECTRICAL ASSISTED BICYCLE may signal a right turn with the right arm extended horizontally.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the bicycle OR ELECTRICAL ASSISTED BICYCLE before turning and shall be given while the bicycle OR ELECTRICAL ASSISTED BICYCLE is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle OR ELECTRICAL ASSISTED BICYCLE.

(10) (a) A person riding a bicycle OR ELECTRICAL ASSISTED BICYCLE upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. A person riding a bicycle in a crosswalk shall do so in a manner that is safe for pedestrians.

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(b) A person shall not ride a bicycle OR ELECTRICAL ASSISTED BICYCLE upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where such use of bicycles OR ELECTRICAL ASSISTED BICYCLES is prohibited by official traffic control devices or local ordinances. A person riding a bicycle OR ELECTRICAL ASSISTED BICYCLE shall dismount before entering any crosswalk where required by official traffic control devices or local ordinances.

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(c) A person riding or walking a bicycle OR ELECTRICAL ASSISTED BICYCLE upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, including, but not limited to, the rights and duties granted and required by section 42-4-802.

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(11) (a) A person may park a bicycle OR ELECTRICAL ASSISTED BICYCLE on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.

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(b) A bicycle OR ELECTRICAL ASSISTED BICYCLE parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

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(c) A bicycle OR ELECTRICAL ASSISTED BICYCLE may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

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(d) A bicycle OR ELECTRICAL ASSISTED BICYCLE may be parked on the road abreast of another SUCH bicycle or bicycles near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.

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(e) In all other respects, bicycles OR ELECTRICAL ASSISTED BICYCLES parked anywhere on a highway shall conform to the provisions of part 12 of this article regulating the parking of vehicles.

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(12) (b) Any person riding a bicycle OR ELECTRICAL ASSISTED BICYCLE who violates any provision of this article other than this section which is applicable to such a vehicle and for which a penalty is specified shall be subject to the same specified penalty as any other vehicle; except that section 42-2-127 shall not apply.

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(13) Upon request, the law enforcement agency having jurisdiction shall complete a report concerning an injury or death incident that involves a bicycle OR ELECTRICAL ASSISTED BICYCLE on the roadways of the state, even if such accident does not involve a motor vehicle."

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Renumber succeeding sections accordingly.

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Amendment No. 3(L.020), by Senator Tochtrop.

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Amend the Transportation Committee Report, dated March 31, 2009, page 1, line 7, strike "amended" and substitute "amended, and the said 42-3-105 is further amended BY THE ADDITION OF A NEW SUBSECTION,".

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Page 2 of the committee report, strike line 29 and substitute the following:

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"Signature _____, Date _____.

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(4) (a) A MOTOR VEHICLE DEALER OR USED MOTOR VEHICLE DEALER LICENSED UNDER ARTICLE 6 OF THIS TITLE MAY ACT AS AN AUTHORIZED AGENT OF THE DEPARTMENT FOR THE PURPOSES OF COMPLIANCE WITH THIS SECTION AND COLLECTION OF FEES REQUIRED FOR THE REGISTRATION OF LOW-POWER SCOOTERS REQUIRED BY THIS ARTICLE. WHEN THE OWNER OF THE LOW-POWER SCOOTER COMPLIES WITH THIS

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SECTION, THE DEALER SHALL FORWARD TO THE DEPARTMENT AN AFFIDAVIT SWEARING THAT THE OWNER HAS INSURANCE, THE STATEMENT REQUIRED BY SUBSECTION (2) OF THIS SECTION, AND THE FEES REQUIRED BY PART 3 OF THIS ARTICLE FOR THE REGISTRATION OF A LOW-POWER SCOOTER.

(b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IN A CIVIL ACTION FOR DAMAGES OR INDEMNIFICATION RESULTING FROM THE OPERATION OF A MOTOR VEHICLE, A MOTOR VEHICLE DEALER, USED MOTOR VEHICLE DEALER, OR EMPLOYEE THEREOF SHALL NOT BE LIABLE FOR AN ACT OR OMISSION ARISING AS A RESULT OF THE DEALER OR EMPLOYEE PERFORMING THE FUNCTIONS OF AN AGENT PURSUANT TO THIS SUBSECTION (4).

(c) UPON FINDING A PATTERN A FAILURE TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (4), THE DEPARTMENT MAY WITHDRAW A MOTOR DEALER'S OR USED MOTOR VEHICLE DEALER'S AUTHORIZATION TO ACT AS AN AGENT OF THE DEPARTMENT."."

Amendment No. 4(L.023), by Senator Mitchell.

Amend reengrossed bill, page 32, strike lines 5 through 12 and substitute the following:

"42-4-111 (1) (bb), AN EPAMD MAY BE OPERATED ON A ROADWAY IN CONFORMITY WITH VEHICLE USE.";

line 13, strike "SUBPARAGRAPHS (II) TO (III) OF PARAGRAPH" and substitute "PARAGRAPH".

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

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

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

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, April 1, page 891 and placed in members' bill files.)

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

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 Tuesday, April 28, retaining its place on the calendar.

HB09-1015 by Representative(s) Murray, Marostica; also Senator(s) Hodge--Concerning certain actions taken by the designated election official in conducting primary elections.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, April 2, page 938 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 20, pages 1151-1152 and placed in members' bill files.)

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Amendment No. 3(L.031), by Senator Hodge.

Strike the State, Veterans, and Military Affairs Committee Report, dated April 1, 2009, and substitute the following:

"Amend reengrossed bill, page 6, line 8, strike "TWENTY-THREE" and substitute "TWENTY-TWO".

Page 7, line 9, strike "TWENTY-THREE" and substitute "TWENTY-TWO";

line 10, strike "nor later than" and substitute "~~nor later than~~ AND UNTIL".

Page 8, line 17, after the period, add "NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (4.5) TO THE CONTRARY, IF A COUNTY HAS FEWER THAN FIFTEEN THOUSAND AFFILIATED ACTIVE REGISTERED ELECTORS FOR EACH COUNTY MOTOR VEHICLE OFFICE IN THE COUNTY, THE COUNTY CLERK AND RECORDER SHALL DESIGNATE AT LEAST ONE SERVICE CENTER FOR EACH TWENTY-FIVE THOUSAND AFFILIATED ACTIVE REGISTERED ELECTORS."."

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

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

HB09-1316 by Representative(s) Solano, King S.; also Senator(s) Shaffer B.--Concerning public dissemination of personal information of a person working in the criminal justice system.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, April 21, page 1179 and placed in members' bill files.)

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

HB09-1076 by Representative(s) Pace; also Senator(s) Tochtrop--Concerning remuneration resulting from an employee's separation from employment for the purpose of calculating the postponement of unemployment insurance benefits.

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

HB09-1056 by Representative(s) McCann; also Senator(s) Kopp--Concerning increased penalty authority for the department of public health and environment for violations of solid waste disposal laws.

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

(Printed in Senate Journal, March 5, page 621 and placed in members' bill files.)

Amendment No. 2, Finance Committee Amendment.

(Printed in Senate Journal, March 20, pages 792-793 and placed in members' bill files.)

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

HB09-1085 by Representative(s) Rice; also Senator(s) Heath--Concerning the regulation of mortgage loan originators, and, in connection therewith, modifying the "Mortgage Broker Licensing Act" to conform to the federal "Secure and Fair Enforcement for Mortgage Licensing Act of 2008" and exempting certain financial institutions from the list of prohibited practices under the act.

Amendment No. 1, Business, Labor & Technology Committee Amendment.

(Printed in Senate Journal, March 10, page 667 and placed in members' bill files.)

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

HB09-1100 by Representative(s) Benefield, Merrifield, Todd; also Senator(s) Tochtrop, Hudak-- Concerning the creation of an "Alive at Twenty-five" special license plate, and making an appropriation therefor.

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

HB09-1136 by Representative(s) Soper; also Senator(s) Tochtrop--Concerning a person's competency to perform electrical work, and making an appropriation in connection therewith.

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

HB09-1244 by Representative(s) Casso, Looper, McNulty, Primavera, Vaad; also Senator(s) Kopp-- Concerning the exemption of property carriers by motor vehicle from regulation by the public utilities commission, and making an appropriation therefor.

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

HB09-1275 by Representative(s) Apuan, Balmer, McFadyen, Rice, Solano; also Senator(s) Morse, Heath, Mitchell, Schwartz, Veiga--Concerning the ability of the department of public health and environment to issue a provisional certification to an applicant seeking certification as an emergency medical technician, and making an appropriation therefor.

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

HB09-1318 by Representative(s) Sonnenberg and McFadyen; also Senator(s) Brophy and Shaffer B.-- Concerning the issuance of overweight permits based on axle configuration for vehicles weighing more than the eighty-five thousand pound nonoverweight vehicle gross vehicle weight limit, and, in connection therewith, repealing before it takes effect a newly enacted increase in the limit from eighty-five thousand pounds to ninety-two thousand pounds, making an overweight vehicle permit available for a vehicle that is operated in combination with a trailer or semitrailer if the trailer has a tandem or triple axle grouping and the vehicle weighs up to ninety-seven thousand pounds, and specifying overweight vehicle permit fees for such a vehicle of five hundred dollars for an annual permit, two hundred fifty dollars for a six-month permit, and fifteen dollars plus ten dollars per axle for a single trip permit.

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

SB09-232 by Senator(s) Schwartz, Heath, Mitchell; also Representative(s) McFadyen, Rice, Solano-- Concerning state financial assistance to finance local government capital construction projects.

Amendment No. 1, Local Government & Energy Committee Amendment.
(Printed in Senate Journal, April 17, page 1126 and placed in members' bill files.)

Amendment No. 2(L.008), by Senators Schwartz and Penry.

Strike the Local Government and Energy Committee Report, dated April 16, 2009.

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 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) (A) Fifty percent of the bonus payments shall be transferred to the local government permanent fund, which is hereby created in the state treasury. Interest and income derived from the deposit and investment of moneys in the local government permanent fund shall be credited to the permanent fund and shall not be transferred to the general fund or any other fund at the end of any fiscal year. Except as otherwise provided in ~~sub-subparagraph (B)~~ SUB-SUBPARAGRAPHS (B) AND (C) of this subparagraph (I), moneys in the permanent fund shall not be expended for any purpose. The state treasurer may invest moneys in the local government permanent fund in any investment in which the board of trustees of the public employees' retirement association may invest the funds of the association pursuant to section 24-51-206, C.R.S.

(B) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (C), if, based on the revenue estimate prepared by the staff of the legislative council in March of any fiscal year, it is anticipated that the total amount of moneys that will be deposited into the mineral leasing fund pursuant to subparagraph (II) of paragraph (a) of subsection (1) of this section during the fiscal year will be at least ten percent less than the amount of moneys so deposited during the immediately preceding fiscal year, the general assembly may appropriate moneys from the local government permanent fund to the department of local affairs for the current fiscal year. The maximum amount that the general assembly may appropriate for the current fiscal year pursuant to this sub-subparagraph (B) is an amount equal to the difference between the total amount of moneys credited to the local government mineral impact fund and directly distributed by the executive director of the department pursuant to paragraph (c) of subsection (5.4) of this section during the immediately preceding fiscal year and the estimated total amount of moneys to be so credited and distributed for the current fiscal year. The executive director of the department shall distribute all moneys appropriated pursuant to this sub-subparagraph (B) directly to counties and municipalities in combination with and using the methodology set forth in subparagraphs (I) to (IV) of paragraph (c) of subsection (5.4) of this section.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SEVENTEEN MILLION DOLLARS SHALL BE TRANSFERRED FROM THE LOCAL GOVERNMENT PERMANENT FUND TO THE LOCAL GOVERNMENT SEVERANCE TAX FUND CREATED IN SECTION 39-29-110, C.R.S., TO BE DISTRIBUTED AS SPECIFIED IN SECTION 39-29-110 (1) (c.7), C.R.S.

SECTION 2. 39-29-110 (1) (b) (I) and the introductory portion to 39-29-110 (1) (c) (I), Colorado Revised Statutes, are amended, and the said 39-29-110 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

39-29-110. Local government severance tax fund - creation - administration - definitions. (1) (b) (I) EXCEPT AS PROVIDED IN PARAGRAPH (c.7) OF THIS SUBSECTION (1), seventy percent of the funds from the local government severance tax fund shall be distributed to those political subdivisions socially or economically impacted by the development, processing, or energy conversion of minerals and mineral fuels subject to taxation under this article and used for the planning, construction, and maintenance of public facilities and for the provision of public services. Such funds shall also be distributed to political subdivisions to compensate them for loss of property tax revenue resulting from the deduction of severance taxes paid in the determination of the valuation for assessment of producing mines. The executive director of the department of local affairs shall consider the economic needs of a political subdivision for purposes of making distributions pursuant to this subparagraph (I).

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(c) (I) EXCEPT AS PROVIDED IN PARAGRAPH (c.7) OF THIS SUBSECTION (1), for state fiscal years commencing prior to July 1, 2008, an amount equal to thirty percent of said gross receipts credited to the local government severance tax fund shall be distributed to counties or municipalities on the basis of the proportion of employees of the mine or related facility or crude oil, natural gas, or oil and gas operation who reside in any such county's unincorporated area or in any such municipality to the total number of employees of the mine or related facility or crude oil, natural gas, or oil and gas operation. Such distribution shall be made on the basis of the report required in paragraph (d) of this subsection (1). For state fiscal years commencing on or after July 1, 2008, thirty percent of said gross receipts credited to the local government severance tax fund shall be allocated to counties based upon the following factors:

(c.7) ONE HUNDRED PERCENT OF THE MONEYS CREDITED TO THE LOCAL GOVERNMENT SEVERANCE TAX FUND BY OPERATION OF SECTION 34-63-102 (5.3) (a) (I) (C) SHALL BE DISTRIBUTED TO THOSE COMMUNITIES IMPACTED BY PRODUCTION OF ENERGY RESOURCES ON FEDERAL MINERAL LANDS WITH PRIORITY TO THOSE COMMUNITIES MOST DIRECTLY IMPACTED BY PRODUCTION OF ENERGY RESOURCES ON FEDERAL MINERAL LANDS AND USED FOR THE CONSTRUCTION OF INFRASTRUCTURE PROJECTS. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL CONSIDER THE ECONOMIC NEEDS OF A POLITICAL SUBDIVISION FOR PURPOSES OF MAKING DISTRIBUTIONS PURSUANT TO THIS PARAGRAPH (c.7).

SECTION 3. 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."

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

SB09-291 by Senator(s) Bacon, Boyd, Carroll M., Foster, Groff, Heath, Hodge, Hudak, Isgar, Keller, Morse, Newell, Romer, Shaffer B., Tapia, Tochtrop, Veiga, Williams; also Representative(s) Middleton, Merrifield--Concerning the state share of district total program for school districts that have obtained voter approval to be exempt from the constitutional revenue limit but then obtain voter approval to again be subject to such limit.

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

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

HB09-1322 by Representative(s) Benefield, Massey, McFadyen, Miklosi, Scanlan, Todd; also Senator(s) Schwartz--Concerning access by motor vehicle repair shops to an electronic system implemented by the department of revenue for purposes of determining ownership and lienholders of abandoned motor vehicles abandoned at motor vehicle repair shops.

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB09-1026 by Representative(s) Marostica, Fischer, McFadyen, Rice, Vaad; also Senator(s) Williams, Spence--Concerning the application of vehicle laws to low-power vehicles that operate with less than four wheels in contact with the ground, and, in connection therewith, defining "low-power scooter" and "electric personal assistive mobility device".

Senator Williams moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 09-1026 did pass.

Amend the Williams floor amendment, (HB 1026_L.017), page 1, strike line 3 and substitute the following:

""Page 49, strike lines 18 through 23 and substitute the following:

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"SECTION 58. Act subject to petition - effective date -".

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	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	E	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		

HB09-1015 by Representative(s) Murray, Marostica; also Senator(s) Hodge--Concerning certain actions taken by the designated election official in conducting primary elections.

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 09-1015 did pass.

Amend reengrossed bill, page 4, line 7, after "(1.5)", insert "(a)";

after line 14, insert the following:

"(b) PRIOR TO MAKING A DETERMINATION TO CONDUCT A PRIMARY ELECTION AS A MAIL BALLOT ELECTION, A COUNTY CLERK AND RECORDER SHALL GIVE PUBLIC NOTICE AND SEEK PUBLIC COMMENT ON SUCH DETERMINATION. THE SECRETARY OF STATE SHALL ADOPT RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AS NEEDED TO IMPLEMENT THIS REQUIREMENT."

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	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	E	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		

SB09-291 by Senator(s) Bacon, Boyd, Carroll M., Foster, Groff, Heath, Hodge, Hudak, Isgar, Keller, Morse, Newell, Romer, Shaffer B., Tapia, Tochtrop, Veiga, Williams; also Representative(s) Middleton, Merrifield--Concerning the state share of district total program for school districts that have obtained voter approval to be exempt from the constitutional revenue limit but then obtain voter approval to again be subject to such limit.

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following Penry floor amendment, (L.002) to SB 09-291, did pass.

Amend printed bill, page 3, line 1, strike "LIMITATION." and substitute "LIMITATION; EXCEPT THAT A DISTRICT MAY OPT-OUT OF THE PROVISIONS OF SENATE BILL 07-199, ADOPTED IN 2007, FOR THE PURPOSE OF ESTABLISHING MILL LEVY LEVELS IN ORDER TO REDUCE THE RATE OF PROPERTY TAX INCREASES FOR PERSONS ELIGIBLE FOR THE SENIOR HOMESTEAD EXEMPTION."

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

YES	14	NO	20	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	E	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	27	NO	7	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	N	Tapia	Y
Cadman	E	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	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-253 as amended, SB09-232 as amended, SB09-291 HB09-1303 as amended, HB09-1305, HB09-1250 as amended, HB09-1026 as amended, HB09-1170 as amended, HB09-1015 as amended, HB09-1316 as amended, HB09-1076, HB09-1056 as amended, HB09-1085 as amended, HB09-1100, HB09-1136, HB09-1244, HB09-1275, HB09-1318, HB09-1322.

Laid over until Tuesday, April 28 retaining its place on the Calendar: HB09-1299

On motion of Senator Shaffer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB09-285, SB09-294, SB09-293 were made Special Orders at 9:27 p.m.

Committee of the Whole

The hour of 9:27 p.m. having arrived, Senator Sandoval moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Sandoval was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

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

SB09-285

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

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, April 24, page 1259-1261 and placed in members' bill files.)

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

SB09-294 by Senator(s) Romer; --Concerning applications for the issuance of a certificate of public convenience and necessity to provide taxi service that relates to counties with a population of at least seventy thousand.

Amendment No. 001(L.001), by Senator Romer.

Amend printed bill, page 4, strike lines 4 through 13.

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

SB09-293 by Senator(s) Isgar; also Representative(s) Curry, Labuda, Looper, Sonnenberg--Concerning changes to certain tier two transfers out of the operational account of the severance tax trust fund to compensate for a projected revenue loss in that fund for the 2009-10 state fiscal year.

Amendment No. 1, Agriculture & Natural Resources Committee Amendment.
(Printed in Senate Journal, April 24, page 1277 and placed in members' bill files.)

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

Amend printed bill, page 4, after line 14, insert the following:

"**SECTION 2.** 23-31-312 (10) (c) (II), (10) (c) (IV), (10) (c) (V), and (10) (c) (VI), Colorado Revised Statutes, as enacted by House Bill 09-1199, are amended to read:

23-31-312. Healthy forests - vibrant communities - funds created. (10) **Healthy forests and vibrant communities fund.** (c) Of the moneys transferred to the fund pursuant to section 39-29-109.3 (2) (n), C.R.S.:

(II) Two hundred ~~twenty-five~~ thousand dollars may be expended for purposes specified in subsection (5) of this section;

(IV) ~~Eighty~~ SIXTY-FIVE thousand dollars may be expended for purposes specified in subsection (7) of this section;

(V) ~~Three~~ TWO hundred ~~twenty~~ thousand dollars may be expended for purposes specified in subsection (8) of this section;

(VI) ~~Seven~~ THREE hundred SIXTY thousand dollars may be expended for purposes specified in subsection (9) of this section; and

SECTION 3. 39-29-109.3 (2) (n) (I) (A) and (2) (n) (II), Colorado Revised Statutes, as enacted by House Bill 09-1199, are amended to read:

39-29-109.3. Operational account of the severance tax trust fund - repeal. (2) Subject to the requirements of subsections (3) and (4) of this section, if the general assembly chooses not to spend up to one hundred percent of the moneys in the operational account as specified in subsection (1) of this section, the state treasurer shall transfer the following:

(n) (I) For three fiscal years commencing on or after July 1, 2009, the state treasurer shall transfer:

(A) One million ~~nine~~ FOUR hundred fifty thousand dollars of the moneys in the account to the healthy forests and vibrant communities fund created in section 23-31-312 (10), C.R.S.

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(II) This paragraph (n) is repealed, effective July 1, ~~2012~~ 2013.

SECTION 4. Effective date. This act shall take effect upon passage; except that sections 2 and 3 of this act shall take effect only if House Bill 09-1199 is enacted and becomes law."

Renumber succeeding section accordingly.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Sandoval, 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	E	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: SB09-285 as amended, SB09-294 as amended, SB09-293 as amended.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

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

Senator White moved that the Senate concur in House amendments to **SB09-276**, as printed in House Journal, April 16, pages 1253-1254. The motion was **passed** by the following roll call vote:

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

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

YES	20	NO	14	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	E	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	N	White	Y
Gibbs	N	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	N		

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

SB09-144 by Senator(s) Kester; also Representative(s) Gagliardi--Concerning the Colorado commission for the deaf and hard of hearing and programs administered in connection therewith, and making an appropriation therefor.

Senator Kester moved that the Senate concur in House amendments to **SB09-144**, as printed in House Journal, April 21, pages 1315-1316. The motion was **passed** by the following roll call vote:

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

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

YES	30	NO	4	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Isgar, Keller and Romer.

SB09-281 by Senator(s) Shaffer B., Groff, Hodge, Keller, Morse, Romer, White, Tapia; also Representative(s) Weissmann--Concerning Pinnacol Assurance, and, in connection therewith, clarifying the operation of Pinnacol Assurance as a political subdivision of the state, creating a legislative interim committee to study worker safety and the system of compensation for work-related injuries, and requiring performance audits of Pinnacol Assurance.

Senator Shaffer moved that the Senate concur in House Amendments to **SB09-281** as printed in House Journal, April 22, pages 1396-1399. The motion was **passed** by the following roll call vote:

YES	20	NO	12	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	*	Tapia	Y
Cadman	E	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	*	Mitchell	N	Schwartz	N		

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

YES	16	NO	16	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	N
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	*	Tapia	Y
Cadman	E	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	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	*	Mitchell	N	Schwartz	N		

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

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

SB09-022 by Senator(s) Bacon; also Representative(s) Solano--Concerning the state board of land commissioners.

Senator Bacon moved that the Senate concur in House Amendments to **SB09-022** as printed in House Journal, April 22, page 1348. The motion was **passed** by the following roll call vote:

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

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

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

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

SB09-026 by Senator(s) Williams; also Representative(s) Riesberg--Concerning the regulation of athletic trainers, and making an appropriation in connection therewith.

Senator Williams moved that the Senate concur in House Amendments to **SB09-026** as printed in House Journal, April 22, pages 1348-1349. The motion was **passed** by the following roll call vote:

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

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

SB09-067 by Senator(s) Heath; also Representative(s) Marostica and Gagliardi, Rice--Concerning the authority for the operation of the Colorado credit reserve program, and, in connection therewith, making an appropriation. The motion was **passed** by the following roll call vote:

Senator Heath moved that the Senate concur in House Amendments to **SB09-067** as printed in House Journal, April 22, page 1349. The motion was **passed** by the following roll call vote:

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

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

YES	25	NO	9	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	E	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

SB09-125

by Senator(s) Isgar; also Representative(s) Curry--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.

Senator Isgar moved that the Senate concur in House Amendments to **SB09-125** as printed in House Journal, April 22, pages 1349-1350. The motion was **passed** by the following roll call vote:

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

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

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

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

SB09-138

by Senator(s) Boyd, Newell, Tochtrop; also Representative(s) Gagliardi--Concerning the continuation of the certification of nurse aides by the state board of nursing, and making an appropriation therefor.

Senator Boyd moved that the Senate concur in House Amendments to **SB09-138** as printed in House Journal, April 22, page 1350. The motion was **passed** by the following roll call vote:

YES	31	NO	3	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	26	NO	8	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	E	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Williams

SB09-154

by Senator(s) Hodge; also Representative(s) Curry--Concerning the funding of personnel for the "Livestock Health Act".

Senator Hodge moved that the Senate concur in House Amendments to **SB09-154** as printed in House Journal, April 22, pages 1350-1351. The motion was **passed** by the following roll call vote:

YES	33	NO	1	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	E	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

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

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

SB09-174 by Senator(s) Kester, Isgar, Spence, Tochtrop, White; also Representative(s) Casso-- Concerning pari-mutuel racing.

Senator Kester moved that the Senate concur in House Amendments to **SB09-174** as printed in House Journal, April 22, page 1351. The motion was **passed** by the following roll call vote:

YES	33	NO	1	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	E	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

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

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

SB09-024 by Senator(s) White; also Representative(s) Sonnenberg and Curry--Concerning responsibilities of the division of wildlife with respect to game damage issues, and making an appropriation in connection therewith.

Senator White moved that the Senate concur in House Amendments to **SB09-024** as printed in House Journal, April 22, pages 1399-1401. The motion was **passed** by the following roll call vote:

YES	30	NO	4	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	N	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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	N	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	N		

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

YES	25	NO	9	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	N	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	Keller	Y	Renfroe	Y	Tochtrop	N
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	N
Foster	Y	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	N		

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

Co-sponsors added: Brophy, Kopp and Penry.

SB09-052 by Senator(s) Bacon, Heath, King K., Newell, Williams; also Representative(s) Pommer, Ferrandino, Hullinghorst, Levy, Massey, Merrifield, Middleton, Primavera, Rice, Schafer S., Todd--Concerning the funding source for the innovative higher education research fund, and making an appropriation in connection therewith.

Senator Bacon moved that the Senate concur in House Amendments to **SB09-052** as printed in House Journal, April 23, page 1423. The motion was **passed** by the following roll call vote:

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

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

YES	27	NO	7	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	E	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

SB09-068 by Senator(s) Morse; also Representative(s) McCann--Concerning funding to support domestic abuse services, and making an appropriation therefor.

Senator Morse moved that the Senate concur in House Amendments to **SB09-068** as printed in House Journal, April 23, page 1424. The motion was **passed** by the following roll call vote:

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

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

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

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

Co-sponsors added: Gibbs, Groff and Tapia.

SB09-090 by Senator(s) Hudak, Williams, Heath, Bacon, Foster, Groff, King K., Tapia; also Representative(s) Benefield and Merrifield, Carroll T., Solano, Todd, Pace, Scanlan, Levy, Summers, Ferrandino, Miklosi, Schafer S.--Concerning measures to increase parent involvement in public education.

Senator Hudak moved that the Senate concur in House Amendments to **SB09-090** as printed in House Journal, April 23, pages 1424-1425. The motion was **passed** by the following roll call vote:

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

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

SENATE ADHERE ON SB09-131

SB09-131 by Senator(s) Romer; also Representative(s) Massey--Concerning the requirement that students in public schools engage in a certain amount of physical activity each week.

Senator Romer moved that the Conference Committee be dissolved, that the Senate Conferees be discharged and that the Senate adhere to its position on **SB09-131**. The motion was **adopted** by the following roll call:

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	E	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		

CONSIDERATION OF GOVERNOR'S VETO

SB09-050 by Senator(s) Scheffel; also Representative(s) Murray--Concerning a requirement that at least one member of the limited gaming control commission be a resident of a locality in which limited gaming takes place.

Laid over until Tuesday, April 28, retaining its place on the calendar.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

MEMBER OF THE COLORADO LIMITED GAMING CONTROL COMMISSION

for a term expiring July 1, 2011:

Larry R. Gaddis of Colorado Springs, Colorado, a resident of the 5th Congressional District, an attorney admitted to the practice of law in Colorado for not less than five years who has experience in regulatory law, and a Democrat, appointed.

for a term expiring July 1, 2012:

Florence E. Hunt of Pueblo, Colorado to serve as a member from the 3rd Congressional District representing registered electors, and as a Democrat, reappointed.

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

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

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

for a term expiring July 1, 2012:

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.

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

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

MEMBERS OF THE
COAL MINE BOARD OF EXAMINERS

for terms expiring July 1, 2012:

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

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;

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;

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.

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	E	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		

MEMBERS OF THE
PINNACOL ASSURANCE BOARD OF DIRECTORS

for terms expiring January 1, 2013:

Paul P. Pettinger of Fort Collins, Colorado, an employee of an employer whose liability is insured by Pinnacol, appointed;

Robert John "R.J." Jolly of Kit Carson, Colorado, a farmer or employer whose liability is insured by Pinnacol, reappointed.

Laid over until Tuesday, April 28, retaining its place on the calendar.

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

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.

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

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

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.

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

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

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.

Table with 8 columns: YES (34), NO (0), EXCUSED (1), ABSENT (0). Rows list names and their corresponding counts for each category.

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

MEMBERS OF THE BOARD OF COMMISSIONERS OF STATE AND VETERANS NURSING HOMES

for a term expiring July 1, 2011:

Shelley K. Hitt of Centennial, Colorado, the state long-term care ombudsman; to fill the vacancy occasioned by the resignation of Jayla Sanchez-Warren of Golden, Colorado, appointed;

for terms expiring July 1, 2013:

Alexandra E. Hall of Denver, Colorado, a veteran, reappointed;

Patricia J. Kendall of Fruita, Colorado, who has expertise in nursing home operations and who has practical clinical experience in nursing homes, reappointed.

Table with 8 columns: YES (34), NO (0), EXCUSED (1), ABSENT (0). Rows list names and their corresponding counts for each category.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB09-101

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

Senator White moved for the adoption of the First Report of the First Conference Committee on **SB09-101**, as printed in Senate Journal, April 17, pages 1128-1129. The motion 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	E	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

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

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

SB09-013

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

Senator Gibbs moved for the adoption of the First Report of the First Conference Committee on **SB09-013**, as printed in Senate Journal, April 17, pages 1129-1130. The motion 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	E	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	33	NO	1	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	E	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	N	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Brophy, Harvey, Kopp, Spence, White and Williams.

HB09-1057 by Representative(s) Kerr A., Carroll T., Apuan; also Senator(s) Bacon, Groff--Concerning parental involvement in kindergarten through twelfth grade education.

Senator Bacon moved for the adoption of the First Report of the First Conference Committee on **HB09-1057**, as printed in Senate Journal, April 17, pages 1130-1131. The motion was **adopted** on the following roll call vote:

YES	26	NO	8	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

YES	21	NO	13	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	E	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Carroll M., Romer and Williams.

SB09-094 by Senator(s) Williams, Gibbs, Groff, Heath, Schwartz, Shaffer B.; also Representative(s) Levy, Green, Marostica, Merrifield, Middleton, Primavera, Rice, Ryden, Scanlan-- Concerning the creation of a transit and rail division within the department of transportation.

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Senator Williams moved for the adoption of the First Report of the First Conference Committee on **SB09-094**, as printed in Senate Journal, April 23, pages 1245. The motion was **adopted** on the following roll call vote:

YES	33	NO	1	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

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

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

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

Senator Brophy moved for the adoption of the First Report of the Second Conference Committee on **SB09-148**, as printed in Senate Journal, April 23, pages 1245-1246. The motion was **adopted** on the following roll call vote:

YES	33	NO	1	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	N	Tapia	Y
Cadman	E	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

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

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

Co-sponsors added: Romer and Williams.

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

Senator Tapia moved for the adoption of the First Report of the First Conference Committee on **SB09-275**, as printed in Senate Journal, April 24, page 1281. The motion was **adopted** on the following roll call vote:

YES	18	NO	16	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	N	Spence	N
Brophy	N	Isgar	N	Penry	N	Tapia	Y
Cadman	E	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	N	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	N	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	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	12	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	E	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

COMMITTEE OF REFERENCE REPORTS

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB09-1338** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 2, strike "(2), (3)," and, substitute "(2) (a), (3) (b),";

line 10, strike "statute" and substitute "statute SECTION" and strike "GENETIC";

strike lines 11 and 12 and substitute the following:

"derived from genetic testing from being used to deny access to ~~health care insurance~~, group disability insurance".

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

"(a) "Entity" means any ~~sickness and accident insurance company, health maintenance organization, nonprofit hospital, medical-surgical and health service corporation, or other~~ entity that provides ~~health care insurance~~, group disability insurance";

after line 6, insert the following:

"(3) (b) Any entity that receives information derived from genetic testing may not seek, use, or keep the information for any nontherapeutic purpose or for any underwriting purpose connected with the provision of ~~health care insurance~~, group disability insurance or long-term care insurance coverage.

(12) Any individual who is injured by an entity's violation of this section may recover in a court of competent jurisdiction the following remedies:

(a) Equitable relief, which may include a retroactive order, directing the entity to provide ~~health insurance~~, group disability insurance or long-term care insurance coverage, whichever is appropriate, to the injured individual under the same terms and conditions as would have applied had the violation not occurred; and

SECTION 2. Part 11 of article 3 of title 10, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

10-3-1104.6. Genetic information - limitations on disclosure of information - liability - definitions - legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DETERMINES THAT RECENT ADVANCES IN GENETIC SCIENCE HAVE LED TO IMPROVEMENTS IN THE DIAGNOSIS, TREATMENT, AND UNDERSTANDING OF A SIGNIFICANT NUMBER OF HUMAN DISEASES. THE GENERAL ASSEMBLY FURTHER DECLARES THAT:

(a) GENETIC INFORMATION IS THE UNIQUE PROPERTY OF THE INDIVIDUAL TO WHOM THE INFORMATION PERTAINS;

(b) ANY INFORMATION CONCERNING AN INDIVIDUAL OBTAINED THROUGH THE USE OF GENETIC SERVICES MAY BE SUBJECT TO ABUSES IF DISCLOSED TO UNAUTHORIZED THIRD PARTIES WITHOUT THE WILLING CONSENT OF THE INDIVIDUAL TO WHOM THE INFORMATION PERTAINS;

(c) TO PROTECT INDIVIDUAL PRIVACY AND TO PRESERVE INDIVIDUAL AUTONOMY WITH REGARD TO THE INDIVIDUAL'S GENETIC

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INFORMATION, IT IS APPROPRIATE TO LIMIT THE USE AND AVAILABILITY OF GENETIC INFORMATION;

(d) THE INTENT OF THIS SECTION IS TO PREVENT GENETIC INFORMATION FROM BEING USED TO DENY ACCESS TO HEALTH CARE INSURANCE OR MEDICARE SUPPLEMENT INSURANCE COVERAGE.

(2) FOR THE PURPOSES OF THIS SECTION:

(a) "ENTITY" MEANS ANY SICKNESS AND ACCIDENT INSURANCE COMPANY, HEALTH MAINTENANCE ORGANIZATION, NONPROFIT HOSPITAL, MEDICAL-SURGICAL AND HEALTH SERVICE CORPORATION, OR OTHER ENTITY THAT PROVIDES HEALTH CARE INSURANCE, OR MEDICARE SUPPLEMENT INSURANCE COVERAGE AND IS SUBJECT TO THE JURISDICTION OF THE COMMISSIONER OF INSURANCE."

Page 4, strike lines 2 through 8 and substitute the following:

"(e) (I) "GENETIC TEST" MEANS ANY ANALYSIS OF HUMAN DNA, RNA, CHROMOSOMES, PROTEINS, OR METABOLITES THAT DETECTS GENOTYPES, MUTATIONS, OR CHROMOSOMAL CHANGES.";

strike lines 25 through 27.

Page 5, strike lines 1 through 21 and substitute the following:

"(3) (a) GENETIC INFORMATION SHALL BE CONFIDENTIAL AND PRIVILEGED. ANY RELEASE, FOR PURPOSES OTHER THAN DIAGNOSIS, TREATMENT, OR THERAPY, OF GENETIC INFORMATION THAT IDENTIFIES THE PERSON TESTED WITH THE TEST RESULTS RELEASED REQUIRES SPECIFIC WRITTEN CONSENT BY THE PERSON ABOUT WHOM THE GENETIC INFORMATION PERTAINS OR THE PARENT OR GUARDIAN OF THAT PERSON.

(b) ANY ENTITY THAT RECEIVES GENETIC INFORMATION MAY NOT SEEK, USE, OR KEEP THE INFORMATION FOR ANY NONTHERAPEUTIC PURPOSE OR FOR ANY UNDERWRITING PURPOSE CONNECTED WITH THE PROVISION OF HEALTH CARE INSURANCE OR MEDICARE SUPPLEMENT INSURANCE COVERAGE.

(c) AN ENTITY SHALL NOT REQUEST OR REQUIRE AN INDIVIDUAL OR FAMILY MEMBER OF THE INDIVIDUAL TO UNDERGO A GENETIC TEST UNLESS OTHERWISE AUTHORIZED BY APPLICABLE STATE OR FEDERAL LAW.

(4) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION, IN THE COURSE OF A CRIMINAL INVESTIGATION OR A CRIMINAL PROSECUTION, AND TO THE EXTENT ALLOWED UNDER THE FEDERAL OR STATE CONSTITUTION, ANY PEACE OFFICER, DISTRICT ATTORNEY, OR ASSISTANT ATTORNEY GENERAL, OR A DESIGNEE THEREOF, MAY OBTAIN GENETIC INFORMATION REGARDING THE IDENTITY OF ANY INDIVIDUAL WHO IS THE SUBJECT OF THE CRIMINAL INVESTIGATION OR PROSECUTION FOR USE EXCLUSIVELY IN THE CRIMINAL INVESTIGATION OR PROSECUTION WITHOUT THE CONSENT OF THE INDIVIDUAL BEING TESTED.

(5) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION, ANY RESEARCH FACILITY MAY USE GENETIC INFORMATION FOR SCIENTIFIC RESEARCH PURPOSES IF THE IDENTITY OF ANY INDIVIDUAL TO WHOM THE INFORMATION PERTAINS IS NOT DISCLOSED TO ANY THIRD PARTY; EXCEPT THAT THE INDIVIDUAL'S IDENTITY MAY BE DISCLOSED TO THE INDIVIDUAL'S PHYSICIAN IF THE INDIVIDUAL CONSENTS TO THE DISCLOSURE IN WRITING.

(6) THIS SECTION DOES NOT LIMIT THE AUTHORITY OF A COURT OR ANY PARTY TO A PARENTAGE PROCEEDING TO USE GENETIC INFORMATION FOR PURPOSES OF DETERMINING PARENTAGE PURSUANT TO SECTION 13-25-126, C.R.S.

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(7) THIS SECTION DOES NOT LIMIT THE AUTHORITY OF A COURT OR ANY PARTY TO A PROCEEDING THAT IS SUBJECT TO THE LIMITATIONS OF PART 5 OF ARTICLE 64 OF TITLE 13, C.R.S., TO USE GENETIC INFORMATION FOR PURPOSES OF DETERMINING THE CAUSE OF DAMAGE OR INJURY.

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(8) THIS SECTION DOES NOT LIMIT THE AUTHORITY OF THE STATE BOARD OF PAROLE TO REQUIRE ANY OFFENDER WHO IS INVOLVED IN A SEXUAL ASSAULT TO SUBMIT TO BLOOD TESTS AND TO RETAIN THE RESULTS OF SUCH TESTS ON FILE AS AUTHORIZED UNDER SECTION 17-2-201 (5) (g), C.R.S.

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(9) THIS SECTION DOES NOT LIMIT THE AUTHORITY GRANTED THE STATE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE STATE BOARD OF HEALTH, OR LOCAL DEPARTMENTS OF HEALTH PURSUANT TO SECTION 25-1-122, C.R.S.

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(10) ANY VIOLATION OF THIS SECTION IS AN UNFAIR PRACTICE AS DEFINED IN SECTION 10-3-1104 (1), AND IS SUBJECT TO THE PROVISIONS OF SECTIONS 10-3-1106 TO 10-3-1113.

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(11) ANY INDIVIDUAL WHO IS INJURED BY AN ENTITY'S VIOLATION OF THIS SECTION MAY RECOVER IN A COURT OF COMPETENT JURISDICTION THE FOLLOWING REMEDIES:

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(a) EQUITABLE RELIEF, WHICH MAY INCLUDE A RETROACTIVE ORDER, DIRECTING THE ENTITY TO PROVIDE HEALTH INSURANCE OR MEDICARE SUPPLEMENT INSURANCE COVERAGE, WHICHEVER IS APPROPRIATE, TO THE INJURED INDIVIDUAL UNDER THE SAME TERMS AND

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CONDITIONS AS WOULD HAVE APPLIED HAD THE VIOLATION NOT OCCURRED; AND

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(b) THE GREATER OF:

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(I) AN AMOUNT EQUAL TO ANY ACTUAL DAMAGES SUFFERED BY THE INDIVIDUAL AS A RESULT OF THE VIOLATION; OR

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(II) TEN THOUSAND DOLLARS PER VIOLATION.

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(12) THE PREVAILING PARTY IN AN ACTION UNDER THIS SECTION MAY RECOVER COSTS AND REASONABLE ATTORNEY FEES.";

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line 22, strike "SECTION 2." and substitute "SECTION 3."

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Re-number succeeding sections accordingly.

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Page 9, strike lines 2 and 3 and substitute the following:

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"SECTION 6. Effective date - applicability. This act shall take effect July 1, 2009, and shall apply to policies and contracts issued, delivered, renewed, or reinstated on or after said date."

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State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB09-1137** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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Amend reengrossed bill, page 4, strike lines 20 through 22;

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line 23, strike "(II)" and substitute "(I)";

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line 27, strike "C.R.S." and substitute "C.R.S.; AND

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(II) BEGINNING JANUARY 1, 2011, RESTITUTION THAT A PERSON HAS BEEN ORDERED TO PAY PURSUANT TO SECTION 18-1.3-603 OR

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19-2-918, C.R.S., REGARDLESS OF THE DATE THAT THE RESTITUTION WAS ORDERED."

Page 5, line 11, strike "(a)." and substitute "(a) (II).";

line 15, strike "(b)." and substitute "(a) (I)."

Page 6, line 4, strike "EACH DEPARTMENT" and substitute "THE REGISTRY OPERATOR";

line 5, strike "AND THE TOTAL AMOUNT BE THE";

line 6, strike "AMOUNT OF THE OUTSTANDING DEBT CERTIFIED" and substitute "CERTIFIED BY A DEPARTMENT".

Page 8, line 16, after "IN", insert "THE".

Page 9, line 24, strike "Repeal. 24-35-608, Colorado Revised Statutes,"; strike line 25.

Page 13, strike lines 10 through 13 and substitute the following:

SECTION 17. Act subject to petition - effective date.
(1) Sections 5, 7, 9, and 11 of this act shall take effect January 1, 2011, and the remainder of this act shall take effect September 1, 2009."

State,
Veterans, &
Military
Affairs

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

Amend reengrossed bill, page 4, line 20, strike "A DEPUTY DIRECTOR, IF DEEMED";

line 21, strike "NECESSARY BY THE DIRECTOR, AND".

Page 5, after line 23, insert the following:

"(g) ADMINISTER THE PERFORMANCE-BASED INCENTIVE FOR FILM PRODUCTION IN COLORADO AS SPECIFIED IN SECTION 24-48.5-203;"

Reletter succeeding paragraphs accordingly.

Page 6, line 3, strike "GOVERNOR." and substitute "DIRECTOR OF THE OFFICE OF ECONOMIC DEVELOPMENT.";

line 4, strike "**Colorado**" and substitute "**Performance-based incentive for film production in Colorado - Colorado**";

line 5, strike "(1) THERE IS" and substitute the following:

"(1) SUBJECT TO THE PROVISIONS OF THIS SECTION, ON OR AFTER JULY 1, 2009, ANY PRODUCTION COMPANY THAT SPENDS AT LEAST SEVENTY-FIVE PERCENT OF ITS PRODUCTION EXPENDITURES FOR A FILM ON QUALIFIED LOCAL EXPENDITURES AND AT LEAST SEVENTY-FIVE PERCENT OF ITS PAYROLL EXPENDITURES FOR A FILM ON QUALIFIED LOCAL PAYROLL EXPENDITURES SHALL BE ALLOWED TO CLAIM A PERFORMANCE-BASED INCENTIVE IN AN AMOUNT AS FOLLOWS:

(a) FOR A PRODUCTION COMPANY THAT ORIGINATES THE FILM PRODUCTION IN COLORADO, AN AMOUNT EQUAL TO TEN PERCENT OF THE TOTAL AMOUNT OF THE PRODUCTION COMPANY'S QUALIFIED LOCAL EXPENDITURES AND QUALIFIED PAYROLL EXPENDITURES IF THE TOTAL OF

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SUCH EXPENDITURES EQUALS OR EXCEEDS ONE HUNDRED THOUSAND DOLLARS; AND

(b) FOR A PRODUCTION COMPANY THAT DOES NOT ORIGINATE THE FILM PRODUCTION ACTIVITIES IN COLORADO, AN AMOUNT EQUAL TO TEN PERCENT OF THE TOTAL AMOUNT OF THE PRODUCTION COMPANY'S QUALIFIED LOCAL EXPENDITURES AND QUALIFIED PAYROLL EXPENDITURES IF THE TOTAL OF SUCH EXPENDITURES EQUALS OR EXCEEDS ONE MILLION DOLLARS.

(2) (a) IN ORDER FOR A PRODUCTION COMPANY TO CLAIM A PERFORMANCE-BASED INCENTIVE FOR FILM PRODUCTION ACTIVITIES IN COLORADO PURSUANT TO THIS SECTION, THE PRODUCTION COMPANY SHALL APPLY TO THE OFFICE, IN A MANNER TO BE DETERMINED BY THE OFFICE, PRIOR TO BEGINNING PRODUCTION ACTIVITIES IN THE STATE. THE APPLICATION SHALL INCLUDE A STATEMENT OF INTENT BY THE PRODUCTION COMPANY TO PRODUCE A FILM IN COLORADO FOR WHICH THE PRODUCTION COMPANY WILL BE ELIGIBLE TO RECEIVE THE INCENTIVE. THE PRODUCTION COMPANY SHALL SUBMIT, IN CONJUNCTION WITH THE APPLICATION, ANY DOCUMENTATION NECESSARY TO DEMONSTRATE THAT THE PRODUCTION COMPANY'S PROJECTED QUALIFIED LOCAL EXPENDITURES AND QUALIFIED PAYROLL EXPENDITURES WILL SATISFY THE EXPENDITURES SPECIFIED IN PARAGRAPH (a) OR (b) OF SUBSECTION (1) OF THIS SECTION, AS APPLICABLE.

(b) THE OFFICE SHALL REVIEW EACH APPLICATION SUBMITTED BY A PRODUCTION COMPANY BEFORE THE PRODUCTION COMPANY BEGINS WORK ON A FILM IN COLORADO. BASED ON THE INFORMATION PROVIDED IN THE PRODUCTION COMPANY'S APPLICATION, THE OFFICE SHALL MAKE AN INITIAL DETERMINATION OF WHETHER THE PRODUCTION COMPANY WILL BE ELIGIBLE TO RECEIVE A PERFORMANCE-BASED INCENTIVE AND ESTIMATE THE AMOUNT OF THE INCENTIVE THAT WILL BE DUE TO THE PRODUCTION COMPANY. THE OFFICE SHALL GRANT CONDITIONAL WRITTEN APPROVAL TO EVERY PRODUCTION COMPANY THAT, BASED ON THE INFORMATION PROVIDED BY THE PRODUCTION COMPANY, WILL SATISFY THE REQUIREMENTS OF THIS SECTION AND BE ELIGIBLE TO CLAIM AN INCENTIVE.

(c) UPON COMPLETION OF PRODUCTION ACTIVITIES IN COLORADO, A PRODUCTION COMPANY THAT RECEIVED CONDITIONAL APPROVAL FOR A PERFORMANCE-BASED INCENTIVE FROM THE OFFICE SHALL SUBMIT FINANCIAL DOCUMENTS TO THE OFFICE THAT DETAIL THE EXPENSES INCURRED IN THE COURSE OF THE FILM PRODUCTION ACTIVITIES IN COLORADO, ALONG WITH A SIGNED AFFIDAVIT STATING THAT THE FINANCIAL DOCUMENTS ARE AN ACCURATE ACCOUNTING OF THE PRODUCTION COMPANY'S QUALIFIED LOCAL EXPENDITURES AND QUALIFIED PAYROLL EXPENDITURES. IF THE AMOUNT OF THE PRODUCTION COMPANY'S ACTUAL QUALIFIED LOCAL EXPENDITURES AND QUALIFIED PAYROLL EXPENDITURES EQUAL OR EXCEED THE PRODUCTION COMPANY'S PROJECTED QUALIFIED LOCAL EXPENDITURES AND QUALIFIED PAYROLL EXPENDITURES SUBMITTED TO THE OFFICE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), THE OFFICE SHALL ISSUE AN INCENTIVE TO THE PRODUCTION COMPANY.

(d) THE OFFICE SHALL DEVELOP PROCEDURES FOR THE ADMINISTRATION OF THIS SECTION, INCLUDING APPLICATION GUIDELINES FOR PRODUCTION COMPANIES APPLYING TO RECEIVE A PERFORMANCE-BASED INCENTIVE AND FOR THE OFFICE TO ISSUE PAYMENT OF THE INCENTIVES PURSUANT TO THIS SECTION.

(3) THE OFFICE SHALL INCLUDE DATA REGARDING THE NUMBER OF PRODUCTION COMPANIES THAT CLAIMED THE PERFORMANCE-BASED INCENTIVE PURSUANT TO THIS SECTION AND THE TOTAL AMOUNT OF ALL INCENTIVES CLAIMED DURING THE MOST RECENT FISCAL YEAR FOR WHICH SUCH INFORMATION IS AVAILABLE IN AN ANNUAL REPORT TO THE GENERAL ASSEMBLY.

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(4) THERE IS";

line 21, strike "(2)" and substitute "(5) (a)" and strike "ANNUALLY" and substitute "CONTINUOUSLY";

strike line 23 and substitute the following:

"OFFICE AND FOR THE PERFORMANCE-BASED INCENTIVE FOR FILM PRODUCTION IN COLORADO AS SPECIFIED IN SUBSECTION (1) OF THIS SECTION.

(b) THE TOTAL AMOUNT OF PERFORMANCE-BASED INCENTIVES THAT THE OFFICE ISSUES PURSUANT TO THIS SECTION IN ANY FISCAL YEAR SHALL NOT EXCEED THE AMOUNT APPROPRIATED TO THE OFFICE TO BE USED FOR THE PURPOSES OF THIS SECTION IN THE APPLICABLE FISCAL YEAR. IF THE OFFICE RECEIVES APPLICATIONS FOR INCENTIVES THAT EXCEED THE AMOUNT APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE FISCAL YEAR, THE OFFICE SHALL ISSUE INCENTIVES TO PRODUCTION COMPANIES IN THE ORDER IN WHICH THE COMMISSION RECEIVED APPLICATIONS UNTIL THE AMOUNT APPROPRIATED HAS BEEN EXPENDED.

(c) ALL MONEYS NOT EXPENDED OR ENCUMBERED, AND ALL".

Page 9, strike lines 25 and 26 and substitute the following:

"SECTION 3. 24-46-105.8, Colorado Revised Statutes, is amended to read:".

Page 10, strike lines 1 and 2 and substitute the following:

"in Colorado - film incentives cash fund - definitions - repeal. (1) ~~As used in this section, unless the context otherwise requires:~~

(a) ~~"Film" means any visual or audiovisual work that contains a series of related images, that is fixed on photographic film, videotape, computer disc, laser disc, or a similar delivery medium from which it can be viewed or reproduced, and that is shown in theaters, licensed for television broadcasting, or licensed for the home viewing market.~~

(b) ~~"Production activities" means the shooting of a film, support activities related to such shooting, and any preshooting or postshooting activities that are necessary to produce a finished film, including but not limited to editing and the creation of sets, props, costumes, and special effects.~~

(c) ~~"Production company" means a person, including a corporation or other business entity, that engages in production activities for the purpose of producing all or any portion of a film in Colorado.~~

(d) ~~"Qualified local expenditure" means a payment made by a production company in Colorado to a business in Colorado in connection with the production of a film that the production company is producing in Colorado. "Qualified local expenditure" shall include, but shall not be limited to:~~

~~(I) Payments made in connection with developing or purchasing the story and scenario to be used for a film;~~

~~(II) Payments made for the costs of set construction and operations, wardrobe, accessories, and related services;~~

~~(III) Payments made for the costs of photography, sound synchronization, lighting, and related services;~~

~~(IV) Payments made for the costs of editing, post-production, music, and related services;~~

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~~(V) Payments made for the costs of renting facilities and equipment, including location fees, leasing vehicles, and providing food and lodging to people working on the film production;~~

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~~(VI) Payments for airfare purchased through a Colorado-based travel agency or company;~~

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~~(VII) Payments for insurance and bonding purchased through a Colorado-based insurance agent; and~~

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~~(VIII) Payments for other direct costs incurred by the film production company that are deemed appropriate by the commission.~~

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~~(e) "Qualified payroll expenditure" means an expenditure made by a production company to pay the salaries of actors, management, and crew who participate in the film production activities and who are Colorado residents.~~

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~~(2) Subject to the provisions of this section, on or after June 5, 2006, any production company that spends at least seventy-five percent of its production expenditures for a film on qualified local expenditures and at least seventy-five percent of its payroll expenditures for a film on qualified local payroll expenditures shall be allowed to claim a performance-based incentive in an amount as follows:~~

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~~(a) For a production company that originates the film production in Colorado, an amount equal to ten percent of the total amount of the production company's qualified local expenditures and qualified payroll expenditures if the total of such expenditures equals or exceeds one hundred thousand dollars; and~~

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~~(b) For a production company that does not originate the film production activities in Colorado, an amount equal to ten percent of the total amount of the production company's qualified local expenditures and qualified payroll expenditures if the total of such expenditures equals or exceeds one million dollars.~~

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~~(3) (a) In order for a production company to claim a performance-based incentive for film production activities in Colorado pursuant to this section, the production company shall apply to the commission, in a manner to be determined by the commission, prior to beginning production activities in the state. The application shall include a statement of intent by the production company to produce a film in Colorado for which the production company will be eligible to receive the incentive. The production company shall submit, in conjunction with the application, any documentation necessary to demonstrate that the production company's projected qualified local expenditures and qualified payroll expenditures will satisfy the expenditures specified in paragraph (a) or (b) of subsection (2) of this section, as applicable.~~

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~~(b) The commission shall review each application submitted by a production company before the production company begins work on a film in Colorado. Based on the information provided in the production company's application, the commission shall make an initial determination of whether the production company will be eligible to receive a performance-based incentive and estimate the amount of the incentive that will be due to the production company. The commission shall grant conditional written approval to every production company that, based on the information provided by the production company, will satisfy the requirements of this section and be eligible to claim an incentive.~~

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~~(c) Upon completion of production activities in Colorado, a production company that received conditional approval for a performance-based incentive from the commission shall submit financial documents to the commission that detail the expenses incurred in the course of the film production activities in Colorado, along with a signed~~

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~~affidavit stating that the financial documents are an accurate accounting of the production company's qualified local expenditures and qualified payroll expenditures. If the amount of the production company's actual qualified local expenditures and qualified payroll expenditures equal or exceed the production company's projected qualified local expenditures and qualified payroll expenditures submitted to the commission pursuant to paragraph (a) of this subsection (3), the commission shall issue an incentive to the production company.~~

~~(d) The commission shall develop procedures for the administration of this section, including application guidelines for production companies applying to receive a performance-based incentive and for the commission to issue payment of the incentives pursuant to this section.~~

~~(4) (a) For the 2006-07, 2007-08, AND 2008-09 fiscal year and for each";~~

strike lines 11 through 20 and substitute the following:

~~"(b) The commission may annually withhold a portion of the moneys appropriated for the purposes of this section to offset the direct costs incurred in administering the incentive program. The amount withheld by the commission in any fiscal year shall not exceed two and one-half percent of the amount appropriated for the purposes of this section in that fiscal year.~~

~~(c) The total amount of performance-based incentives that the commission issues pursuant to this section in any fiscal year shall not exceed the amount appropriated to the commission to be used for the purposes of this section in the applicable fiscal year. If the commission receives applications for incentives that exceed the amount appropriated by the general assembly for the fiscal year, the commission shall issue incentives to production companies in the order in which the commission received applications until the amount appropriated has been expended.~~

~~(d) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JANUARY 1, 2010.~~

~~(5) The commission shall include data regarding the number of production companies that claimed the performance-based incentive pursuant to this section and the total amount of all incentives claimed during the most recent fiscal year for which such information is available in an annual report to the general assembly.~~

~~(6) (a) There is hereby created in the state treasury the film incentives cash fund, referred to in this section as the "fund". The fund shall consist of:~~

~~(I) Moneys transferred to the fund in accordance with section 12-47.1-701 (4) (a), C.R.S.; and~~

~~(H) Any moneys appropriated to the fund by the general assembly.~~

~~(b) The moneys in the fund shall be annually appropriated by the general assembly for the purposes of this section. All moneys not expended or encumbered, and all interest earned on the investment or deposit of moneys in the fund, shall remain in the fund and shall not revert to the general fund at the end of any fiscal year. Any moneys not expended or encumbered from any appropriation at the end of any fiscal year shall remain available for expenditure in the next fiscal year without further appropriation."~~

Page 11, strike lines 5 through 13;

line 14, strike "(3)" and substitute "(2)";

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after line 19, insert the following:

"SECTION 5. Effective date. This act shall take effect July 1, 2009."

Renumber succeeding section accordingly.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SJM09-007** be postponed indefinitely.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SJM09-008** be postponed indefinitely.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SJM09-011** be postponed indefinitely.

NOTICE OF INTENT TO RECONSIDER

Senator Shaffer gave notice of intent to move for reconsideration of **SB09-281**.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

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

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

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

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

INTRODUCTION OF BILLS -- FIRST READING

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

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

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HB09-1081	by Representative(s) Looper; also Senator(s) Morse--Concerning an increase in the length of the statute of limitations for vehicular homicide, and making an appropriation in connection therewith. Judiciary	1 2 3 4 5
HB09-1333	by Representative(s) Riesberg, McFadyen, Sonnenberg; also Senator(s) Bacon, Kopp, Schwartz--Concerning the transfers of money to the state museum cash fund. Finance	6 7 8 9
HB09-1334	by Representative(s) McCann and Apuan, Court, Gardner B., King S., Lambert, Ryden, Schafer S., Vigil, Waller; also Senator(s) Newell--Concerning the aggregation of multiple offenses involving theft-type crimes into a single offense. Judiciary	10 11 12 13 14
HB09-1335	by Representative(s) Todd and Murray; also Senator(s) Williams and Carroll M., Cadman--Concerning requirements for voting equipment. State, Veterans & Military Affairs	15 16 17 18
HB09-1336	by Representative(s) Todd and Murray; also Senator(s) Williams and Carroll M., Cadman--Concerning the implementation of specific recommendations of the state election reform commission. State, Veterans & Military Affairs	19 20 21 22 23
HB09-1337	by Representative(s) Todd and Murray; also Senator(s) Williams and Carroll M., Cadman--Concerning changes to certain ballot processing deadlines contained in the state election code. State, Veterans & Military Affairs	24 25 26 27 28
HB09-1341	by Representative(s) Pace, McFadyen, Riesberg, Vigil; also Senator(s) Tapia, Boyd, Tochtrop--Concerning the continuation of the licensing of psychiatric technicians by the state board of nursing. Health and Human Services	29 30 31 32 33
HB09-1345	by Representative(s) Solano; also Senator(s) Schwartz--Concerning integrated planning for the construction of electric transmission facilities in Colorado, and, in connection therewith, directing the public utilities commission to collect information from owners and operators of transmission infrastructure and report its findings to the general assembly. Local Government and Energy	34 35 36 37 38 39
HB09-1346	by Representative(s) Carroll T.; also Senator(s) Shaffer B.--Concerning authorization for public entities in the state to fully utilize the financing instruments available to them under the federal economic stimulus act known as the "American Recovery and Reinvestment Act of 2009". Finance	40 41 42 43 44 45
HB09-1349	by Representative(s) Fischer; also Senator(s) Heath--Concerning a special election period for the continuation of health care coverage after involuntary termination from employment. Health and Human Services	46 47 48 49
HB09-1359	by Representative(s) Kerr A.; also Senator(s) Boyd--Concerning the governance of common interest communities under the "Colorado Common Interest Ownership Act". Business, Labor and Technology	50 51 52 53 54
RECONSIDERATION OF SB09-275		55
SB09-275	by Senator(s) Tapia, Keller, White; also Representative(s) Ferrandino, Pommer, Marostica--Concerning the temporary elimination of the ability of any vendor to retain any amount of state sales tax revenues to compensate for the vendor's expenses incurred in the collection and remittance of the tax revenues to the state, and making an appropriation in connection therewith. Having voted on the prevailing side, Senator Sandoval moved for reconsideration of the last Senate action, repassage of SB09-275 . The roll call was taken with the following result:	56 57 58 59 60 61 62 63 64 65

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

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

REPASSAGE OF SB09-275

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

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

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

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

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 Monday, April 27, was laid over until Tuesday, April 28, retaining its place on the calendar.

Consideration of Resolutions: SR09-015, SJR09-039, SJR09-040, SJR09-042, SJR09-044, SJR09-045, SJR09-046, SJR09-047, SJR09-048, HJR09-1014, HJR09-1016, HJR09-1021, SJR09-050, SJR09-051, SJR09-054, SJR09-055.

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

Conference Committees to Report: SB09-269, SB09-271, SB09-279.

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On motion of Senator Shaffer, the Senate adjourned until 9:30 a.m., Tuesday, April 28, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate