

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

29th Legislative Day

Wednesday, February 4, 2009

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Prayer	By the chaplain, Rev. Vern Rempel, First Mennonite Church of Denver.	11
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Pledge	By Senator Hudak.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present--35	17
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Quorum	The President announced a quorum present.	19
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Reading of Journal	On motion of Senator Carroll, reading of the Journal of Tuesday, February 3, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.	21
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COMMITTEE OF REFERENCE REPORTS

Finance	After consideration on the merits, the Committee recommends that SB09-096 be referred to the Committee of the Whole with favorable recommendation.	26
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INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR09-011	by Senator(s) Keller; also Representative(s) Todd--Concerning recognition of community mental health centers and behavioral health organizations in Colorado.	33
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	Laid over one day under Senate Rule 30(b).	41
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THIRD READING OF BILLS -- FINAL PASSAGE

SB09-060	by Senator(s) Tochtrop; --Concerning clarifications to the law regarding testing illegal drug laboratories for methamphetamine.	43
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	Laid over until Thursday, February 5, retaining its place on the calendar.	49
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**GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR**

SB09-014	by Senator(s) Williams, Gibbs, Renfroe, Spence; also Representative(s) Sonnenberg, Fischer, Levy, Marostica, McFadyen, McNulty, Merrifield, Primavera, Rice, Vaad--Concerning allowing vehicles with deficient splash guards to remain in service for the limited time necessary to replace the splash guards.	52
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	Laid over until Thursday, February 5, retaining its place on the calendar.	63
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SB09-055	by Senator(s) Isgar, Keller, Kester, White; also Representative(s) Judd, Roberts--Concerning the family resource center program.	65
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Laid over until Thursday, February 5, retaining its place on the calendar.

SB09-116 by Senator(s) Hodge, Isgar, Schwartz; also Representative(s) Looper--Concerning continuation of the "Colorado Seed Act".

Laid over until Thursday, February 5, retaining its place on the calendar.

GENERAL ORDERS -- SECOND READING OF BILLS

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

Laid over until Thursday, February 5, retaining its place on the calendar.

SB09-080 by Senator(s) Isgar, Romer, White; also Representative(s) Looper--Concerning limited exemptions for water collected from certain residential rooftops.

Laid over until Thursday, February 5, retaining its place on the calendar.

SB09-035 by Senator(s) Renfroe; also Representative(s) Sonnenberg--Concerning a penalty for a violation of certain proscribed acts for government officials.

Laid over until Thursday, February 5, retaining its place on the calendar.

SB09-033 by Senator(s) Sandoval; --Concerning expanding the list of students who qualify to receive a free lunch in Colorado to include children in public school early childhood education programs who are eligible to receive a reduced-cost lunch under the federal "National School Lunch Act".

Laid over until Thursday, February 5, retaining its place on the calendar.

SB09-039 by Senator(s) Schwartz; also Representative(s) Curry--Concerning the discretionary authority of cooperative electric associations to establish reasonable graduated rates for increased energy consumption by residential customers.

Laid over until Thursday, February 5, retaining its place on the calendar.

SB09-057 by Senator(s) Harvey, Kopp; also Representative(s) Stephens--Concerning searchable budget database web sites containing public education financial information, and, in connection therewith, enacting the "Public School Financial Transparency Act".

Laid over until Thursday, February 5, retaining its place on the calendar.

SB09-079 by Senator(s) Newell, Boyd; also Representative(s) Acree and Kefalas, Primavera--Concerning improving the well-being of children in the foster care system by improving the ability of birth siblings to maintain long-term connections.

Laid over until Thursday, February 5, retaining its place on the calendar.

CONSIDERATION OF RESOLUTIONS

SJR09-010 by Senator(s) Williams, Boyd, Carroll M., Foster, Hodge, Hudak, Sandoval, Schwartz, Spence, Tochtrop, Veiga; also Representative(s) Todd, Acree, Benefield, Bradford, Court, Curry, Gagliardi, Gerou, Green, Hullinghorst, Labuda, Levy, Looper, McCann, McFadyen, McGihon, Middleton, Murray, Nikkel, Peniston, Primavera, Roberts, Ryden, Scanlan, Schafer S., Solano, Stephens--Concerning the designation of February 2009 as "American Heart Month", and, in connection therewith, declaring February 6 to be "National Wear Red Day".

Laid over until Thursday, February 5, retaining its place on the calendar.

SENATE SERVICES REPORT

Correctly Printed: SB09-163, 164, 165, 166, 167, 168, 169 and 170.

Correctly Reengrossed: SB09-041 and 065

Correctly Enrolled: SR09-008 and 009.

COMMITTEE OF REFERENCE REPORTS

Trans- After consideration on the merits, the Committee recommends that **SB09-078** be referred
portation to the Committee of the Whole with favorable recommendation.

Trans- After consideration on the merits, the Committee recommends that **SB09-063** be
portation postponed indefinitely.

On motion of Senator Shaffer, and with a two-thirds majority of those elected to the Senate
having voted in the affirmative, SB09-108 was made Special Orders at 9:10 a.m.

Committee The hour of 9:10 a.m. having arrived, Senator Boyd moved that the Senate resolve
of the itself into the Committee of the Whole for consideration of Special Orders -- Second
Whole Reading of Bills and Senator Boyd was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

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

SB09-108 by Senator(s) Gibbs; also Representative(s) Rice--Concerning the improvement of the
transportation system of the state, and, in connection therewith, providing additional sources
of funding for transportation and modifying the transportation planning process.

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, January 30, 2009, page 144 and placed in members' bill files.)

Amendment No. 2(L.019), by Senator Shaffer B.

Amend printed bill, page 78, after line 4, insert the following:

"SECTION 5. 42-4-510 (1) (b) (II) (A), (1) (b) (II) (B), and (11)
(a) (VI) (B), Colorado Revised Statutes, are amended, and the said
42-4-510 (11) (a) (VI) is further amended BY THE ADDITION OF THE
FOLLOWING NEW SUB-SUBPARAGRAPHS, to read:

**42-4-510. Permits for excess size and weight and for
manufactured homes - rules.** (1) (b) (II) An overweight permit issued
pursuant to this section shall be available for overweight divisible loads
if:

(A) The vehicle has a quad axle grouping AND THE MAXIMUM
GROSS WEIGHT OF THE VEHICLE DOES NOT EXCEED ONE HUNDRED TEN
THOUSAND POUNDS; OR

(B) The VEHICLE HAS A TRIPLE AXLE GROUPING ON THE TRAILER
AND THE maximum gross weight OF THE VEHICLE does not exceed ~~one~~
~~hundred ten~~ NINETY-SEVEN thousand pounds; AND

(11) (a) The department of transportation, the motor carrier
services division of the department of revenue, or the Colorado state
patrol may charge permit applicants permit fees as follows:

(VI) For overweight permits for divisible vehicles or loads
exceeding legal weight limits issued pursuant to subparagraph (II) of

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paragraph (b) of subsection (1) of this section:

(B) Single trip permit FOR A VEHICLE THAT HAS A QUAD AXLE GROUPING, thirty dollars plus ten dollars per axle; and

(D) SIX-MONTH PERMIT FOR A VEHICLE THAT HAS A TRIPLE AXLE GROUPING ON THE TRAILER, TWO HUNDRED FIFTY DOLLARS; AND

(E) SINGLE TRIP PERMIT FOR A VEHICLE THAT HAS A TRIPLE AXLE GROUPING ON THE TRAILER, FIFTEEN DOLLARS PLUS TEN DOLLARS PER AXLE."

Renumber succeeding sections accordingly.

Amendment No. 3(L.036), by Senator Gibbs.

Amend printed bill, page 9, line 14, strike "A" and substitute "EVERY";

strike lines 21 and 22 and substitute the following:

"DEFICIENT OR FUNCTIONALLY OBSOLETE, AND HAS BEEN RATED BY THE DEPARTMENT AS POOR, AS OF JANUARY 1, 2009, OR IS SUBSEQUENTLY SO IDENTIFIED AND RATED BY THE DEPARTMENT."

Amendment No. 4(L.039), by Senator Gibbs.

Amend printed bill, page 37, line 10, strike "(a)";

line 12, strike "(I)" and substitute "(a)";

line 21, strike "(II)" and substitute "(b)";

line 25, strike "(III)" and substitute "(c)".

Page 38, line 2, strike "INCLUDED IN THE";

strike line 3;

line 4, strike "43-1-1103 (5),";

strike lines 10 through 27.

Page 39, strike line 12 and substitute the following:

"DUTIES. THE GOVERNOR SHALL APPOINT ONE MEMBER WHO RESIDES WITHIN THE PLANNING AREA OF THE DENVER REGIONAL COUNCIL OF GOVERNMENTS, ONE MEMBER WHO RESIDES WITHIN THE PLANNING AREA OF THE PIKES PEAK AREA COUNCIL OF GOVERNMENTS, ONE MEMBER WHO RESIDES WITHIN THE PLANNING AREA OF THE NORTH FRONT RANGE METROPOLITAN PLANNING ORGANIZATION, AND ONE MEMBER WHO RESIDES WITHIN THE INTERSTATE 70 MOUNTAIN CORRIDOR."

Page 50, after line 22, insert the following:

(9) (a) THE TRANSPORTATION ENTERPRISE SHALL NOT SUPPLANT OR DUPLICATE THE SERVICES PROVIDED BY ANY PUBLIC MASS TRANSIT OPERATOR, AS DEFINED IN SECTION 43-1-102 (5), RAILROAD, PUBLIC HIGHWAY AUTHORITY CREATED PURSUANT TO PART 5 OF THIS ARTICLE, OR REGIONAL TRANSPORTATION AUTHORITY CREATED PURSUANT TO PART 6 OF THIS ARTICLE EXCEPT AS DESCRIBED IN DETAIL IN AN INTERGOVERNMENTAL AGREEMENT OR OTHER CONTRACTUAL AGREEMENT ENTERED INTO BY THE TRANSPORTATION ENTERPRISE AND THE OPERATOR, RAILROAD, OR AUTHORITY. THE CREATION OF AND UNDERTAKING OF SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS BY THE TRANSPORTATION ENTERPRISE PURSUANT TO THIS PART 8 IS NOT INTENDED TO DISCOURAGE ANY COMBINATION OF LOCAL GOVERNMENTS FROM FORMING A PUBLIC HIGHWAY AUTHORITY OR A REGIONAL TRANSPORTATION AUTHORITY.

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(b) MONEYS MADE AVAILABLE FOR ANY SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT PURSUANT TO THIS PART 8 SHALL NOT BE USED TO SUPPLANT EXISTING OR BUDGETED DEPARTMENT FUNDING FOR ANY PORTION OF THE STATE HIGHWAY SYSTEM WITHIN THE TERRITORY OF ANY TRANSPORTATION PLANNING REGION, AS DEFINED IN SECTION 43-1-1102 (8), THAT INCLUDES ANY PORTION OF THE PROJECT."

Renumber succeeding subsection accordingly.

Amendment No. 5(L.040), by Senator Gibbs.

Amend printed bill, page 50, strike lines 13 through 22 and substitute the following:

"(b) IN ORDER TO ENSURE THAT THE LIMITED RESOURCES AVAILABLE FOR THE COMPLETION OF MAJOR SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS ARE ALLOCATED ONLY TO PROJECTS DEEMED ESSENTIAL BY ALL IMPACTED METROPOLITAN PLANNING ORGANIZATIONS AND OTHER TRANSPORTATION PLANNING REGIONS, EVERY METROPOLITAN PLANNING ORGANIZATION OR OTHER TRANSPORTATION PLANNING REGION THAT INCLUDES TERRITORY IN WHICH ALL OR ANY PORTION OF A PROPOSED SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT THAT WILL ADD SUBSTANTIAL TRANSPORTATION CAPACITY OR SIGNIFICANTLY ALTER TRAFFIC PATTERNS IS TO BE COMPLETED SHALL HAVE THE RIGHT TO PARTICIPATE IN THE PLANNING AND DEVELOPMENT, AND APPROVE THE COMPLETION, OF THE PROJECT. THE RIGHT OF PARTICIPATION SHALL EXTEND, WITHOUT LIMITATION, TO DECISIONS REGARDING THE SCOPE OF THE PROJECT, THE TYPE OF SURFACE TRANSPORTATION INFRASTRUCTURE TO BE PROVIDED, PROJECT FINANCING, ALLOCATION OF PROJECT REVENUES, AND THE MANNER IN WHICH ANY USER FEES ARE TO BE IMPOSED. A SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT SHALL NOT PROCEED PAST THE PLANNING STAGE UNTIL ALL METROPOLITAN PLANNING ORGANIZATIONS ENTITLED TO PARTICIPATE IN THE PLANNING, DEVELOPMENT, AND APPROVAL PROCESS, INCLUDING THE TRANSPORTATION ENTERPRISE AND ANY PARTNER OF THE ENTERPRISE UNDER THE TERMS OF A PUBLIC-PRIVATE PARTNERSHIP, HAVE APPROVED THE PROJECT."

Page 66, strike line 10 and substitute the following:

"REVENUES FOR COST-EFFECTIVE MULTIMODAL TRANSPORTATION PROJECTS THAT PROMOTE MOBILITY, REDUCTIONS IN EMISSIONS OF GREENHOUSE GASES, AND ENERGY EFFICIENCY."

Amendment No. 6(L.025), by Senator Gibbs.

Amend printed bill, page 7, strike lines 11 through 17.

Reletter succeeding paragraph accordingly.

Page 11, strike line 27.

Page 12, strike lines 1 and 2.

Renumber succeeding subsections accordingly.

Page 67, strike lines 11 through 27.

Strike pages 68 through 74.

Page 75, strike lines 1 through 23.

Renumber succeeding C.R.S. section accordingly.

Page 82, line 2, strike "43-4-803 (23);" and substitute "43-4-803 (21);"; line 5, strike "43-4-811," and substitute "43-4-810,".

Page 83, line 4, strike "43-4-803 (23)." and substitute "43-4-803 (21)."

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Page 84, line 1, strike "43-4-803 (23)." and substitute "43-4-803 (21).".

Amendment No. 7(L.023), by Senator Hodge.

Amend the Finance Committee Report, dated January 29, 2009, page 1, strike lines 1 and 2 and substitute the following:

"Amend printed bill, page 14, strike lines 24 and 25 and substitute the following:

"SUBPARAGRAPHS (IV) AND (V) OF THIS PARAGRAPH (a), THE AMOUNT OF THE SURCHARGE SHALL BE:";

strike line 17 of the committee report and substitute the following:

"Page 19, strike line 27.

Page 20, strike lines 1 through 17.

Page 28, strike lines 20 through 27.

Re-number succeeding subparagraphs accordingly."

Page 2 of the committee report, line 2, strike ""(VII)" and substitute ""(VI)".

Amendment No. 8(L.022), by Senator Hodge.

Amend printed bill, page 55, line 22, strike "**limitations.**" and substitute "**prohibition on tolling of existing toll-free lanes.**".

Page 65, strike lines 21 through 27.

Page 66, strike lines 1 through 5.

Re-letter succeeding paragraphs accordingly.

Page 66, after line 10, insert the following:

"(4) A TOLL HIGHWAY OPERATED BY THE TRANSPORTATION ENTERPRISE OR OPERATED BY ANY PARTNER OF THE ENTERPRISE UNDER THE TERMS OF A PUBLIC-PRIVATE PARTNERSHIP MAY NOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT PURSUANT TO SECTION 42-4-1012, C.R.S."

Amendment No. 9(L.030), by Senator Hodge.

Amend printed bill, page 18, strike lines 16 through 25 and substitute the following:

(c) (I) A SUPPLEMENTAL OVERSIZE AND OVERWEIGHT VEHICLE SURCHARGE IN AN AMOUNT EQUAL TO THE AMOUNT OF THE FEE CHARGED PURSUANT TO SECTION 42-4-510 (11) (a), C.R.S., BY THE DEPARTMENT, THE MOTOR CARRIER SERVICES DIVISION OF THE DEPARTMENT OF REVENUE, OR THE COLORADO STATE PATROL FOR THE ISSUANCE OF THE SINGLE TRIP PERMIT; EXCEPT THAT THE SURCHARGE SHALL NOT BE IMPOSED ON A VEHICLE IF THE SINGLE TRIP PERMIT FEE WAS IMPOSED PURSUANT TO SECTION 42-4-510 (11) (a) (VI) (B), C.R.S.";

line 26, strike "A LONGER VEHICLE COMBINATION OR" and substitute "AN";

line 27, after "VEHICLE", insert "SINGLE TRIP".

Page 19, strike lines 1 through 4 and substitute the following:

"SUPPLEMENTAL OVERSIZE AND OVERWEIGHT VEHICLE SURCHARGE AT THE SAME TIME AS IT COLLECTS THE SINGLE TRIP PERMIT FEE. THE AGENCY SHALL FORWARD ALL SUPPLEMENTAL OVERSIZE AND OVERWEIGHT

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VEHICLE SURCHARGES TO THE".

 Senator Shaffer moved that the Committee of the Whole rise, report progress, and beg
 leave to sit again at 4:00 p.m.. A majority of those elected to the Senate having voted in
 the affirmative, the motion was adopted.

 Committee of the Whole in recess

COMMITTEE OF REFERENCE REPORTS

Business,
 Labor, &
 Technology

After consideration on the merits, the Committee recommends that **SB09-026** be amended
 as follows, and as so amended, be referred to the Committee on Appropriations with
 favorable recommendation.

Amend printed bill, page 6, line 9, after "TITLE;", insert "OCCUPATIONAL
 THERAPY, AS DEFINED IN ARTICLE 40.5 OF THIS TITLE;"

Page 22, line 5, strike "FOR THE SECOND OR";
 strike lines 6 and 7.

Local
 Government
 and Energy

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

MEMBER OF THE
 PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO

effective January 13, 2009 for a term expiring the Monday preceding the second Tuesday
 in January, 2013:

James K. Tarpey of Englewood, Colorado, a Republican, reappointed.

Local
 Government
 and Energy

After consideration on the merits, the Committee recommends that **SB09-019** be
 postponed indefinitely.

Local
 Government
 and Energy

After consideration on the merits, the Committee recommends that **SB09-006** be amended
 as follows, and as so amended, be referred to the Committee on Appropriations with
 favorable recommendation.

Amend printed bill, page 3, line 2, strike "A NEW SECTION" and
 substitute "THE FOLLOWING NEW SECTIONS";

line 11, strike "COUNTIES" and substitute "COUNTIES, THE CITY AND
 COUNTY OF DENVER,";

line 18, strike "SHALL" and substitute "SHALL, UPON THE PRISONER
 MEETING ALL OF THE REQUIREMENTS FOR OBTAINING AN IDENTIFICATION
 CARD,";

line 21, strike "COUNTY JAIL; EXCEPT THAT THE" and substitute "COUNTY
 JAIL. THE".

Page 4, line 3, strike "AT A MINIMUM, THE" and substitute "THE";

line 5, strike "SUBSECTION (1) AT LEAST THREE TIMES PER WEEK." and
 substitute "SUBSECTION (1).";

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

Page 5, after line 3, insert the following:

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"42-2-312. County jail identification processing unit fund. THE DEPARTMENT OF REVENUE IS AUTHORIZED TO ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF IMPLEMENTING SECTION 42-2-311; EXCEPT THAT NO GIFT, GRANT, OR DONATION MAY BE ACCEPTED BY THE STATE TREASURER IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER LAW OF THE STATE. ALL MONEYS COLLECTED PURSUANT TO THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE COUNTY JAIL IDENTIFICATION PROCESSING UNIT FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF SECTION 42-2-311. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.";

after line 10, insert the following:

"SECTION 4. Effective date. This act shall take effect July 1, 2010."

Renumber succeeding section accordingly.

MESSAGE FROM THE HOUSE

February 4, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1004.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1128, amended as printed in House Journal, February 3, pages 225-226.

HB09-1139, amended as printed in House Journal, February 3, page 226.

HB09-1080, amended as printed in House Journal, February 3, pages 226-227.

HB09-1090, amended as printed in House Journal, February 3, page 227.

HB09-1066, amended as printed in House Journal, February 3, pages 227-228.

MESSAGE FROM THE REVISOR OF STATUTES

February 4, 2009

We herewith transmit:

Without comment, HB09-1004.

Without comment, as amended, HB09-1066, 1080, 1090, 1128, and 1139.

Senate in recess. Senate reconvened.

Committee of the Whole

Senator Boyd moved that the Senate resolve itself into the Committee of the Whole for continuation of Consideration of Special Orders -- Second Reading of Bills and Senator Boyd was called to the Chair to act as Chairman.

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SPECIAL ORDERS -- SECOND READING OF BILLS (cont.)Amendment No. 10(L.047), by Senators Brophy and Gibbs.

Amend printed bill, page 67, line 8, strike "All" and substitute "SUBJECT TO ANY COMPETITIVE BIDDING REQUIREMENTS SPECIFIED IN LAW, ALL";

line 10, strike "ENTERPRISE." and substitute "ENTERPRISE, INCLUDING BUT NOT LIMITED TO THE PROVISIONS OF ARTICLE 17 OF TITLE 8, C.R.S., THAT REQUIRE EIGHTY PERCENT OF THE TOTAL LABOR FORCE EMPLOYED ON A PUBLIC WORKS PROJECT TO BE COLORADO LABOR, AND THE BRIDGE ENTERPRISE AND THE TRANSPORTATION ENTERPRISE SHALL GIVE PREFERENCE TO COLORADO BUSINESSES WHEN CONTRACTING IN CONNECTION WITH, RESPECTIVELY, DESIGNATED BRIDGE PROJECTS AND SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS.".

Amendment No. 11(L.038), by Senator Gibbs.

Amend printed bill, page 65, line 15, strike "LAW, THE";

strike lines 16 through 20 and substitute the following:

"LAW AND SUBJECT TO THE REQUIREMENTS OF SECTION 43-4-806 (8) AND ANY LIMITATIONS SET FORTH IN THE STATE CONSTITUTION OR IN FEDERAL LAW, THE TRANSPORTATION ENTERPRISE MAY:";

line 21, before "OR", insert "SEGMENT";

strike lines 26 and 27.

Page 66, strike lines 1 through 5 and substitute the following:

"(II) IT HAS OBTAINED THE APPROVAL OF EVERY LOCAL GOVERNMENT THAT INCLUDES TERRITORY IN WHICH ALL OR ANY PORTION OF THE HIGHWAY SEGMENT OR HIGHWAY LANES UPON WHICH THE USER FEE IS TO BE IMPOSED PASS OR THAT WILL OTHERWISE BE SUBSTANTIALLY IMPACTED BY THE IMPOSITION OF THE USER FEES ON THE HIGHWAY SEGMENT OR HIGHWAY LANES.".

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

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB09-108 by Senator(s) Gibbs; also Representative(s) Rice--Concerning the improvement of the transportation system of the state, and, in connection therewith, providing additional sources of funding for transportation and modifying the transportation planning process.

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 09-108 did pass.

Amend the Finance Committee Report, dated January 29, 2009, page 1, line 8, strike "COMMERCIALY ONLY:" and substitute "COMMERCIALY:".

Page 2, line 6, strike "COMMERCIALY";

strike line 7 and substitute the following:

"COMMERCIALY:".

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

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

Senator Schultheis moved to amend the Report of the Committee of the Whole to show that the following Schultheis floor amendment, (L.048) to SB 09-108, did pass.

Amend printed bill, page 67, after line 10, insert the following:

"(6) THE BRIDGE ENTERPRISE AND THE TRANSPORTATION ENTERPRISE SHALL CONTRACT ONLY WITH CONTRACTORS WHO VERIFY THE LEGAL STATUS OF THEIR EMPLOYEES THROUGH USE OF THE FEDERAL E-VERIFICATION SYSTEM."

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

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

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the following Harvey floor amendment, (L.049) to SB 09-108, did pass.

Amend printed bill, page 67, after line 10, insert the following:

"(6) BRIDGE ENTERPRISE AND TRANSPORTATION ENTERPRISE CONTRACTS SHALL NOT BE SUBJECT TO DAVIS-BACON ACT MINIMUM WAGE REQUIREMENTS."

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

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

Senators Penry and King moved to amend the Report of the Committee of the Whole to show that the following Gibbs floor amendment, (L.038) to SB 09-108, did not pass.

Amend printed bill, page 65, line 15, strike "LAW, THE";

strike lines 16 through 20 and substitute the following:

"LAW AND SUBJECT TO THE REQUIREMENTS OF SECTION 43-4-806 (8) AND ANY LIMITATIONS SET FORTH IN THE STATE CONSTITUTION OR IN FEDERAL LAW, THE TRANSPORTATION ENTERPRISE MAY:";

line 21, before "OR", insert "SEGMENT";

strike lines 26 and 27.

Page 66, strike lines 1 through 5 and substitute the following:

"(II) IT HAS OBTAINED THE APPROVAL OF EVERY LOCAL GOVERNMENT THAT INCLUDES TERRITORY IN WHICH ALL OR ANY PORTION OF THE HIGHWAY SEGMENT OR HIGHWAY LANES UPON WHICH THE USER FEE IS TO BE IMPOSED PASS OR THAT WILL OTHERWISE BE SUBSTANTIALLY IMPACTED BY THE IMPOSITION OF THE USER FEES ON THE HIGHWAY SEGMENT OR HIGHWAY LANES."

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

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

Senator Gibbs moved to amend the Report of the Committee of the Whole to show that the following Hodge floor amendment, (L.022) to SB 09-108, did not pass.

Amend printed bill, page 55, line 22, strike "**limitations.**" and substitute "**prohibition on tolling of existing toll-free lanes.**".

Page 65, strike lines 21 through 27.

Page 66, strike lines 1 through 5.

Reletter succeeding paragraphs accordingly.

Page 66, after line 10, insert the following:

"(4) A TOLL HIGHWAY OPERATED BY THE TRANSPORTATION ENTERPRISE OR OPERATED BY ANY PARTNER OF THE ENTERPRISE UNDER THE TERMS OF A PUBLIC-PRIVATE PARTNERSHIP MAY NOT ELIMINATE PREVIOUSLY EXISTING HIGHWAY LANES THAT HAVE SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS EXCEPT PURSUANT TO SECTION 42-4-1012, C.R.S."

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	21	NO	14	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	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	Y
Heath	Y	Mitchell	N	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-108 as amended.

COMMITTEE OF REFERENCE REPORTS

Education

After consideration on the merits, the Committee recommends that **SB09-086** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 8, strike "PUBLIC,";

strike lines 9 through 11 and substitute the following:

"BACCALAUREATE AND GRADUATE ONLINE UNIVERSITY WITH THE MISSION IN COLORADO OF OFFERING UPPER DIVISION BACCALAUREATE DEGREE-COMPLETION PROGRAMS FOR NONTRADITIONAL STUDENTS IN PARTNERSHIP WITH THE COLORADO COMMUNITY COLLEGE SYSTEM AND SELECTED MASTER-LEVEL GRADUATE PROGRAMS. THE UNIVERSITY";

after line 13, insert the following:

"SECTION 2. 23-18-202 (5) (d) (I) (E) and (5) (d) (I) (F), Colorado Revised Statutes, are amended, and the said 23-18-202 (5) (d) (I) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

23-18-202. College opportunity fund - appropriations - payment of stipends - reimbursement. (5) (d) (I) An eligible undergraduate student and an institution of higher education shall not receive the payment of a stipend on behalf of an eligible undergraduate student for:

(E) Advanced placement courses; or

(F) Off-campus, extended campus, or continuing education classes that are not supported by state general fund moneys, except as approved by the commission, and, on or after July 1, 2007, except for classes or programs offered by an institution of higher education that has entered

into a performance contract with the department pursuant to section 23-5-129, and that an eligible undergraduate student who is a member of the armed forces or a dependent of a member of the armed forces attends for credit on a military base; OR

(G) CLASSES OFFERED BY AN INSTITUTION OF HIGHER EDUCATION THAT WAS ESTABLISHED AFTER JULY 1, 2007."

Renumber succeeding section accordingly.

Education After consideration on the merits, the Committee recommends that **SB09-112** be referred to the Committee of the Whole with favorable recommendation.

INTRODUCTION OF RESOLUTIONS

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

HJR09-1004 by Representative(s) Massey and Benefield, Acree, Apuan, Balmer, Baumgardner, Bradford, Carroll T., Casso, Court, Curry, Ferrandino, Fischer, Frangas, Gagliardi, Gardner B., Gardner C., Gerou, Green, Hullinghorst, Judd, Kefalas, Kerr A., Kerr J., King S., Labuda, Lambert, Levy, Liston, Looper, Marostica, May, McCann, McFadyen, McGihon, McKinley, McNulty, Merrifield, Middleton, Miklosi, Murray, Pace, Peniston, Pommer, Primavera, Priola, Rice, Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano, Sonnenberg, Soper, Stephens, Summers, Swalm, Tipton, Todd, Vaad, Vigil, Waller, Weissmann; also Senator(s) Boyd--Concerning civility in the Colorado general assembly.

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:

SB09-171 by Senator(s) Schwartz, Heath, Veiga; also Representative(s) Todd and Vigil, Liston, McFadyen, Rice, Solano--Concerning the use of moneys in the Colorado customized training program for new energy economy training programs.
Local Government and Energy

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

HB09-1007 by Representative(s) Frangas, Hullinghorst; also Senator(s) Newell, Boyd--Concerning improving child protection efforts by adding domestic violence experts to interagency oversight groups in the collaborative management program.
Health and Human Services

HB09-1024 by Representative(s) McNulty, Kerr J., Primavera; also Senator(s) Tochtrop, Isgar, Schultheis--Concerning the application of specified audit reporting requirements within the Colorado local government audit law to certain entities that are otherwise not required to comply with the requirements.
Local Government and Energy

HB09-1041 by Representative(s) Gerou; also Senator(s) Gibbs--Concerning a fire protection district board's authority to fix fees for emergency medical services.
Local Government and Energy
Finance

HB09-1045 by Representative(s) Casso; also Senator(s) Gibbs--Concerning recognition of September 11 as an optional state holiday.
State, Veterans & Military Affairs

- HB09-1052** by Representative(s) Waller; also Senator(s) Heath--Concerning limitations on the solicitation of donated items that will be sold for profit.
Business, Labor and Technology
- 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.
Health and Human Services
- HB09-1078** by Representative(s) Ryden; also Senator(s) Hodge--Concerning training for foster parents in regard to individualized education programs.
Health and Human Services
- HB09-1079** by Representative(s) Vaad, Marostica; also Senator(s) Renfroe--Concerning annexing adjacent municipalities to existing junior college districts.
Local Government and Energy
- HB09-1082** by Representative(s) Peniston; also Senator(s) Tochtrop--Concerning recording of public meetings of school district boards of education.
Education
- HB09-1083** by Representative(s) McFadyen, Pace; also Senator(s) Tapia, Penry--Concerning the authority of the state to enter into lease-purchase agreements for commercial space for the department of personnel in Pueblo county, Colorado.
State, Veterans & Military Affairs
- HB09-1091** by Representative(s) Soper and Court, McGihon, Merrifield, Todd; also Senator(s) Romer, Schwartz--Concerning a requirement that carbon monoxide alarms be installed in residential properties.
State, Veterans & Military Affairs
- HB09-1099** by Representative(s) Roberts and Kerr A., Massey, Merrifield; also Senator(s) Penry and Romer--Concerning the Colorado youth advisory council.
Education
- HB09-1101** by Representative(s) Benefield, Todd, Apuan, Ferrandino, Kefalas, Merrifield, Murray, Stephens; also Senator(s) Veiga, Hudak--Concerning the administration of sales tax collections by the department of revenue.
Finance
- HB09-1148** by Representative(s) Schafer S.; also Senator(s) Schwartz--Concerning the authority of the department of revenue to provide information about severance tax taxpayers to the department of local affairs.
Local Government and Energy
- HB09-1161** by Representative(s) Baumgardner, Bradford, Gardner C., King S., Looper, May, McNulty, Murray, Tipton; also Senator(s) Gibbs, White--Concerning a reduction in the time to provide written documentation supporting an oil and gas valuation statement.
Agriculture and Natural Resources

On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Thursday, February 5, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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