

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

98th Legislative Day Tuesday, April 14, 2009

Prayer By the chaplain, Dr. Timothy Tyler, Shorter Community AME Church, Denver.

Pledge By Senator Tochtrop.

Call to Order By the President at 9:00 a.m.

Roll Call Present--33
 Absent--1, Mitchell.
 Excused--1, Romer.
 Present later--2, Mitchell, Romer.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Carroll, reading of the Journal of Monday, April 13, 2009 was dispensed with and the Journal was approved as corrected by the Secretary.

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 Memorials--SM09-002.

CONSIDERATION OF MEMORIALS

SM09-002 by Senator(s) Tochtrop; --Memorializing former Senator Joan Johnson.

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

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB09-258** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 3, line 3, after "UNIT", insert "UNDER ITS OWN UNEMPLOYMENT ACCOUNTS AND TAX RATES";

line 21, after "UNIT", insert "UNDER ITS OWN UNEMPLOYMENT ACCOUNTS AND TAX RATES";

line 26, strike "EMPLOYER." and substitute "EMPLOYER BY NOTIFYING THE DIVISION NO LATER THAN THE END OF THE CURRENT CALENDAR QUARTER.".

Page 4, line 7, strike "~~fifty percent~~ ONE-THIRD" and substitute "fifty percent".

INTRODUCTION OF BILLS -- FIRST READING

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

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

HB09-1317 by Representative(s) Pace and McKinley, McFadyen, Curry, Gagliardi, Hullinghorst, Massey, Merrifield, Miklosi, Scanlan, Sonnenberg, Tipton, Vigil, Weissmann; also Senator(s) Kester, Isgar--Concerning state lands sought to be acquired by the federal government associated with the expansion of the Pinon Canyon maneuver site.
Agriculture and Natural Resources

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

SB09-180 by Senator(s) Tochtrop, Carroll M.; also Representative(s) Casso--Concerning collective bargaining by employees of public safety agencies.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, February 20, page 425 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 13, page 735 and placed in members' bill files.)

Amendment No. 3(L.007), by Senator Carroll.

Amend printed bill, page 3, line 7, strike "AND LAW ENFORCEMENT OFFICER";

strike line 14 and substitute the following:

"FIREFIGHTERS";

line 17, strike "AND LAW ENFORCEMENT";

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line 19, strike "AND LAW ENFORCEMENT OFFICERS"; 1
 line 20, strike "LEADS" and substitute "MAY LEAD"; 2
 line 22, strike "FIREFIGHTERS, LAW ENFORCEMENT OFFICERS," and 3
 substitute "FIREFIGHTERS". 4
 Page 4, strike lines 3 through 11. 5
 Reletter succeeding paragraph accordingly. 6
 Page 4, line 15, strike "AND LAW"; 7
 line 16, strike "ENFORCEMENT OFFICERS"; 8
 line 19, after "BARGAINING;" insert "AND"; 9
 line 20, strike "AND LAW"; 10
 line 21, strike "ENFORCEMENT OFFICERS"; 11
 line 22, strike "BARGAINING; AND" and substitute "BARGAINING."; 12
 strike lines 23 through 27. 13
 Page 5, strike lines 1 through 13; 14
 line 21, strike "ANY OF THE FOLLOWING," and substitute "ALL 15
 FIREFIGHTERS EMPLOYED BY THE SAME PUBLIC EMPLOYER,"; 16
 line 22, strike "(16)" and substitute "(14)"; 17
 line 23, strike "SECTION:" and substitute "SECTION."; 18
 strike lines 24 through 27. 19
 Page 6, strike lines 1 and 2; 20
 strike lines 25 and 26 and substitute the following: 21
 "(7) (a) "EMPLOYEE ORGANIZATION" MEANS AN ORGANIZATION 22
 THAT ADMITS". 23
 Page 7, line 1, strike "BARGAINING; OR" and substitute "BARGAINING."; 24
 strike lines 2 through 5; 25
 line 11, strike "OR LAW ENFORCEMENT OFFICERS"; 26
 strike lines 23 through 27. 27
 Page 8, strike lines 1 through 4. 28
 Renumber succeeding subsections accordingly. 29
 Page 8, strike lines 7 and 8 and substitute the following: 30
 "(12) "PUBLIC EMPLOYER" MEANS A MUNICIPALITY, INCLUDING A 31
 HOME RULE"; 32
 strike lines 12 through 14; 33
 strike lines 26 and 27 and substitute the following: 34
 "(14) "SUPERVISOR" MEANS THE CHIEF AND THE OFFICER OR 35
 OFFICERS". 36
 Page 9, strike lines 4 through 9; 37
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line 11, strike "OR LAW";

line 12, strike "ENFORCEMENT OFFICERS";

strike lines 14 and 15 and substitute the following:

"29-5-204. Rights of firefighters. (1) FIREFIGHTERS, INCLUDING THOSE".

Page 10, line 8, strike "OR LAW ENFORCEMENT";

line 9, strike "OFFICERS";

line 11, strike "OR LAW ENFORCEMENT OFFICERS";

line 17, strike "FIREFIGHTERS OR LAW" and substitute "FIREFIGHTERS,";

line 18, strike "ENFORCEMENT OFFICERS,".

Page 11, line 8, strike "OR LAW ENFORCEMENT OFFICERS";

line 10, strike "FIRE FIGHTER'S OR" and substitute "FIREFIGHTER'S";

line 11, strike "LAW ENFORCEMENT OFFICER'S".

Page 15, line 20, strike "OR LAW ENFORCEMENT OFFICERS";

line 23, strike "OR LAW ENFORCEMENT OFFICERS".

Page 18, line 14, strike "FIREFIGHTER, LAW" and substitute "FIREFIGHTER";

line 15, strike "ENFORCEMENT OFFICER,";

line 17, strike "OR LAW ENFORCEMENT OFFICER".

Page 19, line 4, strike "OR LAW";

line 5, strike "ENFORCEMENT OFFICERS";

line 8, strike "AND LAW ENFORCEMENT OFFICERS,";

line 17, strike "LAW";

strike line 18 and substitute "GROUP OF FIREFIGHTERS,";

line 19, strike "OFFICERS,";

line 20, strike "OR LAW ENFORCEMENT OFFICERS";

Page 20, line 7, strike "OR LAW ENFORCEMENT OFFICERS";

line 13, strike "FIREFIGHTER, LAW ENFORCEMENT";

line 14, strike "OFFICER," and substitute "FIREFIGHTER".

Amendment No. 4(L.11), by Senator Carroll.

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

"(3) NOTHING IN THIS PART 2 SHALL APPLY TO VOLUNTEER FIREFIGHTERS.".

Amendment No. 5(L.009), by Senator Carroll.

Amend printed bill, page 9, line 15, strike "INCLUDING THOSE";

strike lines 16 and 17 and substitute the following:

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"SHALL HAVE THE".

Page 19, strike lines 7 through 15 and substitute the following:

"(3) IF THERE IS AN EXISTING BARGAINING RELATIONSHIP OF FIREFIGHTERS CREATED BY CHARTER, ORDINANCE, RESOLUTION, OR VOLUNTARY RECOGNITION, THE EXISTING BARGAINING RELATIONSHIP SHALL REMAIN IN EFFECT AND THIS PART 2 SHALL NOT APPLY."

Amendment No. 6(L.12), by Senator Schwartz.

Amend printed bill, page 20, after line 16, insert the following:

"29-5-213. Employers with less than twenty-five employees applicability - opt-in. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS PART 2, PUBLIC EMPLOYERS THAT EMPLOY LESS THAN THIRTY FIREFIGHTERS ARE EXEMPT FROM THE PROVISIONS OF THIS PART 2 UNLESS THE FIREFIGHTERS AGREE BY A MAJORITY VOTE TO APPLICATION OF THIS PART 2 TO THE EMPLOYER AND EMPLOYEES."

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

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

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

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 17, pages 765-766 and placed in members' bill files.)

Amendment No. 2(L.009), by Senator Newell.

Strike the Judiciary Committee Report, dated March 16, 2009, and substitute the following:

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

"SECTION 1. 12-26.1-101, Colorado Revised Statutes, is amended to read:

12-26.1-101. Background checks at gun shows - penalty.

(1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, before a gun show vendor transfers or attempts to transfer a firearm at a gun show, he or she shall:

(a) require that a background check, in accordance with section 24-33.5-424, C.R.S., be conducted of the prospective transferee; and

(b) obtain approval of a transfer from the Colorado Bureau of Investigation after a background check has been requested by a licensed gun dealer, in accordance with section 24-33.5-424, C.R.S.

(1.5) (a) A TRANSFEREE WHO HOLDS A VALID PERMIT TO CARRY A CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED OR RENEWED PURSUANT TO SECTION 18-12-203, C.R.S., ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1.5), IS EXEMPT FROM THE BACKGROUND CHECK REQUIREMENT DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF:

(I) HE OR SHE PRESENTS THE PERMIT TO A GUN SHOW VENDOR TRANSFEROR AT THE TIME OF THE TRANSFER OR ATTEMPTED TRANSFER OF A FIREARM; AND

(II) THE GUN SHOW VENDOR TRANSFEROR CONTACTS THE COLORADO BUREAU OF INVESTIGATION AND CONFIRMS THE VALIDITY OF THE PERMIT, AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1.5).

(b) IF A TRANSFEREE PRESENTS TO A GUN SHOW VENDOR TRANSFEROR A PERMIT TO CARRY A CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED OR RENEWED PURSUANT TO SECTION 18-12-203, C.R.S., ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1.5) AND IS

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PRESENTED FOR THE PURPOSE OF EXEMPTING THE TRANSFEREE FROM THE BACKGROUND CHECK REQUIREMENT DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE GUN SHOW VENDOR TRANSFEROR SHALL CONTACT THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONFIRMING THE VALIDITY OF THE PERMIT.

(2) A gun show promoter shall arrange for the services of one or more licensed gun dealers on the premises of the gun show to obtain the background checks AND CONFIRMATIONS OF THE VALIDITY OF PERMITS TO CARRY A CONCEALED HANDGUN, WHICH BACKGROUND CHECKS AND CONFIRMATIONS ARE required by this article.

(3) If any part of a firearm transaction takes place at a gun show, no firearm shall be transferred unless a background check has been obtained by a licensed gun dealer OR THE TRANSFEREE IS EXEMPT FROM THE BACKGROUND CHECK REQUIREMENT PURSUANT TO SUBSECTION (1.5) OF THIS SECTION.

(4) Any person violating the provisions of this section commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S."

Renumber succeeding sections accordingly.

Page 3, after line 6, insert the following:

"SECTION 4. 18-12-206 (3) (a) and (3) (b), Colorado Revised Statutes, are amended to read:

18-12-206. Sheriff - issuance or denial of permits - report.

(3) (a) Each sheriff shall maintain a list of the persons to whom he or she issues permits pursuant to this part 2. Upon request by another criminal justice A LAW ENFORCEMENT agency for law enforcement purposes, the sheriff may, at his or her discretion, SHALL share information from the list of permittees with a THE law enforcement agency. for the purpose of determining the validity of a permit. A database maintained pursuant to this subsection (3) and any database operated by a state agency that includes permittees shall be searchable only by name.

(b) (I) ~~Notwithstanding the provisions of paragraph (a) of this subsection (3), on and after July 1, 2011, a sheriff shall not share information from the list of permittees with a law enforcement agency for the purpose of creating a statewide database of permittees, and any law enforcement agency that receives information concerning permittees from a sheriff shall not use the information to create or maintain a statewide database of permittees. Any information concerning a permittee that is included in a statewide database pursuant to paragraph (a) of this subsection (3) shall be removed from the database no later than July 1, 2011.~~ ON OR BEFORE OCTOBER 1, 2009, EACH SHERIFF SHALL SUBMIT THE LIST DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF ESTABLISHING THE STATEWIDE DATABASE CREATED IN SECTION 24-33.5-424.5, C.R.S. ON AND AFTER OCTOBER 1, 2009, EACH SHERIFF SHALL NOTIFY THE COLORADO BUREAU OF INVESTIGATION IMMEDIATELY UPON ISSUING, RENEWING, OR REVOKING A PERMIT FOR ANY PERSON.

(II) ~~Prior to the repeal in subparagraph (I) of this paragraph (b);~~ The state auditor's office shall conduct a performance audit of the statewide database of permittees as provided in section 2-3-118, C.R.S."

Renumber succeeding sections accordingly.

Page 3, strike lines 21 through 27 and substitute the following:

"SECTION 6. 18-12-211 (2), Colorado Revised Statutes, is amended to read:

18-12-211. Renewal of permits. (2) (a) A permittee who fails to file a renewal form on or before the permit expiration date may renew

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the permit by paying a late fee of fifteen dollars in addition to the renewal fee established pursuant to subsection (1) of this section. No permit shall be renewed six months or more after its expiration date, and the permit shall be deemed to have permanently expired. A person whose permit has permanently expired may reapply for a permit, but the person shall submit an application for a permit and the fee required pursuant to section 18-12-205. A person who knowingly and intentionally files false or misleading information or deliberately omits material information required under this section is subject to criminal prosecution for perjury under section 18-8-503.

(b) IF A PERMITTEE FAILS TO FILE A RENEWAL FORM ON OR BEFORE THE PERMIT EXPIRATION DATE, HIS OR HER PERMIT SHALL BE INVALID FROM THE PERMIT EXPIRATION DATE UNTIL SUCH TIME AS THE PERMIT IS RENEWED BY THE SHERIFF WHO ISSUED THE PERMIT.

SECTION 7. Part 2 of article 12 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

18-12-217. Exception to federal background check requirement. (1) (a) NOTWITHSTANDING 18 U.S.C. SEC. 922 (t) (1), A PERSON WHO HOLDS AND PRESENTS A VALID PERMIT TO CARRY A CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED OR RENEWED PURSUANT TO THE CRITERIA DESCRIBED IN SECTION 18-12-203 ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, SHALL NOT BE REQUIRED TO SUBMIT TO AN INSTANT CRIMINAL BACKGROUND CHECK, AS DESCRIBED IN SECTION 24-33.5-424, C.R.S., AS A PREREQUISITE TO RECEIVING THE TRANSFER OF A FIREARM IF:

(I) HE OR SHE PRESENTS THE PERMIT TO A LICENSED IMPORTER, MANUFACTURER, OR DEALER OF FIREARMS AT THE TIME OF THE TRANSFER OR ATTEMPTED TRANSFER OF A FIREARM; AND

(II) THE LICENSED IMPORTER, MANUFACTURER, OR DEALER OF FIREARMS CONTACTS THE COLORADO BUREAU OF INVESTIGATION AND CONFIRMS THE VALIDITY OF THE PERMIT, AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1).

(b) IF A PERSON PRESENTS TO A LICENSED IMPORTER, MANUFACTURER, OR DEALER OF FIREARMS A PERMIT TO CARRY A CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED OR RENEWED PURSUANT TO SECTION 18-12-203 ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION AND IS PRESENTED FOR THE PURPOSE OF EXEMPTING THE TRANSFEREE FROM AN INSTANT CRIMINAL BACKGROUND CHECK REQUIREMENT AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1), THE LICENSED IMPORTER, MANUFACTURER, OR DEALER OF FIREARMS SHALL CONTACT THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONFIRMING THE VALIDITY OF THE PERMIT.

(2) NOTWITHSTANDING 18 U.S.C. SEC. 922 (t) (1), A LICENSED IMPORTER, MANUFACTURER, OR DEALER OF FIREARMS SHALL NOT BE REQUIRED TO CONTACT THE COLORADO BUREAU OF INVESTIGATION OR THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AS DESCRIBED IN SECTION 24-33.5-424, C.R.S., BEFORE TRANSFERRING POSSESSION OF A FIREARM TO A PERSON WHO HOLDS AND PRESENTS A VALID PERMIT TO CARRY A CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED OR RENEWED PURSUANT TO THE CRITERIA DESCRIBED IN SECTION 18-12-203 ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, IF, PRIOR TO TRANSFERRING POSSESSION OF THE FIREARM, THE LICENSED IMPORTER, MANUFACTURER, OR DEALER CONTACTS THE COLORADO BUREAU OF INVESTIGATION AND CONFIRMS THE VALIDITY OF THE PERMIT, AS DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION.

SECTION 8. Part 4 of article 33.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-33.5-424.5. Statewide database of concealed handgun

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permittees. (1) ON OR BEFORE APRIL 1, 2010, THE COLORADO BUREAU OF INVESTIGATION SHALL ESTABLISH A STATEWIDE DATABASE OF PERSONS TO WHOM CONCEALED HANDGUN PERMITS HAVE BEEN ISSUED BY SHERIFFS PURSUANT TO SECTION 18-12-206, C.R.S. THE BUREAU SHALL ADMINISTER THE DATABASE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

(2) UPON RECEIVING NOTICE FROM A SHERIFF OF THE ISSUANCE, RENEWAL, OR REVOCATION OF A PERMIT FOR ANY PERSON PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 12 OF TITLE 18, C.R.S., THE COLORADO BUREAU OF INVESTIGATION SHALL UPDATE THE DATABASE ACCORDINGLY.

(3) (a) UPON REQUEST BY A LAW ENFORCEMENT AGENCY FOR A LAW ENFORCEMENT PURPOSE, THE COLORADO BUREAU OF INVESTIGATION SHALL SHARE INFORMATION FROM THE DATABASE WITH THE LAW ENFORCEMENT AGENCY.

(b) UPON REQUEST BY A TRANSFEROR OF A FIREARM FOR THE PURPOSE OF CONFIRMING THE VALIDITY OF A CONCEALED HANDGUN PERMIT, WHICH PERMIT IS PRESENTED BY A PERSON FOR THE PURPOSE OF EXEMPTING THE PERSON FROM A CRIMINAL BACKGROUND CHECK AS DESCRIBED IN SECTION 12-26.1-101 (1.5) OR 18-12-217, C.R.S., THE COLORADO BUREAU OF INVESTIGATION SHALL SHARE INFORMATION FROM THE DATABASE WITH THE FIREARM TRANSFEROR.

SECTION 9. Act subject to petition - effective date. (1) This act shall take effect April 1, 2010.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later."

Strike page 4."

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.)

HB09-1042 by Representative(s) Merrifield; also Senator(s) Gibbs--Concerning a prohibition on a slow-moving motor vehicle impeding highway traffic.

Amendment No. 1(L.010), by Senator Schwartz.

Amend reengrossed bill, page 2, strike lines 4 through 13 and substitute the following:

"42-4-1103. Minimum speed regulation. (1) (a) ~~No person shall drive a motor vehicle on any highway at such a slow speed as to impede or block the normal and reasonable forward movement of traffic;~~ Except when a reduced speed is necessary for safe operation of such A MOTOR vehicle or in compliance with law, NO PERSON SHALL DRIVE A MOTOR VEHICLE ON A ROADWAY WITH A SPEED LIMIT OF MORE THAN THIRTY-FIVE MILES PER HOUR AT SUCH A SLOW SPEED AS TO IMPEDE OR BLOCK THE NORMAL AND REASONABLE FORWARD MOVEMENT OF:

(I) TRAFFIC; AND

(II) FIVE OR MORE MOTOR VEHICLES FOLLOWING IMMEDIATELY BEHIND.

(b) EXCEPT WHEN A REDUCED SPEED IS NECESSARY FOR SAFE OPERATION OF A MOTOR VEHICLE OR IN COMPLIANCE WITH LAW, NO PERSON SHALL DRIVE A MOTOR VEHICLE ON A ROADWAY WITH A SPEED

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LIMIT OF THIRTY-FIVE MILES PER HOUR OR LESS AT SUCH A SLOW SPEED AS TO IMPEDE OR BLOCK THE NORMAL AND REASONABLE FORWARD MOVEMENT OF TRAFFIC."

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

SB09-235 by Senator(s) Gibbs and Isgar; also Representative(s) Merrifield--Concerning certain fees charged by the division of wildlife.

Amendment No. 1(L.020), by Senator Penry.

Amend printed bill, page 6, line 8, after "(a)", insert "(I)";

line 16, strike "funds" and substitute "funds, INCLUDING PROJECTS PROPOSED PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (a),";

after line 17, insert the following:

"(II) FIVE HUNDRED THOUSAND DOLLARS OF MONEYS RECEIVED FROM ISSUANCE OF COLORADO WILDLIFE HABITAT STAMPS SHALL BE MADE AVAILABLE ANNUALLY FOR USE BY THE COLORADO WATER CONSERVATION BOARD FOR THE PURPOSES AND UNDER SUCH CONDITIONS DESCRIBED IN THIS SUBPARAGRAPH (II). IN ORDER TO QUALIFY FOR HABITAT STAMP MONEYS UNDER THIS SUBPARAGRAPH (II), THE COLORADO WATER CONSERVATION BOARD MUST HAVE EXPENDED ALL MONEYS AVAILABLE FOR THE COSTS OF ACQUIRING WATER, WATER RIGHTS, AND INTERESTS IN WATER FOR INSTREAM FLOW USE FROM THE MONEYS APPROPRIATED FROM THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND FOR THE CURRENT FISCAL YEAR PURSUANT TO SECTION 37-60-123.7, C.R.S. IN SUCH CASE, THE COLORADO WATER CONSERVATION BOARD SHALL APPLY TO THE COMMISSION AND THE DIRECTOR FOR ALL OR A PORTION OF THE FIVE HUNDRED THOUSAND DOLLARS, AS NEEDED, TO ACQUIRE WATER, WATER RIGHTS, OR INTERESTS IN WATER PURSUANT TO SECTION 37-92-102 (3), C.R.S., AND SUBJECT TO THE LIMITATIONS ON EXPENDITURES SET FORTH IN SECTION 37-60-123.7, C.R.S. THE COMMISSION MAY APPROVE THE APPLICATION IF, IN THE JUDGMENT OF THIS COMMISSION, IT IS NECESSARY, SUITABLE, OR PROPER FOR WILDLIFE PURPOSES OR FOR THE PRESERVATION OR CONSERVATION OF WILDLIFE. ANY APPROVAL SHALL CONTAIN A STIPULATION THAT THE COLORADO WATER CONSERVATION BOARD RETURN ANY EXCESS OR UNEXPENDED HABITAT STAMP MONEYS, WHICH MONEYS SHALL THEN BE USED TOWARD THE PURPOSES SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a)."

Page 7, line 13, after "made", insert "BY THE COMMISSION".

Page 9, after line 4, insert the following:

"SECTION 8. 37-60-123.7, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

37-60-123.7. Acquisitions of water for instream flows. (1.5) IN ANY YEAR THAT THE BOARD EXPENDS ALL OF THE MONEYS AVAILABLE FOR THE COSTS OF ACQUIRING WATER, WATER RIGHTS, AND INTERESTS IN WATER FOR INSTREAM FLOW USE FROM THE MONEYS THAT HAVE BEEN APPROPRIATED FOR THE CURRENT FISCAL YEAR FROM THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND PURSUANT TO THIS SECTION, THE BOARD SHALL APPLY TO THE WILDLIFE COMMISSION FOR ALL OR ANY PORTION OF THE FIVE HUNDRED THOUSAND DOLLARS FROM HABITAT STAMP MONEYS MADE AVAILABLE PURSUANT TO SECTION 33-4-102.7 (4) (a) (II), C.R.S. ANY HABITAT STAMP MONEYS RECEIVED SHALL BE USED TO ACQUIRE WATER, WATER RIGHTS, OR INTERESTS IN WATER PURSUANT TO SECTION 37-92-102 (3), C.R.S., SUBJECT TO THE LIMITATIONS SET FORTH IN THIS SECTION."

Renumber succeeding section accordingly.

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Amendment No. 2(L.019), by Senator Penry.

Amend printed bill, page 6, line 17, after the period, add "IN CONSULTATION WITH THE HABITAT STAMP COMMITTEE, THE WILDLIFE COMMISSION SHALL, IN ITS DISCRETION, ENSURE THAT SUFFICIENT PRIORITY IS GIVEN TO THE CONSERVATION AND PROTECTION OF WINTER RANGE AND VITAL HABITATS FOR DEER, ELK, AND OTHER BIG GAME WILDLIFE SPECIES IN THE ALLOCATION OF REVENUES PURSUANT TO THIS SECTION."

Amendment No. 3(L.021), by Senators Brophy and Penry.

Amend printed bill, page 6, line 17, after the period, add "IN CONSULTATION WITH THE HABITAT STAMP COMMITTEE, THE WILDLIFE COMMISSION SHALL, IN ITS DISCRETION, ENSURE THAT SUFFICIENT PRIORITY IS GIVEN TO IMPROVE ACCESS FOR ANGLERS TO THE WATERS OF THE STATE."

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB09-180 by Senator(s) Tochtrop, Carroll M.; also Representative(s) Casso--Concerning collective bargaining by employees of public safety agencies.

Senator Tochtrop moved to amend the Report of the Committee of the Whole to show that SB 09-180, as amended, did pass.

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

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

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the following Mitchell floor amendment, (L.013) to SB 09-180, did pass.

Amend printed bill, page 18, line 14, before "A", insert "(1);

after line 19, insert the following:

"(2) IF A STRIKE OCCURS IN VIOLATION OF THIS SECTION:

(a) AN EMPLOYEE WHO PARTICIPATES IN THE STRIKE SHALL BE TERMINATED FROM EMPLOYMENT.

(b) THE BARGAINING UNIT INVOLVED IN THE STRIKE SHALL BE DECERTIFIED."

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		

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

Senator Brophy moved to amend the Report of the Committee of the Whole to show that the following Newell floor amendment, (L.009) to HB 09-1180, did not pass.

Strike the Judiciary Committee Report, dated March 16, 2009, and substitute the following:

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

"SECTION 1. 12-26.1-101, Colorado Revised Statutes, is amended to read:

12-26.1-101. Background checks at gun shows - penalty. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, before a gun show vendor transfers or attempts to transfer a firearm at a gun show, he or she shall:

(a) require that a background check, in accordance with section 24-33.5-424, C.R.S., be conducted of the prospective transferee; and

(b) obtain approval of a transfer from the Colorado Bureau of Investigation after a background check has been requested by a licensed gun dealer, in accordance with section 24-33.5-424, C.R.S.

(1.5) (a) A TRANSFEREE WHO HOLDS A VALID PERMIT TO CARRY A CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED OR RENEWED PURSUANT TO SECTION 18-12-203, C.R.S., ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1.5), IS EXEMPT FROM THE BACKGROUND CHECK REQUIREMENT DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF:

(I) HE OR SHE PRESENTS THE PERMIT TO A GUN SHOW VENDOR TRANSFEROR AT THE TIME OF THE TRANSFER OR ATTEMPTED TRANSFER OF A FIREARM; AND

(II) THE GUN SHOW VENDOR TRANSFEROR CONTACTS THE COLORADO BUREAU OF INVESTIGATION AND CONFIRMS THE VALIDITY OF THE PERMIT, AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1.5).

(b) IF A TRANSFEREE PRESENTS TO A GUN SHOW VENDOR TRANSFEROR A PERMIT TO CARRY A CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED OR RENEWED PURSUANT TO SECTION 18-12-203, C.R.S., ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1.5) AND IS PRESENTED FOR THE PURPOSE OF EXEMPTING THE TRANSFEREE FROM THE BACKGROUND CHECK REQUIREMENT DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE GUN SHOW VENDOR TRANSFEROR SHALL CONTACT THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONFIRMING THE VALIDITY OF THE PERMIT.

(2) A gun show promoter shall arrange for the services of one or more licensed gun dealers on the premises of the gun show to obtain the background checks AND CONFIRMATIONS OF THE VALIDITY OF PERMITS TO CARRY A CONCEALED HANDGUN, WHICH BACKGROUND CHECKS AND CONFIRMATIONS ARE required by this article.

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(3) If any part of a firearm transaction takes place at a gun show, no firearm shall be transferred unless a background check has been obtained by a licensed gun dealer OR THE TRANSFEREE IS EXEMPT FROM THE BACKGROUND CHECK REQUIREMENT PURSUANT TO SUBSECTION (1.5) OF THIS SECTION.

(4) Any person violating the provisions of this section commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S."

Renumber succeeding sections accordingly.

Page 3, after line 6, insert the following:

"SECTION 4. 18-12-206 (3) (a) and (3) (b), Colorado Revised Statutes, are amended to read:

18-12-206. Sheriff - issuance or denial of permits - report. (3) (a) Each sheriff shall maintain a list of the persons to whom he or she issues permits pursuant to this part 2. Upon request by another criminal justice A LAW ENFORCEMENT agency for law enforcement purposes, the sheriff may, at his or her discretion, SHALL share information from the list of permittees with a THE law enforcement agency. for the purpose of determining the validity of a permit. A database maintained pursuant to this subsection (3) and any database operated by a state agency that includes permittees shall be searchable only by name.

(b) (I) ~~Notwithstanding the provisions of paragraph (a) of this subsection (3), on and after July 1, 2011, a sheriff shall not share information from the list of permittees with a law enforcement agency for the purpose of creating a statewide database of permittees, and any law enforcement agency that receives information concerning permittees from a sheriff shall not use the information to create or maintain a statewide database of permittees. Any information concerning a permittee that is included in a statewide database pursuant to paragraph (a) of this subsection (3) shall be removed from the database no later than July 1, 2011.~~ ON OR BEFORE OCTOBER 1, 2009, EACH SHERIFF SHALL SUBMIT THE LIST DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF ESTABLISHING THE STATEWIDE DATABASE CREATED IN SECTION 24-33.5-424.5, C.R.S. ON AND AFTER OCTOBER 1, 2009, EACH SHERIFF SHALL NOTIFY THE COLORADO BUREAU OF INVESTIGATION IMMEDIATELY UPON ISSUING, RENEWING, OR REVOKING A PERMIT FOR ANY PERSON.

(II) ~~Prior to the repeal in subparagraph (I) of this paragraph (b),~~ The state auditor's office shall conduct a performance audit of the statewide database of permittees as provided in section 2-3-118, C.R.S."

Renumber succeeding sections accordingly.

Page 3, strike lines 21 through 27 and substitute the following:

"SECTION 6. 18-12-211 (2), Colorado Revised Statutes, is amended to read:

18-12-211. Renewal of permits. (2) (a) A permittee who fails to file a renewal form on or before the permit expiration date may renew the permit by paying a late fee of fifteen dollars in addition to the renewal fee established pursuant to subsection (1) of this section. No permit shall be renewed six months or more after its expiration date, and the permit shall be deemed to have permanently expired. A person whose permit has permanently expired may reapply for a permit, but the person shall submit an application for a permit and the fee required pursuant to section 18-12-205. A person who knowingly and intentionally files false or misleading information or deliberately omits material information required under this section is subject to criminal prosecution for perjury under section 18-8-503.

(b) IF A PERMITTEE FAILS TO FILE A RENEWAL FORM ON OR BEFORE THE PERMIT EXPIRATION DATE, HIS OR HER PERMIT SHALL BE INVALID FROM THE PERMIT EXPIRATION DATE UNTIL SUCH TIME AS THE PERMIT IS RENEWED BY THE SHERIFF WHO ISSUED THE PERMIT.

SECTION 7. Part 2 of article 12 of title 18, Colorado Revised Statutes, is

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amended BY THE ADDITION OF A NEW SECTION to read:

18-12-217. Exception to federal background check requirement.

(1) (a) NOTWITHSTANDING 18 U.S.C. SEC. 922 (t) (1), A PERSON WHO HOLDS AND PRESENTS A VALID PERMIT TO CARRY A CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED OR RENEWED PURSUANT TO THE CRITERIA DESCRIBED IN SECTION 18-12-203 ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, SHALL NOT BE REQUIRED TO SUBMIT TO AN INSTANT CRIMINAL BACKGROUND CHECK, AS DESCRIBED IN SECTION 24-33.5-424, C.R.S., AS A PREREQUISITE TO RECEIVING THE TRANSFER OF A FIREARM IF:

(I) HE OR SHE PRESENTS THE PERMIT TO A LICENSED IMPORTER, MANUFACTURER, OR DEALER OF FIREARMS AT THE TIME OF THE TRANSFER OR ATTEMPTED TRANSFER OF A FIREARM; AND

(II) THE LICENSED IMPORTER, MANUFACTURER, OR DEALER OF FIREARMS CONTACTS THE COLORADO BUREAU OF INVESTIGATION AND CONFIRMS THE VALIDITY OF THE PERMIT, AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1).

(b) IF A PERSON PRESENTS TO A LICENSED IMPORTER, MANUFACTURER, OR DEALER OF FIREARMS A PERMIT TO CARRY A CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED OR RENEWED PURSUANT TO SECTION 18-12-203 ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION AND IS PRESENTED FOR THE PURPOSE OF EXEMPTING THE TRANSFEREE FROM AN INSTANT CRIMINAL BACKGROUND CHECK REQUIREMENT AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1), THE LICENSED IMPORTER, MANUFACTURER, OR DEALER OF FIREARMS SHALL CONTACT THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONFIRMING THE VALIDITY OF THE PERMIT.

(2) NOTWITHSTANDING 18 U.S.C. SEC. 922 (t) (1), A LICENSED IMPORTER, MANUFACTURER, OR DEALER OF FIREARMS SHALL NOT BE REQUIRED TO CONTACT THE COLORADO BUREAU OF INVESTIGATION OR THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AS DESCRIBED IN SECTION 24-33.5-424, C.R.S., BEFORE TRANSFERRING POSSESSION OF A FIREARM TO A PERSON WHO HOLDS AND PRESENTS A VALID PERMIT TO CARRY A CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED OR RENEWED PURSUANT TO THE CRITERIA DESCRIBED IN SECTION 18-12-203 ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, IF, PRIOR TO TRANSFERRING POSSESSION OF THE FIREARM, THE LICENSED IMPORTER, MANUFACTURER, OR DEALER CONTACTS THE COLORADO BUREAU OF INVESTIGATION AND CONFIRMS THE VALIDITY OF THE PERMIT, AS DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION.

SECTION 8. Part 4 of article 33.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-33.5-424.5. Statewide database of concealed handgun permittees.

(1) ON OR BEFORE APRIL 1, 2010, THE COLORADO BUREAU OF INVESTIGATION SHALL ESTABLISH A STATEWIDE DATABASE OF PERSONS TO WHOM CONCEALED HANDGUN PERMITS HAVE BEEN ISSUED BY SHERIFFS PURSUANT TO SECTION 18-12-206, C.R.S. THE BUREAU SHALL ADMINISTER THE DATABASE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

(2) UPON RECEIVING NOTICE FROM A SHERIFF OF THE ISSUANCE, RENEWAL, OR REVOCATION OF A PERMIT FOR ANY PERSON PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 12 OF TITLE 18, C.R.S., THE COLORADO BUREAU OF INVESTIGATION SHALL UPDATE THE DATABASE ACCORDINGLY.

(3) (a) UPON REQUEST BY A LAW ENFORCEMENT AGENCY FOR A LAW ENFORCEMENT PURPOSE, THE COLORADO BUREAU OF INVESTIGATION SHALL SHARE INFORMATION FROM THE DATABASE WITH THE LAW ENFORCEMENT AGENCY.

(b) UPON REQUEST BY A TRANSFEROR OF A FIREARM FOR THE PURPOSE OF CONFIRMING THE VALIDITY OF A CONCEALED HANDGUN PERMIT, WHICH PERMIT IS PRESENTED BY A PERSON FOR THE PURPOSE OF EXEMPTING THE PERSON FROM A CRIMINAL BACKGROUND CHECK AS DESCRIBED IN SECTION 12-26.1-101 (1.5) OR 18-12-217, C.R.S., THE COLORADO BUREAU OF INVESTIGATION SHALL SHARE INFORMATION FROM THE DATABASE WITH THE FIREARM TRANSFEROR.

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SECTION 9. Act subject to petition - effective date. (1) This act shall take effect April 1, 2010.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later."

Strike page 4."

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	Y
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		

Senator Boyd moved to amend the Report of the Committee of the Whole to show that HB 09-1180, as amended by the Newell amendment (L.009), was referred to the Committee on Appropriations.

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

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

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

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-180 as amended, SB09-235 as amended, HB09-1180 as amended.

Lost on Second Reading: HB09-1042 as amended.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the Third Reading of Bills Calendar (SB09-245, SB09-135) of Tuesday, April 14, was laid over until Wednesday, April 15, retaining its place on the calendar.

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

SB09-163 by Senator(s) Hudak and King K.; also Representative(s) Middleton and Massey-- Concerning the education accountability system.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, February 23, pages 444-471 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 3, page 956 and placed in members' bill files.)

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

Amend printed bill, page 52, strike lines 20 and 21 and substitute the following:

"(b) TO ADVISE ITS LOCAL SCHOOL BOARD CONCERNING PREPARATION OF, AND ANNUALLY SUBMIT TO THE LOCAL SCHOOL BOARD RECOMMENDATIONS REGARDING THE CONTENTS OF, A DISTRICT PERFORMANCE";

line 24, after "IN", insert "ADVISING AND".

Page 53, line 22, after "SHALL", insert "ADVISE THE LOCAL SCHOOL BOARD CONCERNING PREPARATION OF THE DISTRICT PERFORMANCE PLAN AND";

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line 24, after "IN", insert "ADVISING AND".

Page 54, line 3, before "RECOMMENDATIONS", insert "ADVICE AND".

Page 56, line 21, after "SHALL", insert "ADVISE THE LOCAL SCHOOL BOARD CONCERNING PREPARATION OF THE DISTRICT IMPROVEMENT PLAN AND";

line 23, after "IN", insert "ADVISING AND".

Page 57, line 2, before "RECOMMENDATIONS", insert "ADVICE AND".

Page 59, line 14, after "SHALL", insert "ADVISE THE LOCAL SCHOOL BOARD CONCERNING PREPARATION OF THE DISTRICT PRIORITY IMPROVEMENT PLAN AND";

line 16, after "IN", insert "ADVISING AND";

line 22, before "RECOMMENDATIONS", insert "ADVICE AND".

Page 62, line 23, after "SHALL", insert "ADVISE THE LOCAL SCHOOL BOARD CONCERNING PREPARATION OF THE DISTRICT TURNAROUND PLAN AND";

line 25, after "IN", insert "ADVISING AND".

Page 63, line 4, before "RECOMMENDATIONS", insert "ADVICE AND".

Amendment No. 4(L.011), by Senator King.

Amend the Education Committee Report, dated February 19, 2009, page 3, line 11, strike "AND ACCEPT" and substitute "ACCEPT, AND EXPEND".

Page 18 of the committee report, line 6, after "(IV),", insert "(3),";

line 7 of the committee report, strike "(a) (I)," and substitute "(a),";

line 21 of the committee report, strike "performing satisfactorily." and substitute "~~performing satisfactorily~~ NOT REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, AND THAT THE SCHOOL DISTRICT HAS IDENTIFIED AS AN AVAILABLE CHOICE.".

Page 19 of the committee report, after line 12, insert the following:

"(3) (a) There is hereby created in the department the transportation token program, referred to in this section as the "program", to assist a parent or legal guardian of an eligible student in transporting the student to a public school, other than a neighborhood public school, WHICH OTHER SCHOOL IS NOT REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, AND WHICH OTHER SCHOOL HAS BEEN IDENTIFIED BY THE SCHOOL DISTRICT AS AN AVAILABLE CHOICE. Pursuant to rules adopted by the state board, the parent or legal guardian of an eligible student may apply to the program to receive a transportation token for use in transporting the student to the nearest ~~appropriate public school~~ OF SAID PUBLIC SCHOOLS that is not a neighborhood school.

(b) An eligible student shall continue receiving transportation tokens pursuant to this section so long as he or she continues to meet the requirements specified for an eligible student in paragraph (b) of subsection (2) of this section; except that, after the first year in which an eligible student receives transportation tokens, the requirement specified in subparagraph (III) of paragraph (b) of subsection (2) of this section shall no longer apply. An eligible student shall no longer receive transportation tokens pursuant to this section if he or she moves to another residence, the neighborhood school for which ~~received an academic performance rating of "average" or higher~~ WAS REQUIRED TO IMPLEMENT A PERFORMANCE OR IMPROVEMENT PLAN PURSUANT TO SECTION 22-11-403 OR 22-11-404, RESPECTIVELY, during the school year

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preceding the year in which the student initially enrolls; except that the eligible student may receive transportation tokens in school years following initial enrollment in the new neighborhood school if he or she again meets the requirements specified for an eligible student in paragraph (b) of subsection (2) of this section.";

after line 37 of the committee report, add the following:

"(II) Offer each eligible student's parent or legal guardian an opportunity to enroll the student in another public school within the district THAT IS NOT REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN PURSUANT TO SECTION 22-11-405 OR 22-11-406, RESPECTIVELY, AND THAT THE SCHOOL DISTRICT HAS IDENTIFIED AS AN AVAILABLE CHOICE."

Amendment No. 5(L.012), by Senator Hudak.

Amend the Education Committee Report, dated February 19, 2009, page 23, strike lines 31 through 37.

Page 24 of the committee report, strike lines 1 through 36 and substitute the following:

"SECTION 15. 22-7-409 (1.2) (d) (I), (1.2) (d) (I.5), and (1.2) (d) (II), Colorado Revised Statutes, are amended to read:

22-7-409. Assessments. (1.2) (d) (I) (A) EXCEPT AS OTHERWISE PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (I), every student enrolled in a public school shall be required to take the assessments administered pursuant to subsection (1) of this section at the grade level in which the student is enrolled, as determined by the school district. ~~except that the students described in sub-subparagraph (A) of this subparagraph (I) shall be required only to take the assessments required by said sub-subparagraph. However, the scores of the following students shall not be used by the state for purposes of calculating school academic performance ratings pursuant to section 22-7-604 or for accreditation pursuant to article 11 of this title:~~

~~(A) (B) Any student who is eligible for the state's alternate assessment for students with disabilities, also known as the "CSAP-A", or other assessment approved by rule by the board according to the annual review of the student's individual educational program pursuant to section 22-20-108 except that~~ SHALL NOT BE REQUIRED TO TAKE THE ASSESSMENTS ADMINISTERED PURSUANT TO SUBSECTION (1) OF THIS SECTION, BUT SHALL INSTEAD TAKE THE CSAP-A OR THE OTHER APPROVED ASSESSMENT. The results of any CSAP-A or other approved assessment shall be reported to the department and aggregated separately for each school.

~~(B) Any student who transfers into the school after October 1 of the school year in which the assessment is administered; and~~

~~(C) Any student who at the time that he or she enrolls in any public school of the state is defined as a student whose dominant language is not English pursuant to section 22-24-103 (4) (a) or (4) (b); except that such student's scores shall be used for calculating academic performance and improvement ratings and for accreditation purposes after the student either has been enrolled in any public school in the state for three years or has achieved a score of proficient in English on each component of the entire assessment approved by the department pursuant to section 22-24-106, whichever occurs first.~~

(I.5) The academic performance ratings calculated for the 2000-01 school year and each school year thereafter shall include the scores of all students who took the assessment in a language other than English. THE DEPARTMENT, BY POLICY, MAY DETERMINE WHETHER THE SCORES OF ONE OR MORE GROUPS OF STUDENTS ARE NOT APPROPRIATE TO BE USED IN MEASURING THE LEVELS OF ATTAINMENT ON THE PERFORMANCE INDICATORS, AS DEFINED IN SECTION 22-11-103 (23). ANY POLICY

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ADOPTED PURSUANT TO THIS SUBPARAGRAPH (I.5) SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF FEDERAL STATUTES AND REGULATIONS."

Amendment No. 6(L.013), by Senator King.

Amend printed bill, page 24, line 26, before "PUBLIC", insert "ELEVENTH GRADE IN THE".

Page 25, line 2, after "OR", insert "THE PERCENTAGES OF STUDENTS ENROLLED IN EACH OF THE GRADE LEVELS INCLUDED IN THE PUBLIC HIGH SCHOOL WHO SCORE";

line 6, strike "ENROLLED IN" and substitute "GRADUATING FROM";

line 17, after "IN", insert "THE ELEVENTH GRADE IN";

line 21, after "OR", insert "THE PERCENTAGES OF STUDENTS ENROLLED IN EACH OF THE GRADE LEVELS INCLUDED IN THE PUBLIC HIGH SCHOOLS WHO SCORE";

strike line 26 and substitute the following:

"GRADUATING FROM THE DISTRICT PUBLIC HIGH SCHOOLS OR FROM THE INSTITUTE".

Page 26, line 10, after "IN", insert "THE ELEVENTH GRADE IN";

line 13, after "OR", insert "THE PERCENTAGES OF STUDENTS ENROLLED IN EACH OF THE GRADE LEVELS INCLUDED IN THE PUBLIC HIGH SCHOOLS STATEWIDE WHO SCORE";

line 18, strike "ENROLLED IN" and substitute "GRADUATING FROM".

Page 27, line 19, after "IN", insert "THE ELEVENTH GRADE IN";

line 21, after "OR", insert "THE PERCENTAGES OF STUDENTS ENROLLED IN EACH OF THE GRADE LEVELS INCLUDED IN THE PUBLIC HIGH SCHOOL WHO SCORE";

line 24, after "STUDENTS", insert "GRADUATING FROM THE PUBLIC HIGH SCHOOL".

Page 28, line 24, after "IN", insert "THE ELEVENTH GRADE IN";

line 25, strike "IN".

Page 29, line 1, after "OR", insert "THE PERCENTAGES OF STUDENTS ENROLLED IN EACH OF THE GRADE LEVELS INCLUDED IN THE PUBLIC HIGH SCHOOLS WHO SCORE";

line 3, strike "ENROLLED IN" and substitute "GRADUATING FROM";

line 4, strike "IN".

Page 30, line 6, after "IN", insert "THE ELEVENTH GRADE IN";

line 9, after "OR", insert "THE PERCENTAGES OF STUDENTS ENROLLED IN EACH OF THE GRADE LEVELS INCLUDED IN THE PUBLIC HIGH SCHOOLS IN THE STATE WHO SCORE";

line 12, strike "ENROLLED IN" and substitute "GRADUATING FROM";

after line 25, insert the following:

"(6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY:

(a) IN CALCULATING THE LEVELS OF ATTAINMENT OF THE

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PERFORMANCE INDICATORS, THE DEPARTMENT SHALL ENSURE COMPLIANCE WITH THE FEDERAL STATUTES AND REGULATIONS AND MAY ADJUST THE CALCULATION METHODS AS NECESSARY TO ENSURE SAID COMPLIANCE;

(b) TO COMPLY WITH THE PRIVACY REQUIREMENTS OF THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g AND ANY OTHER FEDERAL REQUIREMENTS, THE DEPARTMENT MAY FOREGO THE CALCULATIONS REQUIRED IN THIS SECTION FOR A PUBLIC SCHOOL OR A GRADE LEVEL IN WHICH THE NUMBER OF ENROLLED STUDENTS IS LESS THAN A MINIMUM NUMBER DETERMINED BY DEPARTMENT POLICY. IF THE DEPARTMENT DOES NOT CALCULATE THE LEVELS OF ATTAINMENT OF THE PERFORMANCE INDICATORS AS PROVIDED IN THIS SECTION FOR A PUBLIC SCHOOL, THE DEPARTMENT SHALL DETERMINE AN ALTERNATE METHOD OF MEASURING THE PUBLIC SCHOOL'S PERFORMANCE THAT IS COMPARABLE TO THE PROVISIONS OF THIS SECTION AND COMPLIES WITH THE REQUIREMENTS OF FEDERAL STATUTES AND REGULATIONS.

(c) THE DEPARTMENT MAY ADJUST THE CALCULATIONS SPECIFIED IN THIS SECTION AS NECESSARY TO TAKE INTO ACCOUNT STUDENTS FOR WHOM NO SCORE IS RECORDED ON THE STATEWIDE ASSESSMENTS; THE STANDARDIZED, CURRICULUM-BASED, ACHIEVEMENT, COLLEGE ENTRANCE EXAMINATION; OR THE POSTSECONDARY AND WORKFORCE READINESS ASSESSMENTS."

Renumber succeeding subsection accordingly.

Amendment No. 7(L.014), by Senator Hudak.

Amend printed bill, page 10, strike lines 6 through 8 and substitute the following:

"(10) "DATA PORTAL" MEANS THE INTERNET-BASED ELECTRONIC DATA DELIVERY SYSTEM DEVELOPED AND MAINTAINED BY THE DEPARTMENT PURSUANT TO SECTION 22-11-502."

Page 87, line 9, strike "AND";

line 13, strike "MET." and substitute "MET; AND";

after line 13, insert the following:

"(1) TO APPLY FOR GIFTS, GRANTS, AND DONATIONS, INCLUDING GRANTS AWARDED UNDER THE FEDERAL "AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009", PUB.L. 111-5, FOR THE IMPLEMENTATION OF INTERNET-BASED TOOLS TO DELIVER INSTRUCTIONAL ADVICE AND CONTENT SUPPORTED BY FORMATIVE ASSESSMENT DATA AND TO DIRECTLY CONNECT TEACHERS ACROSS THE STATE TO ENHANCE EDUCATORS' COLLABORATION, USE OF DATA, INSTRUCTION, AND PROFESSIONAL ACCOUNTABILITY."

Page 88, strike lines 13 through 17 and substitute the following:

"22-11-502. Data portal - creation - contents. (1) THE DEPARTMENT SHALL DEVELOP AND MAINTAIN AN INTERNET-BASED ELECTRONIC DATA DELIVERY SYSTEM TO PROVIDE EDUCATION ACCOUNTABILITY DATA TO PUBLIC"

Amendment No. 8(L.015), by Senator Hudak.

Amend the Appropriations Committee Report, dated April 3, 2009, page 1, line 8, strike "education data and growth";

line 9, strike "exchange" and substitute "data".

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Amendment No. 9(L.016), by Senator King.

Amend the Education Committee Report, dated February 19, 2009, page 2, line 25, strike "AND KINDERGARTEN".

Page 6 of the committee report, strike lines 1 and 2 and substitute the following:

"Page 24 of the printed bill, line 3, strike "BOARD, BY RULE," and substitute "BOARD";".

Page 7 of the committee report, line 28, strike "ADOPT" and substitute "IMPLEMENT".

Page 13 of the committee report, line 13, after "SCHOOL", insert "SHALL".

Amendment No. 10(L.017), by Senator Hudak.

Amend printed bill, page 44, line 10, strike "ADOPT AND".

Page 45, line 9, strike "ADOPT AND".

Page 46, line 3, strike "ADOPT AND";

line 5, strike "SCHOOLS SHALL ADOPT THEIR" and substitute "SCHOOLS, OR THE PUBLIC SCHOOLS' LOCAL SCHOOL BOARDS OR THE INSTITUTE BOARD AS APPROPRIATE, SHALL ADOPT THE SCHOOL";

line 20, strike "ADOPT AND";

line 25, strike "ADOPT AND".

Page 47, line 6, strike "SCHOOL" and substitute "SCHOOL, LOCAL SCHOOL BOARD, OR INSTITUTE";

line 7, strike "ITS" and substitute "THE PUBLIC SCHOOL'S";

line 9, strike "SCHOOL" and substitute "SCHOOL, THE LOCAL SCHOOL BOARD, OR THE INSTITUTE".

Amendment No. 11(L.019), by Senator King.

Amend printed bill, page 54, line 16, strike "(4)" and substitute "(3)";

line 20, strike "BY THE SCHOOL ACCOUNTABILITY";

line 21, strike "COMMITTEE".

Page 93, line 24, strike "**rules - repeal.**" and substitute "**rules.**".

Amendment No. 12(L.020), by Senator Hudak.

Amend printed bill, page 71, strike lines 23 through 25 and substitute the following:

"ENROLLED STUDENTS, A MEMBER OF THE LOCAL SCHOOL BOARD MAY SERVE ON A SCHOOL ACCOUNTABILITY COMMITTEE, AND THE DISTRICT ACCOUNTABILITY COMMITTEE MAY SERVE AS A SCHOOL ACCOUNTABILITY COMMITTEE.".

Amendment No. 13(L.021), by Senators Penry and Spence.

Amend printed bill, page 90, line 24, strike "UPON REQUEST, EACH" and substitute "EACH";

line 25, strike "PROVIDE" and substitute "MAIL" and strike "A" and substitute "EACH".

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As amended, laid over until Wednesday, April 15, retaining its place on the calendar.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (HB09-1250, HB09-1299, HB09-1170, SB09-239, SB09-226, SB09-130, SB09-045) of Tuesday, April 14, was laid over until Wednesday, April 15, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

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

The Committee of the Whole took the following action:

Laid over until Wednesday, April 15 retaining their place on the Calendar: SB09-163 as amended, HB09-1250, HB09-1299, HB09-1170, SB09-239, SB09-226, SB09-130, SB09-045.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **HB09-1305** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB09-1120** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB09-283** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 2, line 5, strike "TAXPAYER" and substitute "TAX";

line 8, strike "ALTER" and substitute "OBSCURE INFORMATION CONTAINED IN";

line 9, strike "RECORD BY OBSCURING INFORMATION IN SUCH";

line 10, strike "ANY" and substitute "A";

strike line 11 and substitute the following:

"HAS BEEN FILED IN THE OFFICE OF THE";

strike lines 13 through 17 and substitute the following:

"OR 9.7 OF TITLE 4, C.R.S.";

line 18, strike ""TAXPAYER" and substitute ""TAX";

strike line 21 and substitute the following:

"NUMBER, OR INDIVIDUAL TAXPAYER"; 1
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 line 22, strike "OR ORGANIZATION"; 3
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 line 24, strike "taxpayer" and substitute "tax". 5
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 Page 3, line 1, strike "TAXPAYER" and substitute "TAX"; 7
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 line 6, strike "PURSUANT" and substitute "SUBJECT"; 9
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 line 8, strike "TAXPAYER" and substitute "TAX"; 11
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 line 11, after "ORIGINAL", insert "OF SUCH"; 13
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 line 12, strike "ONLY"; 15
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 line 16, strike "TAXPAYER" and substitute "TAX"; 17
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 line 18, strike "SHALL" and substitute "MAY"; 19
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 line 19, strike "AS MAY BE NECESSARY"; 21
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 line 22, strike "TAXPAYER" and substitute "TAX". 23
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 Page 1, strike line 101 and substitute the following: 25
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 "CONCERNING THE REDACTION BY THE SECRETARY"; 27
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 line 102, strike "TO REDACT TAXPAYER" and substitute "OF TAX". 29
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State, Veterans, & Military Affairs 31
 After consideration on the merits, the Committee recommends that **HB09-1325** be referred 32
 to the Committee of the Whole with favorable recommendation and with a 33
 recommendation that it be placed on the Consent Calendar. 34
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State, Veterans, & Military Affairs 36
 After consideration on the merits, the Committee recommends that **HB09-1315** be referred 37
 to the Committee of the Whole with favorable recommendation and with a 38
 recommendation that it be placed on the Consent Calendar. 39
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FIRST REPORT OF FIRST CONFERENCE COMMITTEE 46
ON HB09-1281 47

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 ***** 49
THIS REPORT AMENDS THE 50
REREVISED BILL 51
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To the President of the Senate and the 54
 Speaker of the House of Representatives: 55
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Your first conference committee appointed on HB09-1281, 57
 concerning representation on state boards by persons with 58
 disabilities, has met and reports that it has agreed upon the 59
 following: 60
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That the House accede to the Senate amendments made to the bill, 63
 as the amendments appear in the rerevised bill, with the following 64
 changes: 65
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Amend rerevised bill, page 2, line 12, strike "SHALL, WHEN 67
 POSSIBLE," and substitute "IS ENCOURAGED TO"; 68
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line 16, strike "DISABILITIES." and substitute "DISABILITIES,
PROVIDED THAT THE OTHER REQUIREMENTS OF THIS PARAGRAPH (c)
ARE MET.";

line 23, strike "SHALL";

line 24, strike "WHEN POSSIBLE" and substitute "IS ENCOURAGED TO".

Page 3, strike lines 3 through 25.

Renumber succeeding sections accordingly.

Page 4, line 18, strike "SHALL WHEN POSSIBLE" and substitute "IS
ENCOURAGED TO";

line 22, strike "DISABILITIES." and substitute "DISABILITIES,
PROVIDED THAT THE OTHER REQUIREMENTS OF THIS SUBSECTION (1)
ARE MET.".

Page 5, line 9, strike "SHALL, WHEN";

line 10, strike "POSSIBLE," and substitute "IS ENCOURAGED TO";

line 13, strike "DISABILITIES." and substitute "DISABILITIES,
PROVIDED THAT THE OTHER REQUIREMENTS OF THIS SUBSECTION (1)
ARE MET.";

line 20, strike "SHALL WHEN";

line 21, strike "POSSIBLE" and substitute "IS ENCOURAGED TO".

Page 6, line 18, strike "SHALL, WHEN POSSIBLE," and substitute "IS
ENCOURAGED TO";

line 22, strike "DISABILITIES." and substitute "DISABILITIES,
PROVIDED THAT THE OTHER REQUIREMENTS OF THIS SUBSECTION (1)
ARE MET.".

Page 7, line 5, strike "SHALL,";

line 6, strike "WHEN POSSIBLE," and substitute "IS ENCOURAGED TO";

line 9, strike "DISABILITIES." and substitute "DISABILITIES, PROVIDED
THAT THE OTHER REQUIREMENTS OF THIS PARAGRAPH (c) ARE MET.".

Page 8, line 11, strike "SHALL WHEN POSSIBLE" and substitute "IS
ENCOURAGED TO";

line 14, strike "DISABILITIES." and substitute "DISABILITIES,
PROVIDED THAT THE OTHER REQUIREMENTS OF THIS SUBSECTION (1)
ARE MET.".

Respectfully submitted,

(signed) _____
House Committee:
Representative Labuda, Chair
Representative Schafer
Representative Murry

(signed)
Senate Committee:
Senator Carroll, M, Chair
Senator Newell
Senator Cadman

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MESSAGE FROM THE GOVERNOR

March 19, 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 to your consideration, the following:

**MEMBERS OF THE
STATE AGRICULTURAL COMMISSION**

for terms expiring March 1, 2013:

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

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

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

Alex C. Gerace of Denver, Colorado, an Unaffiliated from the First Agricultural District to serve as a member from the State at-large, reappointed.

This Senate letter amends, repeals and supercedes the Senate letter dated February 27, 2009, pertaining to the State Agricultural Commission.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 3/25/09
Karen Goldman, Secretary of the Senate

Committee on Agriculture & Natural Resources

SENATE SERVICES REPORT

Correctly Printed: SJR09-036; SM09-002.

Correctly Engrossed: SJR09-035.

Correctly Reengrossed: SB09-089, 093, 121, 223, 259, 260, 261, 262, 263, 264, 265, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280 and 281.

Correctly Rerevised: HB09-1001, 1063, 1130, 1213, 1287 and 1295.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB09-030, 036, 039, 042, 050, 056, 078, 080, 111, 129, 150, 165, 168, 177 and 237; HB09-1139, 1207, 1241, 1272, 1292, HJR09-1012.

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 Tuesday, April 14 was laid over until Wednesday, April 15, retaining its place on the calendar.

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Consideration of Resolutions: SJR09-032, SR09-015, SJR09-036. 1
Consideration of House Amendments to Senate Bills: SB09-171, SB09-098. 2
Consideration of Governor's Appointments: 3
 Members of the Colorado Tourism Office Board of Directors 4
Consideration of Conference Committee Reports: SB09-148. 5
Conference Committees to Report: HB09-1057, SB09-101, SB09-131, SB09-013. 6

On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Wednesday, April 15, 2009. 10

Approved: 13

Peter C. Groff 17
President of the Senate 18

Attest: 20

Karen Goldman 24
Secretary of the Senate 25

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