

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

113th Legislative Day Wednesday, April 29, 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 Keller.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present--31	18
	Absent--2, Brophy, Williams.	19
	Excused--2, Kopp, Romer.	20
	Present later--4, Brophy, Kopp, Romer, Williams.	21
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Quorum	The President announced a quorum present.	23
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Reading of Journal	On motion of Senator Heath, reading of the Journal of Tuesday, April 28, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.	25
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COMMITTEE OF REFERENCE REPORTS

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Appropriations	After consideration on the merits, the Committee recommends that HB09-1319 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	32
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Amend reengrossed bill, page 5, after line 17, insert the following:

"(3) The general assembly further finds and declares its intention that the administrative costs incurred by the department of education in its implementation of the accelerating students through concurrent enrollment program created in section 22-35-108 shall be supported by federal funds available for government services pursuant to section 14002 of title XIV of the federal "American Recovery and Reinvestment Act of 2009", public law 111-5 of the one hundred eleventh United States Congress."

Renumber succeeding subsection accordingly.

Page 37, strike lines 8 through 21 and substitute the following:

SECTION 14. Appropriation. (1) The general assembly anticipates that, for the fiscal year beginning July 1, 2009, the department of education will receive the sum of thirty thousand thirty-one dollars (\$30,031) in federal funds as determined by the governor from the government services fund pursuant to section 14002 of title XIV of the federal "American Recovery and Reinvestment Act of 2009", public law 111-5 of the one hundred eleventh United States Congress, for the implementation of this act, including ten thousand one hundred thirty-nine dollars (\$10,139) for legal services and nineteen thousand eight hundred ninety-two dollars (\$19,892) and 0.3 FTE for administration of the accelerating students through concurrent enrollment program. Although these funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds."

Renumber succeeding subsection accordingly.

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Finance

After consideration on the merits, the Committee recommends that **SB09-297** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, line 14, after "A", insert "TRANSPARENT AND ACCOUNTABLE";

line 20, strike "STATE CONTROLLER," and substitute "EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL,";

strike line 23 and substitute the following:

"DETERMINATION OF THE BASIS FOR AND SCOPE OF THE WAIVER, INCLUDING BUT NOT LIMITED TO THE SPECIFIC CODE PROVISION BEING WAIVED AND THE ALTERNATIVE SELECTION PROCESS TO BE USED, SHALL BE";

line 25, strike "CONTROLLER," and substitute "EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL,".

Page 6, after line 1, insert the following:

"(d) THIS SUBSECTION (3.5) APPLIES ONLY TO RATE-REGULATED UTILITIES.".

Reletter succeeding paragraph accordingly.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON SB09-271

***** THIS REPORT AMENDS THE REREVISED BILL *****

To the President of the Senate and the Speaker of the House of Representatives:

Your first conference committee appointed on SB09-271, concerning the use of tobacco revenues generated under section 21 of article X of the state constitution in a state fiscal emergency, and making an appropriation therefor, has met and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 5, line 11, strike "thirty-five million dollars (\$35,000,000)." and substitute "twenty-seven million four hundred thousand dollars (\$27,400,000).";

line 12, strike "thirty-five million" and substitute "twenty-seven million four hundred thousand";

line 13, strike "(\$35,000,000)." and substitute "(\$27,400,000).";

line 18, strike "fifteen million dollars (\$15,000,000)" and substitute "seven million four hundred thousand dollars (\$7,400,000)";

line 22, strike "fifteen million (\$15,000,000)." and substitute "seven million four hundred thousand dollars (\$7,400,000).";

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line 24, strike "C.R.S." and substitute "Colorado Revised Statutes.".

Respectfully submitted,

Senate Committee:
(signed)
Senator Tapia, Chair
Senator Keller

House Committee:
(signed)
Representative Ferrindino, Chair
Representative Pommer
Representative Marostica

MESSAGE FROM THE HOUSE

April 28, 2009

The House has adopted and returns herewith SJR09-046.

The House has adopted and returns herewith SJM09-002.

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

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

The Friday, March 13 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, as extended until Friday, March 27, 2009 (the 80th legislative day), Friday, April 10, 2009 (the 94th legislative day), Friday, April 17, 2009 (the 101st legislative day), Monday, April 27, 2009 (the 111th legislative day), and Tuesday, April 28th, 2009 (the 112th legislative day), is further extended until Wednesday, May 6th (the 120th legislative day).

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

(signed)
Representative T. Carroll
Speaker of the House of Representatives
Representative A. Kerr
Acting House Majority Leader
Representative May
House Minority Leader

(signed)
Senator Groff
President of the Senate
Senator Shaffer
Senate Majority Leader
Senator Penry
Senate Minority Leader

THIRD READING OF BILLS -- FINAL PASSAGE

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

HB09-1332 by Representative(s) Marostica, Ferrandino, Pommer; also Senator(s) White, Keller, Tapia-- Concerning the repeal of provisions requiring a cumulative economic analysis of state air quality control measures every five years.

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

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YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	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	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Newell and Schultheis.

HB09-1313 by Representative(s) Merrifield, Apuan, Benefield, Casso, Ferrandino, Fischer, Hullinghorst, Kefalas, Kerr A., Labuda, Levy, McFadyen, McGihon, Middleton, Miklosi, Peniston, Scanlan, Schafer S., Solano, Soper, Todd, Vigil, Green, Pace, Pommer; also Senator(s) Bacon, Gibbs, Groff, Newell, Veiga, Williams, Carroll M., Heath, Keller, Morse, Romer, Shaffer B.--Concerning expanding civic engagement options through student-directed programs at institutions of higher education.

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

YES	23	NO	11	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

Co-sponsors added: Boyd, Hudak and Isgar.

HB09-1339 by Representative(s) Green, Frangas; also Senator(s) Boyd--Concerning a change in the definition of "clinical social work practice" to mean the same as "social work practice".

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

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

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

Co-sponsors added: Williams

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.

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

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

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

Co-sponsors added: Harvey, Schwartz, Shaffer B. and Tapia.

HB09-1164 by Representative(s) Primavera, Gagliardi, Green, Kefalas, Kerr J., McGihon; also Senator(s) Kester--Concerning a surcharge on breast cancer awareness special license plates to provide funding for cancer treatment for women who are not currently eligible to participate in the breast and cervical cancer prevention and treatment program under the "Colorado Medical Assistance Act", and requiring a post-enactment review of the implementation of this act.

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

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

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

Co-sponsors added: Boyd, Foster, Groff, Hodge, Hudak, Newell, Shaffer B. and Williams.

HB09-1199 by Representative(s) Scanlan, Benefield, Curry, Ferrandino, Gerou, Kerr A., King S., Levy, Massey, Middleton, Nikkel, Roberts; also Senator(s) Gibbs--Concerning increased efforts to address wildfire risk, and, in connection therewith, providing resources to the Colorado state forest service to augment its technical outreach capabilities and provide loans and grants for market-based and forest treatment solutions to reduce wildfire risk, and making an appropriation.

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

YES	34	NO	1	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	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Foster, Groff, Harvey, Isgar, Kester, King K., Kopp, Morse, Newell, Scheffel, Schwartz, Shaffer B., Tapia, Tochtrop, White and Williams.

HB09-1173 by Representative(s) Riesberg; also Senator(s) Hodge--Concerning efforts to reduce the amount of contraband tobacco products in the state, and making an appropriation therefor.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	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	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Groff, Hudak, Schwartz and Williams.

HB09-1133 by Representative(s) Sonnenberg, Marostica, Todd; also Senator(s) Kester--Concerning setting the amounts of license plate fees, and making an appropriation therefor.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Tapia and Williams.

HB09-1329 by Representative(s) Marostica, Ferrandino, Pommer; also Senator(s) White, Keller, Tapia--Concerning the percentage of moneys transferred from the tobacco litigation settlement cash

fund to the Colorado state veterans trust fund that are subject to annual appropriation, and making an appropriation in connection therewith.

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

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

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

Co-sponsors added: Boyd and Williams.

HB09-1289 by Representative(s) Curry; also Senator(s) Isgar--Concerning the species conservation trust fund, and, in connection therewith, approving the species conservation eligibility list.

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

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

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

Co-sponsors added: Kopp

HB09-1035 by Representative(s) Riesberg; also Senator(s) Heath--Concerning sales and use tax refunds for certain Colorado-based technology companies.

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

Third Reading Amendment No. 1,(L.004), by Senator Heath.

Amend revised bill, page 7, strike lines 8 through 19 and substitute the following:

"**SECTION 2.** 39-26-403 (3) (b), Colorado Revised Statutes, as enacted by Section 1 of House Bill 09-1035, is amended to read:

(3) Notwithstanding the provisions of subsection (1) of this section:

(b) If the revenue estimate prepared by the staff of the legislative council in December 2009 and each December thereafter indicates that the amount of the total general fund revenues for a particular fiscal year

will not be sufficient to ~~maintain the limit on appropriations specified in section 24-75-201.1 (1), C.R.S.~~ INCREASE THE TOTAL STATE GENERAL FUND APPROPRIATIONS BY SIX PERCENT OVER SUCH APPROPRIATIONS FOR THE PREVIOUS FISCAL YEAR, then the refund authorized in subsection (1) of this section shall not be allowed for the next calendar year following the year in which the estimate is prepared. A qualified clean technology or medical device taxpayer who would have been eligible to claim a refund pursuant to this section in a calendar year in which the refund was not allowed may claim said refund in the next calendar year in which the revenue estimate allows the refund. The department of revenue shall, through its web site, specify on or before January 1, 2010, and on or before each January 1 thereafter, whether the refund authorized in subsection (1) of this section shall be allowed for a given calendar year."

SECTION 3. Act subject to petition - effective date - applicability. (1) Except as otherwise provided in subsection (3) of this section, this act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) This act shall apply to sales and use taxes paid on or after January 1, 2009.

(3) Section 2 of this act shall take effect only if Senate Bill 09-228 is enacted and becomes law."

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

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

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	N	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	N	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Groff, Newell and Williams.

HB09-1043 by Representative(s) Ryden; also Senator(s) Williams--Concerning the addition of a line to Colorado state individual income tax return forms whereby individual taxpayers may make a

voluntary contribution to the Make-A-Wish Foundation of Colorado fund.

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Groff and Hudak.

HB09-1022 by Representative(s) Solano; also Senator(s) Boyd--Concerning assistance to counties to implement recidivism reduction programs for the mentally ill.

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

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

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

Co-sponsors added: Carroll M., Foster, Gibbs, Hodge, Hudak, Isgar, Keller, Morse, Newell, Schwartz, Tapia and Tochtrop.

HB09-1196 by Representative(s) Gerou, Kerr J., Kerr A., McNulty, Schafer S., Summers; also Senator(s) Boyd--Concerning the use of moneys derived from civil money penalties imposed on nursing facilities to fund innovation in nursing home care, and making an appropriation therefor.

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

YES	29	NO	6	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	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Gibbs, Hodge, Keller, Kester, Newell, Schwartz, Tapia and Tochtrop.

HB09-1282 by Representative(s) Fischer; also Senator(s) Schwartz, Hodge--Concerning the recycling of certain electronic devices, and, in connection therewith, establishing a task force within the department of public health and environment to make recommendations regarding the implementation of electronic device recycling programs and making an appropriation.

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

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

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

Co-sponsors added: Boyd, Gibbs and Newell.

HB09-1119 by Representative(s) Vigil, Court, Labuda, Pace, Todd; also Senator(s) Schwartz-- Concerning creation of a program to assist entities providing programs to address substance abuse problems in rural areas of Colorado.

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

YES	25	NO	10	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	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Hudak, Morse, Newell, Shaffer B., Tapia, Tochtrop and Williams.

HB09-1312 by Representative(s) Kerr A., Merrifield, Middleton, Scanlan, Todd; also Senator(s) Schwartz and Romer--Concerning the renewable energy and energy efficiency for schools loan program.

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

Third Reading Amendment No. 1,(L.024), by Senator Schwartz.

Amend revised bill, page 3, line 27, strike "HYBRID-ELECTRIC BUS PROJECTS."

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

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

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Bacon, Boyd, Foster, Gibbs, Groff, Heath, Newell, Shaffer B. and Tochtrop.

SB09-287 by Senator(s) Mitchell; --Concerning the voluntary contribution designation benefiting the Special Olympics Colorado fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

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

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

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

Co-sponsors added: Gibbs, Groff, Heath, Hudak, Kester, Morse, Newell, Romer, Shaffer B. and Tapia.

IMMEDIATE RECONSIDERATION OF SB09-287

SB09-287 by Senator(s) Mitchell; --Concerning the voluntary contribution designation benefiting the Special Olympics Colorado fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

Having voted on the prevailing side, Senator Mitchell moved for immediate reconsideration of the last Senate action, Third Reading of Bills, on SB09-287. The roll call was taken with the following result:

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

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

THIRD READING OF BILLS -- FINAL PASSAGE

SB09-287 by Senator(s) Mitchell; also Representative(s) Levy--Concerning the voluntary contribution designation benefiting the Special Olympics Colorado fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Brophy, Kester and Kopp.

HB09-1243 by Representative(s) Middleton and Massey, Labuda, Casso, Court, McGihon, Miklosi, Peniston, Primavera, Ryden, Scanlan, Todd, Vigil; also Senator(s) Bacon, Spence-- Concerning measures to raise the graduation rate in public high schools in Colorado, and making an appropriation in connection therewith.

Laid over until Thursday, April 30, retaining its place on the calendar.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

HB09-1299 by Representative(s) Kerr A., Benefield, Carroll T., Casso, Court, Curry, Ferrandino,

Frangas, Green, Hullinghorst, Kefalas, McCann, Middleton, Miklosi, Pommer, Rice, Scanlan, Schafer S., Solano, Todd, Vigil; also Senator(s) Romer, Bacon, Groff, Veiga-- Concerning adoption of an agreement among the states to elect the president of the United States by national popular vote.

Senator Kopp moved a substitute motion to lay over HB09-1299 to May 25. Less than a majority of all members elected to the Senate having voted in the affirmative, the motion was **LOST**.

Laid over until Thursday, April 30, retaining its place on the calendar.

HB09-1065 by Representative(s) Benefield, Todd; also Senator(s) Spence--Concerning the quality teachers commission, and, in connection therewith, creating an educator identifier pilot program, and making an appropriation.

Laid over until Thursday, April 30, retaining its place on the calendar.

SB09-290 by Senator(s) Bacon, Kopp, Schwartz; also Representative(s) Riesberg, McFadyen, Sonnenberg--Concerning flexibility for capital construction projects.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, April 27, page 1283-1284 and placed in members' bill files.)

Amendment No. 2(L.007), by Senator King.

Amend printed bill, page 11, strike lines 15 through 20 and substitute the following:

"state agency to be more than five hundred thousand dollars or if the fee for the professional services is estimated to exceed fifty thousand dollars; except that, for projects under the supervision of the department of transportation OR FOR CONTRACTS WITH A STATE INSTITUTION OF HIGHER EDUCATION, public notice shall be given by the department OR INSTITUTION if the basic transportation-related construction cost OR THE BASIC CONSTRUCTION COST of the project is estimated by the department OR INSTITUTION to be more than one million dollars or if the fee for".

Page 12, strike lines 3 and 4 and substitute the following:

"circulation in this state; ~~and~~ EXCEPT THAT, FOR CONTRACTS WITH A STATE INSTITUTION OF HIGHER EDUCATION, PUBLIC NOTICE SHALL BE GIVEN BY PUBLICATION AT LEAST ONCE IN ONE OR MORE DAILY NEWSPAPERS OF GENERAL CIRCULATION IN THIS STATE."

Amendment No. 3(L.005), by Senator Penry.

Amend printed bill, page 6, line 19, after "(10.5)", insert "(a)".

Page 7, after line 6, insert the following:

"(b) FOR ANY PROJECT COMMENCED PURSUANT TO SUBSECTION (9) OR (10) OF THIS SECTION, THE GOVERNING BOARD MAY ENHANCE THE PROJECT IN AN AMOUNT NOT TO EXCEED FIFTEEN PERCENT OF THE ORIGINAL ESTIMATE OF THE COST OF THE PROJECT WITHOUT THE APPROVAL OF THE COMMISSION, THE OFFICE OF STATE PLANNING AND BUDGETING, THE CAPITAL DEVELOPMENT COMMITTEE, OR THE JOINT BUDGET COMMITTEE SO LONG AS THE GOVERNING BOARD NOTIFIES THE COMMISSION, THE OFFICE OF STATE PLANNING AND BUDGETING, THE CAPITAL DEVELOPMENT COMMITTEE, AND THE JOINT BUDGET COMMITTEE IN WRITING, EXPLAINING HOW THE PROJECT HAS BEEN ENHANCED AND THE SOURCE OF THE MONEYS FOR THE ENHANCEMENT. FOR INFORMATIONAL PURPOSES, THE JOINT BUDGET COMMITTEE SHALL IDENTIFY THE NEW SOURCE OF MONEYS IN THE GENERAL APPROPRIATIONS BILL ENACTED AT THE NEXT REGULAR LEGISLATIVE SESSION."

Amendment No. 6(L.008), by Senator Bacon.

Amend printed bill, page 3, line 4, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,".

Page 7, after line 15, insert the following:

"(13) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY LOCAL JUNIOR COLLEGE DISTRICT THAT IS NOT A PART OF THE STATE SYSTEM AND NOT ELIGIBLE TO RECEIVE ANY STATE FUNDS FOR CAPITAL CONSTRUCTION PURSUANT TO SECTION 23-71-202 (3)."

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

HB09-1338 by Representative(s) Casso; also Senator(s) Bacon--Concerning modifications to state insurance laws to comply with recently enacted federal laws.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, April 27, page 1325-1327 and placed in members' bill files.)

Amendment No. 2(L.003), by Senator Bacon.

Amend reengrossed bill, page 4, strike line 9 and substitute the following:

"(II) "GENETIC TEST" DOES NOT INCLUDE:

(A) AN ANALYSIS OF PROTEINS";

line 13, strike "INVOLVED." and substitute "INVOLVED; OR";

after line 13, insert the following:

"(B) AN ANALYSIS OF PROTEINS OR METABOLITES THAT DOES NOT DETECT GENOTYPES, MUTATIONS, OR CHROMOSOMAL CHANGES.".

Amend the Business, Labor, and Technology Committee Report, dated April 27, 2009, page 3, line 17, after "(b)", insert "(I)";

after line 21 of the committee report, insert the following:

"(II) IF AN ENTITY OBTAINS GENETIC INFORMATION INCIDENTAL TO A REQUEST OR REQUIREMENT FOR, OR PURCHASE OF, OTHER INFORMATION CONCERNING AN INDIVIDUAL, THE REQUEST OR REQUIREMENT FOR, OR PURCHASE OF, SUCH INFORMATION SHALL NOT BE CONSIDERED A VIOLATION OF THIS PARAGRAPH (b) IF IT IS NOT IN VIOLATION OF PARAGRAPH (a) OF THIS SUBSECTION (3).";

line 22, after "(c)", insert "(I)";

after line 24, insert the following:

"(II) NOTHING IN THIS PARAGRAPH (c) SHALL BE CONSTRUED TO PRECLUDE AN ENTITY FROM OBTAINING AND USING THE RESULTS OF A GENETIC TEST IN MAKING A DETERMINATION REGARDING PAYMENT, AS DEFINED IN 45 CFR 164.501, AS MAY BE AMENDED, AND CONSISTENT WITH PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (3)."

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

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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Newell, 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: SB09-290 as amended, HB09-1338 as amended.
Laid over until Thursday, April 30 retaining their place on the Calendar: HB09-1299, HB09-1065.

COMMITTEE OF REFERENCE REPORTS

Trans-
portation

After consideration on the merits, the Committee recommends that **SB09-296** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 12, strike "age and weighs under" and substitute "age, ~~and weighs under~~";

line 13, strike "forty pounds," and substitute "~~forty pounds~~";

strike lines 20 through 26 and substitute the following:

"(I) (A) If the child is less than one year of age ~~and weighs less than twenty pounds~~, the child shall be properly restrained in a rear-facing child restraint system.

(B) IF THE CHILD WEIGHS LESS THAN TWENTY POUNDS, THE CHILD SHALL BE PROPERLY RESTRAINED IN A REAR-FACING CHILD RESTRAINT SYSTEM.

(II) (A) If the child is one year of age or older, but less than four years of age, ~~and weighs less than forty pounds, but at least twenty pounds~~, the child shall be properly restrained in a forward-facing child restraint system UNLESS THE CHILD IS SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

(B) IF THE CHILD WEIGHS LESS THAN FORTY POUNDS, BUT AT LEAST TWENTY POUNDS, THE CHILD SHALL BE PROPERLY RESTRAINED IN A FORWARD-FACING CHILD RESTRAINT SYSTEM UNLESS THE CHILD IS SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

(III) IF THE CHILD IS UNDER FOUR YEARS OF AGE AND WEIGHS FORTY POUNDS OR MORE, THE CHILD SHALL BE PROPERLY RESTRAINED IN A CHILD BOOSTER SEAT."

Page 4, line 6, strike "~~such~~ THE driver was stopped by a" and substitute "~~such driver was stopped by a~~ THE";

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line 8, strike "WHO, PRIOR TO THE STOP, CLEARLY OBSERVED" and substitute "CLEARLY OBSERVES".

Page 5, line 1, strike "passenger buses," and substitute "~~passenger buses,~~";

line 2, strike "school buses," and substitute "~~school buses,~~";

line 13, strike "service." and substitute "service MAKING FREQUENT STOPS IN THE COURSE OF BUSINESS.";

line 18, strike "~~such~~ THE driver was stopped by a" and substitute "~~such driver was stopped by a~~ THE";

line 20, strike "WHO, PRIOR TO THE STOP,";

line 21, strike "CLEARLY OBSERVED" and substitute "CLEARLY OBSERVES".

Trans-
portation

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

MEMBER OF THE
TRANSPORTATION COMMISSION

for a term expiring July 1, 2009:

Gilbert Ortiz Sr. of Pueblo, Colorado, to fill the vacancy occasioned by the resignation of George H. Tempel of Wiley, Colorado, and to serve as a commissioner from the Tenth Transportation District, appointed.

Local
Government
and Energy

After consideration on the merits, the Committee recommends that **HB09-1345** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local
Government
and Energy

After consideration on the merits, the Committee recommends that **SB09-289** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 2 through 16.

Strike page 3.

Page 4, strike lines 1 through 11.

Re-number succeeding sections accordingly.

Page 4, line 13, strike "(b)" and substitute "(b), (2) (a),";

strike lines 23 through 27 and substitute the following:

"weighing more than fifteen thousand pounds; except that no fee shall be collected for tires that are recapped or otherwise reprocessed for use. ~~The fee authorized by this section shall be collected only at such time as the owner of the tire delivers or transfers the waste tire to a retailer of new tires for disposal and shall be stated and shown as a separate and distinct~~".

Page 5, strike line 1 and substitute the following:

~~item on the statement~~ THE RECEIPT from the retailer to the customer FOR EVERY NEW MOTOR VEHICLE TIRE SOLD IN COLORADO SHALL CONTAIN THE FOLLOWING STATEMENT IN NO LESS THAN FIFTEEN-POINT, BOLD-FACED TYPE: "SECTION 25-17-202, COLORADO REVISED STATUTES, REQUIRES RETAILERS TO COLLECT A \$1.50 WASTE TIRE RECYCLING DEVELOPMENT FEE ON THE SALE OF EACH NEW MOTOR VEHICLE TIRE.";

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after line 25 insert the following:

"(2) (a) ~~The Retailers of new MOTOR VEHICLE tires or a retailer of motor vehicles that accepts exchanged property as described in section 39-26-102 (7) (a) (II), C.R.S.,~~ shall collect the ~~fee~~ fee; EXCEPT THAT NO FEE SHALL BE DUE IF THE NEW MOTOR VEHICLE TIRE IS FOR FARM EQUIPMENT EXEMPT FROM SALES AND USE TAXES PURSUANT TO SECTION 39-26-716, C.R.S., OR A FARM TRACTOR OR IMPLEMENT OF HUSBANDRY EXEMPT FROM REGISTRATION PURSUANT TO SECTION 42-3-104, C.R.S.";

Page 6, strike lines 1 through 8 and substitute the following:

"THE DEPARTMENT OF REVENUE SHALL NOTIFY RETAILERS OF NEW MOTOR VEHICLE TIRES CONCERNING THE NEW REQUIREMENTS IN THIS SECTION ENACTED BY SENATE BILL 09-289, ENACTED IN 2009.";

line 13, after "**plan**", insert "**- definition**";

strike lines 23 through 27.

Page 7, strike lines 1 through 17 and substitute the following:

"(5) FOR PURPOSES OF THIS SECTION, "MONOFILL TIRE LANDFILL" MEANS A "WASTE TIRE MONOFILL" AS DEFINED IN SECTION 30-20-1001.

SECTION 3. 25-17-204 (3) (a) (II), Colorado Revised Statutes, is amended to read:

25-17-204. Waste tire haulers - registration - rules - violations.

(3) The solid and hazardous waste commission shall promulgate rules to implement this section, including:

(a) Requirements that persons who transport waste tires for storage or disposal:

(II) Register with the department of public health and environment AND ANNUALLY PROVIDE A COPY OF THE CURRENTLY VALID REGISTRATION TO EACH RETAILER OF MOTOR VEHICLE TIRES FROM WHOM THE PERSON ACCEPTS FOR COMMERCIAL PURPOSES A WASTE TIRE; and";

SECTION 4. 30-20-1006 (2), Colorado Revised Statutes, is amended to read:

30-20-1006. Limitations on the disposal of tires. (2) (a) A person shall dispose of waste tires by delivery to a retailer or wholesaler engaging in waste tire collection or recycling, to a waste tire monofill, or to a collection or recycling facility operating under the laws of this state or under rules promulgated by the United States environmental protection agency.

(b) A PERSON, INCLUDING A RETAILER, WHOLESALER, AND A COLLECTION OR RECYCLING FACILITY, SHALL ARRANGE FOR THE COMMERCIAL HAULING OF WASTE TIRES ONLY WITH A HAULER WHO IS CURRENTLY REGISTERED PURSUANT TO SECTION 25-17-204, C.R.S.

SECTION 5. 30-20-1007, Colorado Revised Statutes, is amended to read:

30-20-1007. Waste tires - collection for recycling. A retailer selling replacement tires in the state may NOT REFUSE TO accept from customers, at the point of transfer, waste tires of the same general type and in a quantity at least equal to the number of new tires purchased. ~~if offered by customers."~~

Renumber succeeding section accordingly.

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Appropriations

After consideration on the merits, the Committee recommends that **HB09-1094** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, after line 19, insert the following:

"(f) AN EMPLOYEE OF THE DEPARTMENT OF CORRECTIONS OR THE DEPARTMENT OF TRANSPORTATION;"

Reletter succeeding paragraphs accordingly.

Page 7, strike line 17 through 19 and substitute "TREASURER, AND CREDITED TO THE GENERAL FUND.";

line 20, strike "associated with section 42-4-239.";

strike lines 25 through 27.

Page 8, strike lines 1 through 4;

line 5, strike "(2) In" and substitute the following:

"SECTION 4. Appropriation. In";

strike lines 12 through 18.

MESSAGE FROM THE GOVERNOR

April 28, 2009

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

Ladies and Gentlemen:

I have the honor to inform you that I have approved and returned to the Senate the following Resolution::

SJR09-035 CONCERNING THE DECLARATION OF A STATE FISCAL EMERGENCY PURSUANT TO SECTION 21 (7) OF ARTICLE X OF THE STATE CONSTITUTION.

Approved April 28, 2009 at 2:31p.m.

Sincerely,

Bill Ritter, Jr.
Governor

SENATE SERVICES REPORT

Correctly Engrossed: SB09-287; SJR09-046.
Correctly Reengrossed: SB09-232, 253, 285, 291, 293 and 294.
Correctly Revised: HB09-1022, 1035, 1043, 1119, 1133, 1164, 1173, 1196, 1199, 1243, 1282, 1289, 1312, 1313, 1317, 1329, 1332 and 1339.
Correctly Rerevised: HB09-1015, 1026, 1056, 1076, 1085, 1100, 1136, 1170, 1244, 1250, 1275, 1303, 1305, 1316, 1318 and 1322.

COMMITTEE OF REFERENCE REPORTS

Finance

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

MEMBERS OF THE
COLORADO HOUSING AND FINANCE AUTHORITY
BOARD OF DIRECTORS

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

Joel S. Rosenstein of Denver, Colorado, a person experienced in real estate transactions, reappointed;

David J. Myler of Carbondale, Colorado, a person experienced in real estate transactions, appointed;

Anita Padilla-Fitzgerald of Littleton, Colorado, a person experienced in mortgage banking, appointed;

James M. Hahn of Denver, Colorado, appointed;

John A. Blumberg of Denver, Colorado, reappointed.

Finance

After consideration on the merits, the Committee recommends that HB09-1105 be referred to the Committee on Appropriations with favorable recommendation.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB09-269

THIS REPORT AMENDS THE
REENGROSSED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB09-269, concerning adjustment of the allocation of tobacco litigation settlement moneys received by the state during specified fiscal years, and, in connection therewith, requiring settlement moneys that are disputed payments and settlement moneys in excess of a specified amount to be credited to the general fund, requiring a portion of the moneys so credited to be transferred to the children's basic health plan trust and the nurse home visitor program fund, delaying mandated growth in the percentage of settlement moneys allocated for the Colorado nurse home visitor program by one fiscal year, and making appropriations, has met and reports that it has agreed upon the following:

1. That the House recede from its amendments made to the bill, as the amendments appear in the rerevised bill, and that the following amendments be substituted therefor:

Amend reengrossed bill, page 2, line 3, strike the second "and";

line 4, after "24-75-1104.5 (1.5) (a)," insert "and 24-75-1104.5 (2) and (3),".

Page 3, line 3, after "moneys", insert "AND, FOR THE 2010-11 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER ONLY, THE LESSER OF SIXTY-FIVE MILLION DOLLARS OF OTHER SETTLEMENT MONEYS OR ALL

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OTHER SETTLEMENT MONEYS";

line 4, strike "state:" and substitute "state AND EXCEPT THAT, OF THE OTHER SETTLEMENT MONEYS RECEIVED BY THE STATE IN THE 2009-10 FISCAL YEAR, THE LESSER OF SIXTY-FIVE MILLION DOLLARS OR ALL OF SUCH MONEYS SHALL BE TRANSFERRED TO THE GENERAL FUND ON JUNE 30, 2010, AND SHALL NOT BE ALLOCATED:";

line 22, strike "strategic";

line 23, strike "contribution fund moneys received" and substitute "~~strategic contribution fund~~ SETTLEMENT moneys received AND ALLOCATED".

Page 4, before line 6, insert the following:

"(3) Notwithstanding the provisions of subsections (1) and (1.5) of this section, for purposes of sections 22-7-908 (3), 23-20-136 (3.5) (a), 25-4-1411 (6) (a), 25-4-1415 (2), 25-20.5-201 (2) (c), 25-23-104 (2), 25-31-107 (2) (d) (I), 25.5-3-207 (3), 25.5-8-105 (3), 27-10.3-106 (2) (b), and 28-5-709 (2) (a), C.R.S., ~~strategic contribution fund~~ SETTLEMENT moneys received and allocated by the state pursuant to said subsections (1) and (1.5) during the same fiscal year shall be deemed to be moneys received for or during the preceding fiscal year."

Page 6, after line 9, insert the following:

"(7) NOTWITHSTANDING ANY LIMITATION ON THE AMOUNT OF ADVANCES SET FORTH IN SECTION 24-75-203 (2), THE CONTROLLER MAY AUTHORIZE AN ADVANCE WITHOUT INTEREST IN ANY AMOUNT TO BE MADE TO ANY DEPARTMENT, INSTITUTION, OR AGENCY OF STATE GOVERNMENT TO PROVIDE IT WITH WORKING CAPITAL FOR THE OPERATION OF TOBACCO SETTLEMENT PROGRAMS TO WHICH SETTLEMENT MONEYS ARE ALLOCATED PURSUANT TO THIS SECTION."

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

Amend reengrossed bill, page 3, line 24, strike "strategic";

line 25, strike "contribution fund" and substitute "~~strategic contribution fund~~ SUCH".

Page 4, after line 5, insert the following:

"(2) The general assembly shall appropriate or the state treasurer shall transfer, as provided by law, the amounts specified in subsections (1) and (1.5) of this section from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115. Except for moneys credited to the health care supplemental appropriations and overexpenditures account of the cash fund pursuant to section 24-22-115 (4) (a), all settlement moneys other than ~~strategic contribution fund~~ SETTLEMENT moneys ~~transferred~~ RECEIVED AND ALLOCATED BY THE STATE DURING THE SAME FISCAL YEAR pursuant to ~~subsection (1.5)~~ SUBSECTIONS (1) AND (1.5) of this section shall be credited to the specified funds or accounts on July 1 of the fiscal year for which they are transferred, and all ~~strategic contribution fund~~ SETTLEMENT moneys ~~transferred~~ RECEIVED AND ALLOCATED BY THE STATE DURING THE SAME FISCAL YEAR pursuant to said ~~subsection (1.5)~~ SUBSECTIONS (1) AND (1.5) shall be credited to the specified funds or accounts upon receipt by the state."

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Page 5, strikes lines 4 through 6.

Reletter succeeding sub-subparagraphs accordingly.

Respectfully submitted,

(signed)

Senate Committee:
Senator White, Chair
Senator Keller
Senator Tapia

(signed)

House Committee:
Representative Ferrandino, Chair
Representative Pommer
Representative Marostica

MESSAGE FROM THE HOUSE

April 29, 2009

The House has adopted and returns herewith SJR09-053.

The House has adopted and transmits herewith HJR09-1024, as printed in House Journal, April 29.

The House has voted to concur in the Senate amendments to HJR09-1019 and has repassed the resolution as so amended.

The House has voted to concur in the Senate amendments to HB089-1015, 1026, 1056, 1085, 1129, 1160, and has repassed the bills as so amended.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1353.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB09-1126, amended as printed in House Journal, April 28, page 1558.
HB09-1331, amended as printed in House Journal, April 28, page 1559.
HB09-1342, amended as printed in House Journal, April 28, page 1559.
HB09-1347, amended as printed in House Journal, April 28, page 1559.
HB09-1352, amended as printed in House Journal, April 28, page 1563.
HCR09-1003, amended as printed in House Journal, April 28, pages 1567-1568.
HB09-1321, amended as printed in House Journal, April 28, pages 1569-1572.

The House has passed on Third Reading and returns herewith SB09-121, 089, 234.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
SB09-239, amended as printed in House Journal, April 28, page 1561.
SB09-173, amended as printed in House Journal, April 28, pages 1563-1566, and
on Third Reading as printed in House Journal, April 29.
SB09-021, amended as printed in House Journal, April 28, page 1566.
SB09-093, amended as printed in House Journal, April 28, pages 1566-1567.
SB09-135, amended as printed in House Journal, April 28, page 1567.
SB09-257, amended as printed in House Journal, April 28, page 1567.
SB09-003, amended as printed in House Journal, April 28, page 1568.

In response to the request of the Senate, the Speaker has appointed Representatives Weissmann, chairman, Pace, and B.Gardner as House conferees on the First Conference Committee on SB09-281.

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MESSAGE FROM THE REVISOR OF STATUTES

April 29, 2009

We herewith transmit:

- Without comment, HB09-1353.
- Without comment, as amended, HB09-1126, 1321, 1331, 1342, 1347, and 1352.
- Without comment, as amended, SB09-003, 021, 093, 135, 173, 239, and 257.
- Without comment, as amended, HCR09-1003.

INTRODUCTION OF RESOLUTIONS

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

HJR09-1022 by Representative(s) Frangas, Acree, Ferrandino, Gagliardi, Gerou, Green, Kerr J., Labuda, Looper, Pace, Primavera, Soper, Swalm, Todd; also Senator(s) Sandoval, Bacon, Heath, Tochtrop--Concerning the creation of a task force to study ways to maintain safety and quality of life for consumers utilizing home care placement agencies.

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

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title:

HB09-1343 by Representative(s) Massey, Solano, Todd, Gagliardi, Merrifield; also Senator(s) Williams, Foster, Heath, Hudak, Shaffer B.--Concerning the creation of the early childhood and school readiness legislative oversight commission. Education

HB09-1360 by Representative(s) Judd; also Senator(s) Sandoval--Concerning the adjustment of the ratio of valuation for assessment for residential real property. Finance

HB09-1362 by Representative(s) May; also Senator(s) Boyd--Concerning the authorization to local governments to provide financial assistance to specified institutions of higher education, and, in connection therewith, authorizing municipalities and counties to form community and state college service area districts and authorizing county governments to levy sales or property taxes for the purpose of providing financial assistance to specified state colleges. Local Government and Energy

HB09-1363 by Representative(s) Ferrandino; also Senator(s) Veiga--Concerning the authority for the unemployment compensation section of the division of employment and training in the department of labor and employment to operate as an enterprise for purposes of section 20 of article X of the state constitution. Business, Labor and Technology

HB09-1364 by Representative(s) Riesberg; also Senator(s) Boyd--Concerning an increase in the length of terms served by members appointed to the health care task force. Health and Human Services

On motion of Senator Tochtrop, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SBSB09-292, HB09-1348, SB09-286, HB09-1267, SB09-295, HB09-1039, SB09-233, HB09-1290, HB09-1310, HB09-1204, HB09-1330, HB09-1266, HB09-1163, HB09-1047, HB09-1320, HB09-1284, HB09-1202, HB09-1123, HB09-1020, HB09-1017, HB09-1326, HB09-1111, HB09-1298, SB09-085, HB09-1132, SB09-289, SB09-296 were made Special Orders at 1:15 p.m.

- Committee of the Whole The hour of 1:15 p.m. having arrived, Senator Newell moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Newell was called to the Chair to act as Chairman. 1
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- SPECIAL ORDERS -- SECOND READING OF BILLS** 5
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- 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: 7
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- SB09-292** by Senator(s) Brophy, Mitchell, Morse, Schwartz, Shaffer B., Veiga; also Representative(s) Labuda, Gardner B., Kagan, Levy, Roberts--Concerning the revision of statutes in the Colorado Revised Statutes, as amended, and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws. 11
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- Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 28, page 1338-1340 and placed in members' bill files.) 18
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- Amendment No. 2(L.007), by Senator Brophy. 21
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- Amend printed bill, page 87, after line 13, insert the following: 23
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- "(b) Section 81 of this act shall not take effect if Senate Bill 09-239 is enacted and becomes law." 25
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- Reletter succeeding paragraphs accordingly. 28
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- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 31
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- SB09-286** by Senator(s) Morse and Carroll M., Bacon, Boyd, Foster, Groff, Heath, Hodge, Hudak, Isgar, Newell, Romer, Shaffer B., Tapia, Tochtrop, Veiga, Williams; also Representative(s) Levy and Merrifield, Ferrandino, Kagan, Miklosi, Pommer, Pace, Benefield, Carroll T., Court, Fischer, Green, Hullinghorst, Judd, Kerr A., Labuda, McFadyen, Middleton, Rice, Ryden, Schafer S., Solano, Todd, Weissmann--Concerning criminal law, and, in connection therewith, changing the provisions related to legal representation of indigent defendants for certain misdemeanor cases; changing the offense level or sentencing options for select nonviolent offenses, property offenses, and drug offenses; changing the presumptive sentencing ranges for certain felony offenses; repealing certain extraordinary risk sentencing provisions; making changes to the habitual offender statute; and allowing for certain sentencing time credits for certain offenders. 34
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- Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 28, page 1340-1341 and placed in members' bill files.) 46
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- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 49
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- SB09-233** by Senator(s) Schwartz, Heath, Scheffel; also Representative(s) Liston, McFadyen, Rice, Solano--Concerning entrepreneurial uses of property for property tax purposes. 53
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- Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, April 22, page 1187-1188 and placed in members' bill files.) 56
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- Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 28, page 1366-1367 and placed in members' bill files.) 59
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- Amendment No. 3(L.005), by Senator Schwartz. 62
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- Amend the Appropriations Committee Report, dated April 28, 2009, page 1, strike lines 4 and 5 and substitute the following: 64
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- "line 14, strike "GROSS FINISHED BUILDING AREA." and substitute "TOTAL 67

IMPROVEMENT SQUARE FOOTAGE PER PARCEL."";

line 9, strike ""FUND", TO PROVIDE FOR THE DIRECT AND" and substitute ""FUND".";

strike lines 10 through 12;

line 13, strike "PARAGRAPH (c).";

line 19, strike "FOR THE DIRECT AND INDIRECT COSTS";

strike lines 20 and 21.

Page 2, line 1, strike "FUND REVENUE" and substitute "TO OFFSET THE ESTIMATED INCREASED SCHOOL FUND EXPENDITURES FROM THE GENERAL FUND";

line 10, strike "has" and substitute "and the property tax administrator have";

line 11, strike "office of economic development" and substitute "economic development commission created in section 24-46-102 (2), Colorado Revised Statutes,";

line 12, strike "office" and substitute "commission".

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

SB09-295

by Senator(s) Boyd, Groff, Heath, Hodge, Kopp, Romer, Schwartz, Tochtrop, Williams; also Representative(s) May and Middleton, Merrifield--Concerning accessibility at state-supported institutions of higher education.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, April 24, page 1264-1265 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 28, page 1362-1365 and placed in members' bill files.)

Amendment No. 3(L.019), by Senator Penry.

Amend printed bill, page 17, line 20, after "(10.5)", insert "(a)".

Page 18, after line 7, insert the following:

"(b) FOR ANY PROJECT COMMENCED PURSUANT TO SUBSECTION (9) OR (10) OF THIS SECTION, THE GOVERNING BOARD MAY ENHANCE THE PROJECT IN AN AMOUNT NOT TO EXCEED FIFTEEN PERCENT OF THE ORIGINAL ESTIMATE OF THE COST OF THE PROJECT WITHOUT THE APPROVAL OF THE COMMISSION, THE OFFICE OF STATE PLANNING AND BUDGETING, THE CAPITAL DEVELOPMENT COMMITTEE, OR THE JOINT BUDGET COMMITTEE SO LONG AS THE GOVERNING BOARD NOTIFIES THE COMMISSION, THE OFFICE OF STATE PLANNING AND BUDGETING, THE CAPITAL DEVELOPMENT COMMITTEE, AND THE JOINT BUDGET COMMITTEE IN WRITING, EXPLAINING HOW THE PROJECT HAS BEEN ENHANCED AND THE SOURCE OF THE MONEYS FOR THE ENHANCEMENT. FOR INFORMATIONAL PURPOSES, THE JOINT BUDGET COMMITTEE SHALL IDENTIFY THE NEW SOURCE OF MONEYS IN THE GENERAL APPROPRIATIONS BILL ENACTED AT THE NEXT REGULAR LEGISLATIVE SESSION."

Amendment No. 4(L.034), by Senator Boyd.

Amend the Appropriations Committee Report, dated April 28, 2009, page 1, line 5, strike "6" and substitute "15".

page 2, strike lines 11 through 32 and substitute the following:

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"Page 9, strike lines 1 through 9.".

Strike page 3 of the committee report.

Page 4 of the committee report, strike lines 1 through 10 and substitute the following:

"Renumber succeeding sections accordingly.".

Amend printed bill, page 9, strike line 27.

Strike page 10.

Page 11, strike lines 1 through 9.

Renumber succeeding sections accordingly.

Amendment No. 5(L.028), by Senator Boyd.

Amend printed bill, page 4, strike lines 20 and 21 and substitute the following:

"SECTION 2. The introductory portion to 23-5-129 (6) and 23-5-129 (6) (c) and (10), Colorado Revised Statutes, are amended to read:";

line 25, strike "education:" and substitute "education AS DEFINED BY SECTION 23-18-102 (10):".

Page 9, line 13, strike "EDUCATION," and substitute "EDUCATION AS DEFINED BY SECTION 23-18-102 (10),".

Page 14, line 7, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,".

Page 18, after line 16, insert the following:

"(13) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY LOCAL JUNIOR COLLEGE DISTRICT THAT IS NOT A PART OF THE STATE SYSTEM AND NOT ELIGIBLE TO RECEIVE ANY STATE FUNDS FOR CAPITAL CONSTRUCTION PURSUANT TO SECTION 23-71-202 (3).".

Amendment No. 6(L.035), by Senator Bacon.

Amend printed bill, page 14, line 15, after "approve", insert "FACILITY", and strike "planning" and substitute "planning";

line 16, after "planning", insert "PLANS", and strike "capital construction projects of" and substitute "capital construction projects of";

line 19, after "and", insert "CAPITAL CONSTRUCTION";

strike line 24 and substitute the following:

"FACILITY master plan AND program plan. ~~and physical plan.~~".

Amendment No. 7(L.033), by Senators King and Boyd.

Amend printed bill, page 9, line 12, strike "IF";

strike lines 13 through 26 and substitute the following:

"PROVIDED THAT THE STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION THAT ARE INCLUDED IN SECTION 23-20-101 CONTINUE TO

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ADMIT ALL IN-STATE FIRST-TIME FRESHMAN APPLICANTS THAT MEET PUBLISHED GUARANTEED-ADMISSIONS CRITERIA, THE CALCULATIONS IN SUBSECTION (1) OF THIS SECTION REGARDING THE PERCENTAGE OF STUDENTS WHO ARE IN-STATE STUDENTS AT A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION SHALL EXCLUDE FOREIGN STUDENTS. FOR PURPOSES OF THIS SUBSECTION (4), "FOREIGN STUDENT" MEANS A STUDENT WHO IS COUNTED AS FOREIGN AND PRESENT IN THE UNITED STATES ON A NONIMMIGRANT VISA. FOREIGN STUDENTS SHALL NOT EXCEED TEN PERCENT OF THE TOTAL STUDENT POPULATION. THE STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION THAT ARE INCLUDED IN SECTION 23-20-101 SHALL REPORT TO THE COLORADO COMMISSION ON HIGHER EDUCATION INFORMATION REGARDING RESIDENCY AND ENROLLMENT, INCLUDING THE NUMBER OF FOREIGN STUDENTS ENROLLED."

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

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

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 20, pages 1157-1158 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 28, page 1370-1372 and placed in members' bill files.)

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.)

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

Amendment No. 1, Local Government & Energy Committee Amendment.
(Printed in Senate Journal, April 29, and placed in members' bill files.)

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

SB09-296 by Senator(s) Boyd, Groff, Morse, Williams; also Representative(s) Ryden, Fischer, Green, Hullinghorst, Judd, Levy, McFadyen, Middleton, Pommer, Rice, Riesberg--Concerning the enforcement of offenses involving failure of certain persons in a vehicle to use an appropriate restraining device.

Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, April 29, and placed in members' bill files.)

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

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Special Orders -- Second Reading of Bills Calendar (HB09-1348, HB09-1267, HB09-1039, HB09-1290, HB09-1310, HB09-1204, HB09-1330, HB09-1266, HB09-1163, HB09-1047, HB09-1320, HB09-1284, HB09-1202, HB09-1123, HB09-1020, HB09-1017, HB09-1326, HB09-1111, HB09-1298, HB09-1132) of Wednesday, April 29, was laid over until Thursday, April 30, retaining its place on the calendar.

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Call of the Senate. Call raised.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the Appropriations Committee amendment to SB 09-085, dated April 28, 2009, did not pass.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	33	NO	1	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	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: SB09-292 as amended, SB09-286 as amended, SB09-233 as amended, SB09-295 as amended, SB09-085 as amended, SB09-289 as amended, SB09-296 as amended.

Laid over until Thursday, April 30 retaining their place on the Calendar: HB09-1348, HB09-1267, HB09-1039, HB09-1290, HB09-1310, HB09-1204, HB09-1330, HB09-1266, HB09-1163, HB09-1047, HB09-1320, HB09-1284, HB09-1202, HB09-1123, HB09-1020, HB09-1017, HB09-1326, HB09-1111, HB09-1298, HB09-1132.

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 House Amendments to Senate Bills, SB09-256.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB09-256 by Senator(s) Romer and Bacon; also Representative(s) Pommer and Scanlan--Concerning the financing of public schools, and making an appropriation therefor.

Senator Romer moved that the Senate not concur in House amendments to **SB09-256**, as printed in House Journal, April 27, pages 1490-1496, and that a Conference Committee be appointed.

On a substitute motion, Senator Hudak moved to concur in House amendments to **SB09-256**. The motion **failed** on the following roll call vote:

YES	14	NO	20	EXCUSED	1	ABSENT	0
Bacon	N	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	N	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	E	Romer	N	Veiga	N
Foster	Y	King K.	N	Sandoval	N	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	N
Heath	N	Mitchell	N	Schwartz	Y		

Senator Romer moved that the Senate not concur in House amendments to **SB09-256**, as printed in House Journal, April 27, pages 1490-1496, and that a Conference Committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was adopted on the following roll call vote:

YES	27	NO	7	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	E	Romer	Y	Veiga	Y
Foster	N	King K.	Y	Sandoval	Y	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	N		

The President appointed Senators Romer, Chair, Boyd, and King as Senate Conferees on the First Conference Committee on **SB09-256**.

Senator Romer moved that the Senate Conferees on the First Conference Committee on **SB09-256** be granted permission to go beyond the scope of the differences between the two houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**.

COMMITTEE OF REFERENCE REPORTS

Agriculture and Natural Resources

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

MEMBERS OF THE
WATER QUALITY CONTROL COMMISSION

for terms expiring February 15, 2011:

Peter Butler of Durango, Colorado to serve as a representative who lives west of the continental divide, appointed;

Jill C. Harris McConaughy of Glenwood Springs, Colorado to serve as a representative who lives west of the continental divide, appointed;

Janelle A. Barrilleaux of Golden, Colorado, appointed.

Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that **HB09-1067** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 27, strike "OR IMPROVE".

Strike page 4.

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

"A REASONABLE DEGREE.

(c) THE AMOUNT OF A CREDIT AUTHORIZED IN THIS SECTION SHALL BE DETERMINED BY THE BOARD, SUBJECT TO THE FOLLOWING GUIDELINES:

(I) THE CREDIT SHALL BE IN AN AMOUNT EQUAL TO OR LESS THAN ONE-HALF OF THE VALUE OF THE WATER RIGHT PROPOSED TO BE DONATED TO THE BOARD;

(II) THE VALUE OF THE WATER RIGHT SHALL BE DETERMINED BY THE BOARD, IN CONSULTATION WITH THE PROPOSED DONOR. IN DETERMINING THE VALUE OF THE WATER RIGHT, THE BOARD MAY CONSIDER, IN ADDITION TO OTHER FACTORS THE BOARD DEEMS APPROPRIATE, THE FOLLOWING:

(A) ANY APPRAISAL OR OTHER DOCUMENTATION SUBMITTED BY THE DONOR;

(B) THE SENIORITY, HISTORIC CONSUMPTIVE USE, AND DECREED USE OF THE WATER RIGHT;

(C) THE LOCATION OF THE EXISTING POINT OF DIVERSION OF THE WATER RIGHT; AND

(D) THE EXTENT TO WHICH AQUATIC AND RIPARIAN HABITAT WOULD BE PRESERVED BY CONVERSION OF THE WATER RIGHT TO AN INSTREAM FLOW."

Page 7, strike lines 17 through 26 and substitute the following:

SECTION 2. 39-22-531 (6), Colorado Revised Statutes, as enacted by Section 1 of House Bill 09-1067, is amended to read:

39-22-531. Instream flow incentive tax credit for water rights holders - rules - definitions - repeal. (6) If the revenue estimate prepared by the staff of the legislative council in June 2009 and each June thereafter indicates that the amount of the total general fund revenues for that particular fiscal year will not be sufficient to ~~maintain the limit on appropriations specified in section 24-75-201.1 (1), C.R.S.~~ GROW THE TOTAL STATE GENERAL FUND APPROPRIATIONS BY SIX PERCENT OVER SUCH APPROPRIATIONS FOR THE PREVIOUS FISCAL YEAR, then the credit authorized in this section shall not be allowed for any income tax year commencing during the calendar year in which the forecast is prepared. The credit certificate shall remain valid for the next tax year in which the revenue estimate prepared by the staff of the legislative council indicates that the amount of the total general fund revenues will be sufficient to ~~maintain the limit on appropriations specified in section 24-75-201.1 (1), C.R.S.~~ GROW THE TOTAL STATE GENERAL FUND APPROPRIATIONS BY SIX PERCENT OVER SUCH APPROPRIATIONS FOR THE PREVIOUS FISCAL YEAR.

SECTION 3. Act subject to petition - effective date - applicability. (1) Except as otherwise provided in subsection (2) of this

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section, this act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) Section 2 of this act shall only take effect if Senate Bill 09-228 is enacted and becomes law."

Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that **HB09-1308** be postponed indefinitely.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB09-1349** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike line 12 and substitute the following:

"COVERAGE PURSUANT TO SECTIONS 10-16-108 (1) (d) (XVII) (C) OR 10-16-108 (2) (b) (I) (C);".

Page 3, line 21, strike "OCCURRED;" and substitute "OCCURRED; AND";

line 23, strike "SECTION" and substitute "SECTIONS" and, before "AND", insert "OR 10-16-108 (2) (b) (I) (C)";

strike lines 26 and 27 and substitute the following:

"AMENDED."

Page 4, line 8, strike "AN ASSISTANCE-ELIGIBLE INDIVIDUAL" and substitute "A QUALIFIED BENEFICIARY";

line 9, strike "SECTION" and substitute "SECTIONS";

line 10, strike "(e) (II)" and substitute "(b) OR 10-16-108 (2) (a)";

after line 13, insert the following:

"(3) A QUALIFIED BENEFICIARY MAY ELECT CONTINUATION COVERAGE AS PROVIDED BY THIS SECTION NO LATER THAN SIXTY DAYS AFTER THE DATE OF THE NOTICE DESCRIBED IN SUBSECTION (5) OF THIS SECTION.

(4) THE EFFECTIVE DATE OF COVERAGE PURSUANT TO THIS SECTION SHALL BE THE FIRST DAY OF THE MONTH FOLLOWING THE ELECTION OF COVERAGE."

Renumber succeeding subsections accordingly.

Page 5, line 2, after "THE", insert "QUALIFIED";

line 4, strike "SECTION" and substitute "SECTIONS" and, before "TO", insert "OR 10-16-108 (2) (c) (II)".

Page 6, line 1, strike "SECTION" and substitute "SECTIONS" and strike "(I);" and substitute "(I) OR 10-16-108 (2) (c) (I)";

line 15, strike "(3)" and substitute "(5)";

line 17, strike "SECTION" and substitute "SECTIONS";

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line 18, strike "(I)." and substitute "(I) OR 10-16-108 (2) (c) (I).";

line 20, strike "(3)" and substitute "(5)".

Page 7, line 6, before "GROUP", insert "CURRENT".

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB09-1341** be referred to the Committee of the Whole with favorable recommendation.

Education

After consideration on the merits, the Committee recommends that **HB09-1280** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 5, line 4, after "OBTAIN", insert "HIGH SCHOOL DIPLOMAS OR".

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

HJR09-1024 by Representative(s) Sonnenberg; also Senator(s) Hodge--Concerning the actions of other states in subjecting Colorado-based interstate motor carriers to an unreasonable income tax.

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

INTRODUCTION OF CONCURRENT RESOLUTIONS

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

HCR09-1003 by Representative(s) Lambert; also Senator(s) King K.--Submitting to the registered electors of the state of Colorado an amendment to section 2 of article XVIII of the constitution of the state of Colorado, concerning the regulation of games of chance by an authority specified by the general assembly.

Finance

INTRODUCTION OF BILLS -- FIRST READING

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

HB09-1126 by Representative(s) Hullinghorst, Curry; also Senator(s) Shaffer B., Heath--Concerning incentives for the development of solar thermal energy systems.
Local Government and Energy

HB09-1321 by Representative(s) Levy, Carroll T., Green, Benefield, Court, Ferrandino, Hullinghorst, Kerr A., Looper, McCann, McFadyen, McGihon, McKinley, Merrifield, Miklosi, Pace, Pommer, Ryden, Scanlan, Todd, Vigil, Weissmann; also Senator(s) Carroll M., Bacon, Boyd, Foster, Heath, Morse, Romer--Concerning the placement of a juvenile who is awaiting trial in district court.
Judiciary

HB09-1331 by Representative(s) Gagliardi; also Senator(s) Boyd--Concerning incentives for efficient motor vehicles, and making an appropriation in connection therewith.
State, Veterans & Military Affairs

HB09-1342 by Representative(s) Benefield and Kagan, Ferrandino, Fischer, Gagliardi, Green, Hullinghorst, Judd, Kerr A., Labuda, McCann, Merrifield, Middleton, Ryden, Scanlan,

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Todd; also Senator(s) Boyd and Williams, Bacon, Carroll M., Foster, Heath, Hudak, Morse, Newell, Romer, Schwartz, Shaffer B., Veiga--Concerning the elimination of the state sales and use tax exemption for cigarettes, and making an appropriation in connection therewith.
Finance

HB09-1347 by Representative(s) Kagan, Benefield, Frangas, Kerr J., McFadyen, Nikkel, Primavera, Solano; also Senator(s) Romer, Spence--Concerning the issuance of a donate life special license plate, and making an appropriation in connection therewith.
Transportation

HB09-1352 by Representative(s) Levy; also Senator(s) Renfroe--Concerning adding commission of certain proscribed acts by government officials to the list of deceptive trade practices.
Judiciary

HB09-1353 by Representative(s) Miklosi; also Senator(s) Foster, Newell--Concerning legal immigrants' eligibility for public medical benefits.
Health and Human Services

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB09-002, 104, 126, 144 and 251.

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 Wednesday, April 29, was laid over until Thursday, April 30, retaining its place on the calendar.

Consideration of Resolutions: SR09-015, SJR09-039, SJR09-040, SJR09-042, SJR09-044, SJR09-045, SJR09-047, SJR09-048, HJR09-1014, HJR09-1016, HJR09-1021, SJR09-050, SJR09-051, SJR09-054, SJR09-055 SJR09-056, HJR09-1020.
Consideration of Memorials: SJM09-003, SJM09-004, SJM09-005, SJM09-006, SJM09-009.
Consideration of House Amendments to Senate Bills: SB09-087, SB09-228, SB09-123, SB09-124, SB09-043, SB09-133, SB09-160, SB09-161, SB09-167, SB09-219.
Consideration of Governor's Appointments:
Members of the Pinnacol Assurance Board of Directors
Members of the Colorado School of Mines, Board of Trustees
Member of the Board of Trustees for the Colorado School for the Deaf and the Blind
Members of the Colorado Children's Trust Fund Board
Members of the CoverColorado Board of Directors
Conference Committees to Report: SB09-279

TRIBUTES

Honoring:

Stacie Barrie -- Senator Tochtrop
Cindy Whitaker -- Senator Isgar and Representatives Tipton and Roberts
Shannon Bassett -- Senator Isgar and Representative Roberts
Chasity DeJulio -- Senator Isgar and Representative Tipton
Betty Dalton -- Senator Foster
Bill Hellman Sr. -- Senator Penry and Representatives King and Tipton
Debbie Aguilar -- Senator Tapia
Moises Alcalá -- Senator Mitchell
Danny Mitchell -- Senator Mitchell
Tino Laureles -- Senator Mitchell
Philip Grout -- Senator Mitchell

Matt Gurule -- Senator Mitchell
Nathan Huere -- Senator Mitchell
Mike Morgan -- Senator Mitchell
Jeremy Schmitt -- Senator Mitchell
Kurtis Nelson -- Senator Mitchell
Gavin Peters -- Senator Mitchell
Conor Medbury -- Senator Mitchell

On motion of Senator Shaffer, the Senate adjourned until Thursday, 9:00 a.m., April 30, 2009.

Approved:

Betty Boyd
President *pro tem* of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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