

SENATE JOURNAL
 Sixty-sixth General Assembly
STATE OF COLORADO
 Second Regular Session

107th Legislative Day Thursday, April 24, 2008

Prayer By the chaplains, Capt. Arthur Ford, Colorado Civil Air Patrol and Rev. Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.

Pledge By Senator Brophy.

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

Roll Call Present--33.
Excused--2; Cadman, Tupa.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Penry, reading of the Journal of April 23, 2008 was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

April 23, 2008
 Mr. President:

In response to the request of the Senate, the Speaker has appointed Representatives Massey, chairman, Merrifield, and Middleton as House conferees on the First Conference Committee on SB08-018.

The Speaker has announced the following change in sponsorship on SB08-188. Representative Pommer will replace Representative J. Kerr as prime sponsor.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions -- SJR08-024 and SJR08-020.

CONSIDERATION OF RESOLUTIONS

SJR08-024 by Senator(s) Tochtrop; also Representative(s) Peniston--Concerning remembrance of the Armenian Genocide on April 24, 2008, and every year hereafter, as "Colorado Day of Remembrance of the Armenian Genocide".

On motion of Senator Tochtrop, the resolution was read at length and **adopted** by the following roll call vote:

| YES | 33 | NO | 0 | EXCUSED | 2 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | E |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | E | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

Co-sponsors added: Bacon, Boyd, Brophy, Gibbs, Gordon, Groff, Hagedorn, Harvey, Isgar, Johnson, Keller, Kester, Kopp, Mitchell S., Morse, Renfroe, Romer, Sandoval, Schultheis, Schwartz, Shaffer, Spence, Takis, Tapia, Taylor, Veiga, Wiens, Williams and Windels.

SJR08-020 by Senator(s) Spence, Cadman, Romer; also Representative(s) Todd--Concerning support of the membership of the Republic of China in the United Nations.

On motion of Senator Spence, the resolution was read at length and **adopted** by the following roll call vote:

| YES | 33 | NO | 0 | EXCUSED | 2 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | E |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | E | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

Co-sponsors added: Bacon, Boyd, Brophy, Gibbs, Gordon, Groff, Hagedorn, Harvey, Isgar, Johnson, Keller, Kester, Kopp, McElhany, Mitchell S., Morse, Penry, Renfroe, Sandoval, Schultheis, Schwartz, Shaffer, Takis, Tapia, Taylor, Tochtrop, Veiga, Ward, Wiens, Williams and Windels.

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:

SB08-040 by Senator(s) Gordon; also Representative(s) Casso--Concerning online voter registration, and making an appropriation therefor.

Laid over until Thursday, May 1, retaining its place on the calendar.

SB08-198 by Senator(s) Gordon; also Representative(s) Witwer--Concerning requirements applicable to congressional redistricting.

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

| YES | 21 | NO | 12 | EXCUSED | 2 | ABSENT | 0 |
|----------|----|-------------|----|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | N | Tochtrop | N |
| Boyd | N | Keller | Y | Sandoval | N | Tupa | E |
| Brophy | Y | Kester | Y | Schultheis | N | Veiga | N |
| Cadman | E | Kopp | Y | Schwartz | N | Ward | Y |
| Gibbs | N | McElhany | Y | Shaffer | N | Wiens | N |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | N | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | N | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

HB08-1231 by Representative(s) Hodge; also Senator(s) Brophy--Concerning changes to the regulation of fertilizer.

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

| YES | 33 | NO | 0 | EXCUSED | 2 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | E |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | E | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

Co-sponsors added: Isgar.

HB08-1345 by Representative(s) Weissmann and Butcher; also Senator(s) Tapia--Concerning vacancies in elective offices.

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

| YES | 30 | NO | 3 | EXCUSED | 2 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | E |
| Brophy | N | Kester | Y | Schultheis | N | Veiga | Y |
| Cadman | E | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | N |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

HB08-1170 by Representative(s) Soper, Carroll M., Casso, Ferrandino, Gagliardi, Kefalas, Labuda; also Senator(s) Tochtrop--Concerning the regulation of electricians.

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

| YES | 20 | NO | 13 | EXCUSED | 2 | ABSENT | 0 |
|----------|----|-------------|----|------------|---|-----------|---|
| Bacon | Y | Johnson | N | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | E |
| Brophy | N | Kester | Y | Schultheis | N | Veiga | Y |
| Cadman | E | Kopp | N | Schwartz | Y | Ward | N |
| Gibbs | Y | McElhany | N | Shaffer | Y | Wiens | N |
| Gordon | Y | Mitchell S. | N | Spence | N | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | N | Penry | N | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | N | Taylor | N | | |

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

HB08-1379 by Representative(s) Curry; also Senator(s) Isgar--Concerning an extension of the deadline for the Colorado oil and gas conservation commission to promulgate rules concerning a consultation process with other state agencies until July 16, 2008.

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

| YES | 33 | NO | 0 | EXCUSED | 2 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | E |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | E | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

Co-sponsors added: Taylor.

HB08-1151 by Representative(s) Lambert, Carroll T., Liston, Balmer, Gardner B., Gardner C., Garza-Hicks, Kerr J., King, Looper, Lundberg, Marostica, McNulty, Roberts, Rose, Sonnenberg, Stephens, Summers, Swalm, Todd, Vaad, Witwer; also Senator(s) Schultheis, Harvey, Penry, Cadman, Kopp, Renfroe--Concerning special license plates that honor meritorious service, and, in connection therewith, creating the boy scouts centennial special license plate and authorizing military special license plates for motor vehicles owned by trusts.

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

| YES | 32 | NO | 0 | EXCUSED | 3 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | E |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | E | Kopp | E | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

Co-sponsors added: Gibbs, Mitchell S., Morse, Spence, Taylor, Tochtrop and Wiens.

HB08-1007 by Representative(s) Looper; also Senator(s) Tapia--Concerning the modification of statutory provisions enacted by the general assembly during the 2006 legislative session that impose certain requirements on private toll companies for the purpose of alleviating consequences of those provisions that may affect real property.

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

| YES | 28 | NO | 5 | EXCUSED | 2 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | Y | Romer | Y | Tochtrop | N |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | E |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | E | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | N | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | N | Morse | Y | Takis | N | Windels | N |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

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

On motion of Senator Gordon, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB08-213, SB08-157 as amended, SB08-232, SB08-225, SB08-226, SB08-218, SB08-241, SCR08-005 were made Special Orders at 10:27 a.m.

Committee of the Whole The hour of 10:27 a.m. having arrived, Senator Johnson moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Johnson 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:

SB08-157 by Senator(s) Schwartz; also Representative(s) Benefield--Concerning the state income tax modification for Colorado capital gains, and, in connection therewith, for income tax years for which specified state income tax modifications for Colorado capital gains used to refund

excess state revenues are not allowed, allowing a partial modification for capital gains earned on property, stock, or an ownership interest acquired before May 9, 1994, and offsetting the state revenue impact of the partial modification by reducing the modification allowed for capital gains earned on property, stock, or an ownership interest acquired on or after May 9, 1994.

(Amended in General Orders as printed in Senate Journal, March 25, pages 671-672.)

As amended, laid over until Monday, April 28, retaining its place on the calendar.

SB08-232 by Senator(s) Isgar and Gibbs, Brophy, Kester, Kopp, Schwartz, Taylor, Wiens; also Representative(s) Curry--Concerning certain entities within the Colorado state university system, and, in connection therewith, making an appropriation to the wildfire emergency response fund.

Amendment No. 1, Agriculture, Natural Resources & Energy Committee Amendment.
(Printed in Senate Journal, April 22, page 1067 and placed in members' bill files.)

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

SB08-225 by Senator(s) Gordon; --Concerning a prohibition on the use of gaming equipment in a cigar-tobacco bar.

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

Senator Gordon moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 1:30 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

REPORT OF THE COMMITTEE OF THE WHOLE

Passed on Second Reading: SB08-232 as amended, SB08-225.

Laid over until Monday, April 28 on the Special Orders calendar: SB08-157 as amended.

Committee of the Whole in recess.

MESSAGE FROM THE GOVERNOR

April 23, 2008

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

Ladies and Gentlemen:

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

SB08-016 CONCERNING THE ADDITION OF A LINE TO COLORADO STATE INDIVIDUAL INCOME TAX RETURN FORMS WHEREBY INDIVIDUAL TAXPAYERS MAY MAKE A VOLUNTARY CONTRIBUTION TO THE 9HEALTH FAIR FUND.

Approved April 23, 2008 at 2:42 PM.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd 04/23/08, 4:29 p.m.
Karen Goldman, Secretary of the Senate

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SENATE SERVICES REPORT

Correctly Engrossed: SB08-198.
Correctly Reengrossed: SB08-216, 219, and 221.
Correctly Revised: HB08-1007, 1151, 1170, 1231, 1345, and 1379; HJR08-1025.
Correctly Rerevised: HB08-1046, 1054, 1056, 1058, 1078, 1105, 1139, 1156, 1164, 1234, 1269, 1314, 1329, and 1366.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Local Government After consideration on the merits, the Committee recommends that HB08-1365 be referred to the Committee on Finance with favorable recommendation.

Local Government After consideration on the merits, the Committee recommends that HB08-1278 be postponed indefinitely.

Finance After consideration on the merits, the Committee recommends that HB08-1380 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

- Amend reengrossed bill, page 9, strike line 26;
line 27, strike "PURSUANT TO SECTION 39-22-303.5 (8) (b)," and substitute "applicable,".
Page 18, line 21, strike "LEGISLATIVE COUNCIL STAFF," and substitute "THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL,".
Page 19, line 16, strike "(a)";
line 21, strike "SECTION" and substitute "SECTION, INCLUDING PROVISIONS TO APPLY AND ADMINISTER THE SALES FACTOR FOR SPECIAL INDUSTRIES, WHICH ARE SET FORTH IN 1 CCR 201-2,";
strike lines 25 through 27.
Page 20, strike lines 1 through 3;
line 4, strike "THE EXECUTIVE DIRECTOR";
line 5, strike "OF THE DEPARTMENT OF REVENUE AND";
line 6, strike "JOINTLY".

Finance After consideration on the merits, the Committee recommends that HB08-1352 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

- Amend reengrossed bill, page 5, line 21, strike "20" and substitute "23".

Finance After consideration on the merits, the Committee recommends that HB08-1368 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

- Amend reengrossed bill, page 7, line 10, strike "ARE" and substitute "SHALL BE".

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Finance After consideration on the merits, the Committee recommends that **HB08-1225** be referred to the Committee on Appropriations with favorable recommendation. 1
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Finance After consideration on the merits, the Committee recommends that **HB08-1013** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation. 3
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Amend reengrossed bill, page 1, after line 1, insert the following: 8
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"**SECTION 1.** 29-2-105 (1) (d), Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read: 10
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29-2-105. Contents of sales tax ordinances and proposals. 13
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(1) The sales tax ordinance or proposal of any incorporated town, city, or county adopted pursuant to this article shall be imposed on the sale of tangible personal property at retail or the furnishing of services, as provided in paragraph (d) of this subsection (1). Any countywide or incorporated town or city sales tax ordinance or proposal shall include the following provisions: 15
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(d) (I) A PROVISION THAT THE SALE OF TANGIBLE PERSONAL PROPERTY AND SERVICES TAXABLE PURSUANT TO THIS ARTICLE SHALL BE THE SAME AS THE SALE OF TANGIBLE PERSONAL PROPERTY AND SERVICES TAXABLE PURSUANT TO SECTION 39-26-104, C.R.S., EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH (d). THE SALE OF TANGIBLE PERSONAL PROPERTY AND SERVICES TAXABLE PURSUANT TO THIS ARTICLE SHALL BE SUBJECT TO THE SAME SALES TAX EXEMPTIONS AS THOSE SPECIFIED IN PART 7 OF ARTICLE 26 OF TITLE 39, C.R.S., EXCEPT THAT THE SALE OF THE FOLLOWING MAY BE EXEMPTED FROM A TOWN, CITY, OR COUNTY SALES TAX ONLY BY THE EXPRESS INCLUSION OF THE EXEMPTION EITHER AT THE TIME OF ADOPTION OF THE INITIAL SALES TAX ORDINANCE OR RESOLUTION OR BY AMENDMENT THERETO: 21
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(A) THE EXEMPTION FOR SALES OF MACHINERY OR MACHINE TOOLS SPECIFIED IN SECTION 39-26-709 (1), C.R.S.; 34
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(B) THE EXEMPTION FOR SALES OF ELECTRICITY, COAL, WOOD, GAS, FUEL OIL, OR COKE SPECIFIED IN SECTION 39-26-715 (1) (a) (II), C.R.S.; 37
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(C) THE EXEMPTION FOR SALES OF FOOD SPECIFIED IN SECTION 39-26-707 (1) (e), C.R.S.; 41
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(D) THE EXEMPTION FOR VENDING MACHINE SALES OF FOOD SPECIFIED IN SECTION 39-26-714 (2), C.R.S.; 44
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(E) THE EXEMPTION FOR SALES BY A CHARITABLE ORGANIZATION SPECIFIED IN SECTION 39-26-718 (1) (b), C.R.S.; 47
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(F) THE EXEMPTION FOR SALES OF FARM EQUIPMENT AND FARM EQUIPMENT UNDER LEASE OR CONTRACT SPECIFIED IN SECTION 39-26-716 (2) (b) AND (2) (c), C.R.S.; 50
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(G) THE EXEMPTION FOR SALES OF LOW-EMITTING MOTOR VEHICLES, POWER SOURCES, OR PARTS USED FOR CONVERTING SUCH POWER SOURCES AS SPECIFIED IN SECTION 39-26-719 (1), C.R.S.; 54
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(H) THE EXEMPTION FOR SALES OF PESTICIDES SPECIFIED IN SECTION 39-26-716 (2) (e), C.R.S.; AND 58
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(I) THE EXEMPTION FOR SALES THAT BENEFIT A COLORADO SCHOOL SPECIFIED IN SECTION 39-26-723, C.R.S. 61
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(II) IF A TOWN, CITY, OR COUNTY SALES TAX EXPRESSLY INCLUDES ANY EXEMPTIONS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) BY AN AMENDMENT TO THE INITIAL SALES TAX ORDINANCE OR RESOLUTION, SUCH AMENDMENT SHALL BE ADOPTED IN THE SAME MANNER AS THE INITIAL ORDINANCE OR RESOLUTION. 64
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(III) IN THE ABSENCE OF AN EXPRESS PROVISION FOR ANY EXEMPTION SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (d), ALL SALES TAX ORDINANCES AND RESOLUTIONS SHALL BE CONSTRUED AS IMPOSING OR CONTINUING TO IMPOSE THE TOWN, CITY, OR COUNTY SALES TAX ON SUCH ITEMS.

SECTION 2. 29-2-106 (4) (a), Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

29-2-106. Collection - administration - enforcement.

(4) (a) (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL, AT NO CHARGE, ADMINISTER, COLLECT, AND DISTRIBUTE THE SALES TAX OF ANY HOME RULE MUNICIPALITY UPON REQUEST OF THE GOVERNING BODY OF SUCH MUNICIPALITY:

(A) IF THE PROVISIONS OF THE SALES TAX ORDINANCE OF SAID MUNICIPALITY, OTHER THAN THOSE PROVISIONS RELATING TO LOCAL PROCEDURES FOLLOWED IN ADOPTING THE ORDINANCE, CORRESPOND TO THE REQUIREMENTS OF THIS ARTICLE FOR SALES TAXES IMPOSED BY COUNTIES, TOWNS, AND CITIES;

(B) IF NO USE TAX IS TO BE COLLECTED BY THE DEPARTMENT OF REVENUE EXCEPT AS PROVIDED IN SECTION 39-26-208, C.R.S.; AND

(C) WHETHER OR NOT THE ORDINANCE APPLIES THE SALES TAX TO THE EXEMPTIONS LISTED IN SECTION 29-2-105 (1) (d) (I).

(II) WHEN THE GOVERNING BODY OF ANY HOME RULE MUNICIPALITY REQUESTS THE DEPARTMENT OF REVENUE TO ADMINISTER, COLLECT, AND DISTRIBUTE THE SALES TAX OF SAID MUNICIPALITY AS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), SAID GOVERNING BODY SHALL CERTIFY TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT A TRUE COPY OF THE HOME RULE MUNICIPALITY'S SALES TAX ORDINANCE."

Renumber succeeding sections accordingly.

Trans-
portation

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

MEMBERS OF THE
COLORADO AERONAUTICAL BOARD

for a term expiring December 19, 2008:

Joseph H. Thibodeau of Denver, Colorado to fill the vacancy occasioned by the resignation of E. Patrick Wiesner of Castle Rock, Colorado and to serve as a representative of the statewide association of pilots, appointed;

for terms expiring December 19, 2009:

Harold W. Patton, Jr., of Greenwood Village, Colorado to serve as a representative of local government from the eastern slope, reappointed;

Louis A. Spera of Pueblo West, Colorado to serve as a representative of local government from the eastern slope, appointed;

David A. Ubell of Olathe, Colorado to serve as a representative of local government from the western slope, appointed.

for terms expiring December 19, 2010:

Debra K. Wilcox of Centennial, Colorado to serve as an individual familiar with and supportive of the state's aviation issues, interests, and concerns, appointed;

Dale E. Hancock of Glenwood Springs, Colorado to serve as a representative of local government from the western slope, reappointed.

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Trans-
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After consideration on the merits, the Committee recommends that **SB08-224** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. 9-5.5-107 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

9-5.5-107. License qualifications - contractor - mechanic - inspector - repeal. (2) (c) IN LIEU OF QUALIFYING PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), AN APPLICANT APPOINTED OR DESIGNATED AS A CONVEYANCE INSPECTOR SHALL QUALIFY IF THE APPLICANT IS ELIGIBLE TO, AND INTENDS TO, BECOME NATIONALLY CERTIFIED WITHIN ONE YEAR. A LICENSE ISSUED PURSUANT TO THIS SECTION SHALL EXPIRE UPON THE TERMINATION OF EMPLOYMENT WITH THE LOCAL JURISDICTION OR AFTER ONE YEAR FROM THE DATE OF LICENSURE, WHICHEVER OCCURS FIRST. A LICENSE ISSUED PURSUANT TO THIS PARAGRAPH (c) SHALL NOT BE ELIGIBLE FOR RENEWAL UNLESS THE APPLICANT HAS OBTAINED NATIONAL CERTIFICATION.

SECTION 2. 9-5.5-112, Colorado Revised Statutes, is amended to read:

9-5.5-112. Compliance - rules. (1) The administrator shall promulgate rules for the construction, alteration, repair, service, and maintenance of conveyances. EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, such rules shall conform ~~within six months after the effective date of the standards;~~ to the following standards:

- (a) ASCE 21;
- (b) ASME A17.1;
- (c) ASME A17.3; and
- (d) ASME A18.1.

(2) (a) The administrator shall determine whether a local jurisdiction's standards are equal to or greater than those of this article. If so, then the administrator shall enter into a memorandum of agreement with the local jurisdiction that approves the jurisdiction's authority to regulate conveyances.

(b) THE ADMINISTRATOR MAY ESTABLISH A SCHEDULE FOR A LOCAL JURISDICTION TO ADOPT UPDATED STANDARDS, EQUALING OR EXCEEDING THE STANDARDS IMPOSED UNDER SUBSECTION (1) OF THIS SECTION, WHICH SHALL BE ADOPTED WITHIN A REASONABLE AMOUNT OF TIME AS NEEDED FOR A LOCAL JURISDICTION TO UPDATE ITS STANDARDS.

(3) (a) THE ADMINISTRATOR SHALL PROMULGATE RULES EXEMPTING A CONVEYANCE INSTALLED BEFORE JULY 1, 2008, FROM COMPLIANCE WITH ASME A17.3.

(b) IN PROMULGATING THE RULES REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE ADMINISTRATOR MAY ADOPT CHANGES TO THE STANDARDS LISTED IN SUBSECTION (1) OF THIS SECTION THAT THE ADMINISTRATOR DEEMS TO BE IN THE PUBLIC INTEREST, INCLUDING, WITHOUT LIMITATION, ADOPTING MODIFICATIONS TO, CHANGING THE APPLICABILITY OF, EXEMPTING CONVEYANCES FROM, CHANGING INSPECTOR WITNESSING REQUIREMENTS OF, AND DEFINING EVENTS THAT TRIGGER THE APPLICABILITY OF ALL OR A PORTION OF THE STANDARDS.

SECTION 3. 9-5.5-115 (1) and (2), Colorado Revised Statutes, are amended, and the said 9-5.5-115 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

9-5.5-115. Insurance. (1) Each conveyance contractor shall

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submit to the administrator an insurance policy, certificate of insurance, or certified copy of either issued by an insurance company authorized to do business in Colorado. Such policy shall provide general liability coverage of at least one million dollars for the injury or death of each person in each occurrence and coverage for at least five hundred thousand dollars for property damage in each occurrence. In addition, a conveyance contractor shall submit evidence of the insurance coverage mandated by the "Workers' Compensation Act of Colorado", articles 40 to 47 of title 8, C.R.S.

(2) Certified conveyance inspectors shall submit to the administrator an insurance policy, certificate of insurance, or certified copy of either issued by an insurance company authorized to do business in Colorado. Such policy shall provide general liability coverage of at least one million dollars for the injury or death of each person in each occurrence and coverage for at least five hundred thousand dollars for property damage in each occurrence.

(4) THIS SECTION SHALL NOT APPLY TO A LOCAL JURISDICTION OR THE EMPLOYEE OF A LOCAL JURISDICTION IN THE PERFORMANCE OF THE EMPLOYEE'S OFFICIAL DUTIES.

SECTION 4. Effective date. This act shall take effect July 1, 2008.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Trans-
portation

After consideration on the merits, the Committee recommends that **HB08-1036** be referred to the Committee on Appropriations with favorable recommendation.

Call of the Senate. Call raised.

MESSAGE FROM THE HOUSE

April 24, 2008
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB08-1356, amended as printed in House Journal, April 23, page 1538.
HB08-1389, amended as printed in House Journal, April 23, page 1539.
HB08-1032, amended as printed in House Journal, April 23, pages 1539-1540.
HB08-1393, amended as printed in House Journal, April 23, pages 1540-1541.
HB08-1398, amended as printed in House Journal, April 23, page 1541.
HB08-1397, amended as printed in House Journal, April 23, page 1542.

April 24, 2008
Mr. President:

The House has adopted and returns herewith SJR08-024, amended as printed in House Journal, April 24.

The House failed to pass SB08-104 as amended on Second Reading. The bill is returned herewith.

MESSAGE FROM THE REVISOR OF STATUTES

April 24, 2008

We herewith transmit:

Without comment, as amended, HB08-1032, 1356, 1389, 1393, 1397, and 1398.

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Committee of the Whole reconvened.

SPECIAL ORDERS -- SECOND READING OF BILLS -- cont.

- SB08-226** by Senator(s) Isgar; also Representative(s) Butcher and McFadyen, Fischer, King--
Concerning the prohibition of aquatic nuisance species in Colorado. 10
- Amendment No. 1, Agriculture, Natural Resources & Energy Committee Amendment. 11
(Printed in Senate Journal, April 18, pages 1039-1040 and placed in members' bill files.) 12
- Amendment No. 2, Appropriations Committee Amendment. 13
(Printed in Senate Journal, April 23, page 1102-1104 and placed in members' bill files.) 14
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final 15
Passage. 16
- SCR08-005** by Senator(s) Gordon; --Submitting to the registered electors of the state of Colorado an 17
amendment to section 22 of article V of the constitution of the state of Colorado, concerning 18
the passage of bills by a majority of members elected to each house of the general assembly 19
who have not abstained from voting on the bills. 20
- Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 21
- SB08-241** by Senator(s) Tochtrop; also Representative(s) Marshall--Concerning claims made under the 22
"Workers' Compensation Act of Colorado" for work-related injuries. 23
- Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 24
- SB08-218** by Senator(s) Schwartz and Penry, Isgar, Groff, Romer, Windels; also Representative(s) 25
Buescher and Balmer, Fischer, Curry--Concerning the allocation of federal mineral lease 26
revenues, and, in connection therewith, requiring federal mineral lease bonus payments to 27
be transferred to a new local government permanent fund and a new higher education 28
maintenance and reserve fund and specifying the circumstances in which and purposes for 29
which moneys in the funds may be used, preserving existing allocations of federal mineral 30
lease revenues to the state public school fund and the Colorado water conservation board 31
construction fund and allowing a limited amount of growth in those allocations, allocating 32
remaining federal mineral lease revenues to counties and municipalities through federal 33
mineral lease-specific formula-based direct distributions and department of local affairs 34
grants and to the higher education maintenance and reserve fund and a new higher education 35
federal mineral lease revenues fund, and specifying the circumstances in which higher 36
education maintenance and reserve fund moneys may be expended for specified higher 37
education funding purposes. 38
- Amendment No. 1, Education Committee Amendment. 39
(Printed in Senate Journal, April 11, page 902-909 and placed in members' bill files.) 40
- Amendment No. 2, Finance Committee Amendment. 41
(Printed in Senate Journal, April 17, pages 1014-1015 and placed in members' bill files.) 42
- Amendment No. 3, Appropriations Committee Amendment. 43
(Printed in Senate Journal, April 23, pages 1104-1106 and placed in members' bill files.) 44
- Amendment No. 4(L.016), by Senator Schwartz. 45
- Amend the Finance Committee Report, date April 17, 2008, page 1, after 46
line 1, insert the following: 47
- "line 10, after "MUNICIPALITIES", insert "IN COMBINATION WITH AND"; 48
- after line 2, insert the following: 49
- "Page 6, line 36, after "(5.4)", insert "AND ANY MONEYS APPROPRIATED BY 50
THE GENERAL ASSEMBLY FROM THE LOCAL GOVERNMENT PERMANENT 51
FUND TO THE DEPARTMENT PURSUANT TO SUB-SUBPARAGRAPH (B) OF 52
SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (5.3) OF THIS 53
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SECTION";";

line 8 of the Finance Committee Report, strike "COUNTIES.;" and substitute "COUNTIES TO THE MINERAL LEASING FUND.;"

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

Amend the Education Committee Report, dated April 10, 2008, page 11, line 9, strike "SHALL " and substitute "MAY";

line 12, strike "LISTED";

strike lines 13 through 16 and substitute the following:

"INCLUDED ON A PRIORITIZED LIST OF SUCH PROJECTS SPECIFIED IN A JOINT RESOLUTION THAT HAS TAKEN EFFECT IN ACCORDANCE WITH SECTION 39 OF ARTICLE V OF THE STATE CONSTITUTION AFTER BEING SPONSORED BY THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, APPROVED BY THE GENERAL ASSEMBLY, AND PRESENTED TO THE GOVERNOR PURSUANT TO SECTION;

line 17, strike "08-____," and substitute "08-233,"

Amendment No. 6(L.015), by Senator Schwartz.

Amend the Appropriations Committee Report, dated April 23, 2008, page 2, line 19, strike "THE";

strike lines 20 through 23 and substitute the following:

"WHERE MORE THAN ONE SCHOOL DISTRICT EXISTS WITHIN A COUNTY, THE DISTRIBUTION TO EACH SCHOOL DISTRICT SHALL BE THE PERCENTAGE THAT THE MOST RECENT FUNDED PUPIL COUNT, AS DETERMINED PURSUANT TO THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF TITLE 22, C.R.S., FOR PUPILS ENROLLED IN THE COUNTY ATTRIBUTABLE TO THAT SCHOOL DISTRICT BEARS TO THE MOST RECENT TOTAL FUNDED PUPIL COUNT FOR ALL PUPILS ATTRIBUTABLE TO THE COUNTY."

Amendment No. 7(L.019), by Senators Schwartz and Penry.

Amend the Education Committee Report, dated April 10, 2008, page 11, line 18, strike "ASSEMBLY." and substitute "ASSEMBLY, AND AT AREA VOCATIONAL SCHOOLS.";

line 21, after "EDUCATION", insert "AND AREA VOCATIONAL SCHOOLS";

line 23, strike "ACTIVITIES AND" and substitute "ACTIVITIES. ONLY";

line 25, strike "PURPOSES." and substitute "PURPOSES SHALL BE ELIGIBLE FOR FUNDING UNDER THIS SECTION."

Amendment No. 8(L.020), by Senator Taylor.

Amend the Education Committee Report, dated April 10, 2008, page 5, line 25, strike "PERIODICAL" and substitute "PERIODIC";

line 28, after "AMENDED.", add ""BONUS PAYMENTS" DO NOT INCLUDE ANY COMPENSATION PAID TO THE FEDERAL GOVERNMENT THAT VARIES IN AMOUNT BASED ON THE AMOUNT OF MINERAL PRODUCTION OF THE PAYOR."

Amendment No. 9(L.021), by Senator Taylor.

Amend the Education Committee Report, dated April 10, 2008, page 1, line 21, after "AMENDED.", insert "EXCEPT THOSE MONEYS DESCRIBED IN SECTION 34-63-104,"

Page 5, strike lines 15 through 19.

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Reletter succeeding paragraph accordingly.

Page 5, line 28, strike "AMENDED." and substitute "AMENDED, AND THAT IS NOT COMPRISED OF MONEYS DESCRIBED IN SECTION 34-63-104.";

line 31, strike "(c)" and substitute "(b)".

Page 9, line 33, strike "(c)" and substitute "(b)".

Page 12, strike lines 23 through 37.

Page 13, strike lines 1 through 6.

Renumber succeeding section accordingly.

Amendment No. 10(L.023), by Senator Taylor.

Amend the Education Committee Report, dated April 10, 2008, page 10, after line 4, insert the following:

"(5.6) NO LATER THAN JANUARY 15, 2011, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL REPORT TO THE EDUCATION AND AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEES OF THE SENATE, OR THEIR SUCCESSOR COMMITTEES, AND THE EDUCATION AND AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEES OF THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, ON THE MONEYS DISTRIBUTED PURSUANT TO THIS SECTION."

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

SB08-213 by Senator(s) McElhany, Hagedorn, Renfroe, Romer, Spence, Takis, Williams; also Representative(s) May M., Marostica, McNulty, Rice, Swalm--Concerning authorization for the board of the Colorado tolling enterprise to designate a portion of Interstate 70 as a toll highway.

Laid over until May 26, 2008.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

| YES | 32 | NO | 0 | EXCUSED | 3 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|-----------|---|
| Bacon | Y | Johnson | E | Romer | Y | Tochtrop | Y |
| Boyd | Y | Keller | Y | Sandoval | Y | Tupa | E |
| Brophy | Y | Kester | Y | Schultheis | Y | Veiga | Y |
| Cadman | E | Kopp | Y | Schwartz | Y | Ward | Y |
| Gibbs | Y | McElhany | Y | Shaffer | Y | Wiens | Y |
| Gordon | Y | Mitchell S. | Y | Spence | Y | Williams | Y |
| Hagedorn | Y | Morse | Y | Takis | Y | Windels | Y |
| Harvey | Y | Penry | Y | Tapia | Y | President | Y |
| Isgar | Y | Renfroe | Y | Taylor | Y | | |

The Committee of the Whole took the following action:

Passed on Second Reading: SB08-232 as amended, SB08-225, SB08-226 as amended, SCR08-005, SB08-241, SB08-218 as amended.

Laid over until Monday, April 28 on the Special Orders calendar: SB08-157 as amended.

Laid over until Monday, May 26: SB08-213.

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MESSAGE FROM THE HOUSE

April 24, 2008
Mr. President:

The House has voted not to grant further powers on SB08-018.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of April 24 was laid over until Friday, April 25, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: SB08-231.
- General Orders -- Second Reading of Bills: HB08-1240, HB08-1264.
- Consideration of Resolutions: SJR08-021, SJR08-022, HJR08-1018, HJR08-1020, SJR08-027, SJR08-028, SJR08-029, SJR08-030, SJR08-031, SJR08-032, SJR08-033, SJR08-035, SR08-005, SJR08-037, SJR08-038, SJR08-039.
- Consideration of Memorials: SJM08-003, SJM08-004, SJM08-005, SM08-002, SM08-003, SM08-004.
- Consideration of House Amendments to Senate Bills: SB08-088, SB08-155, SB08-029, SB08-039, SB08-077, SB08-063, SB08-099, SB08-101, SB08-192, SB08-118, SB08-169, SB08-205, SB08-153, SB08-167.
- Consideration of Governor's Appointments:
 - Members of the State Board of Stock Inspection Commissioners.
 - Member of the Board of Trustees for Fort Lewis College.
 - Member of the Board of Trustees for Adams State College.
 - Members of the University of Colorado Hospital Authority Board of Directors.
 - Members of the Colorado Commission on the Aging.
 - Members of the Read-to-Achieve Board.
 - Members of the Colorado Tourism Office Board of Directors.
 - Members of the State Agricultural Commission.
- Consideration of Conference Committee Reports: HB08-1203, HB08-1186, SB08-117.
- Conference Committees to Report: HB08-1180, HB08-1358, SB08-208.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Finance

After consideration on the merits, the Committee recommends that **SB08-233** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike lines 3 and 4 and substitute the following:

"HIGHER EDUCATION TO BE CONSTRUCTED USING LEASE-PURCHASE AGREEMENTS FUNDED";

strike lines 7 through 11 and substitute the following:

"TO IN THIS SECTION AS THE "REVENUES FUND". AS SOON AS POSSIBLE";

line 15, strike "EDUCATION, INCLUDING BUT" and substitute "EDUCATION";

strike lines 16 and 17 and substitute the following::

"TO BE CONSTRUCTED USING LEASE-PURCHASE AGREEMENTS FUNDED THROUGH THE REVENUES FUND.";

line 24, strike "EDUCATION," and substitute "EDUCATION";

strike lines 25 and 26 and substitute the following:

"TO BE CONSTRUCTED USING LEASE-PURCHASE AGREEMENTS FUNDED THROUGH THE REVENUES".

Page 4, line 6, strike "EDUCATION," and substitute "EDUCATION";

strike lines 7 and 8 and substitute the following:

"TO BE CONSTRUCTED USING LEASE-PURCHASE AGREEMENTS FUNDED THROUGH THE REVENUES";

line 9, after the period, add "THE RESOLUTION SHALL CONTAIN A LISTING FOR EACH PROJECT OF THE MAXIMUM AMOUNT OF PRINCIPAL TO BE RAISED USING STATE FUNDS AND THE MINIMUM AMOUNT OF PRINCIPAL FUNDING TO BE CONTRIBUTED FROM OTHER SOURCES.";

line 13, after "PAYMENTS", insert "FOR THE PRINCIPAL AND INTEREST COMPONENTS OF AMOUNT PAYABLE";

strike lines 14 and 15 and substitute the following:

"ALL LEASE-PURCHASE AGREEMENTS ON THE PROJECTS LISTED IN THE JOINT RESOLUTION ADOPTED AND APPROVED PURSUANT TO THIS PARAGRAPH (b) ENTERED INTO DURING THE FISCAL YEAR COMMENCING JULY 1, 2008, SHALL NOT";

after line 19, insert the following:

"(V) TO THE EXTENT THAT ANY PROJECTS ON THE PRIORITIZED LIST CONTAINED IN THE JOINT RESOLUTION INTRODUCED AND APPROVED PURSUANT TO THIS SUBSECTION (1) ARE NOT THE SUBJECT OF LEASE-PURCHASE AGREEMENTS ENTERED INTO PURSUANT TO SUBSECTION (3) OF THIS SECTION AND TO THE EXTENT THAT THE STATE TREASURER DETERMINES THAT THERE IS SUFFICIENT MONEY IN THE REVENUES FUND TO ENTER INTO ADDITIONAL LEASE-PURCHASE AGREEMENT OF AGREEMENTS DURING THE FISCAL YEAR COMMENCING JULY 1, 2009, THE REMAINING PROJECTS ON THE PRIORITIZED IN THE JOINT RESOLUTION SHALL BE THE PRIORITIZED LIST FOR LEASE-PURCHASE AGREEMENTS ENTERED INTO DURING THE FISCAL YEAR COMMENCING JULY 1, 2009.";

line 27, strike "FOR PROJECTS".

Page 5, line 11, after "BE", insert "CONSTRUCTED USING LEASE-PURCHASE AGREEMENTS";

line 19, after "AGREEMENTS", insert "EACH";

line 23, after the period, add "BASED UPON THE TOTAL AMOUNT OF MONEY THAT ONE OR MORE LEASE-PURCHASE AGREEMENTS IS ABLE TO RAISE, THE TREASURER SHALL ENTER INTO LEASE-PURCHASE AGREEMENTS IN THE ORDER OF THE PRIORITIZED LIST CONTAINED IN THE JOINT RESOLUTION; EXCEPT THAT, IF, AFTER FUNDING ALL PREVIOUS PROJECTS ON THE LIST, THE AMOUNT OF MONEY IS INSUFFICIENT TO FUND THE ENTIRE PROJECT THAT IS NEXT ON THE LIST, THE TREASURER MAY ENTER INTO A LEASE-PURCHASE AGREEMENT ON THE NEXT PROJECT OR PROJECTS ON THE LIST THAT MAY BE COMPLETELY FUNDED.".

Page 7, line 17, strike "BY THE LESSOR".

Page 8, line 10, strike "TREASURER," and substitute "TREASURER AND THE GOVERNING BOARD OF THE INSTITUTIONS OF HIGHER EDUCATION,";

line 13, after "TO", insert "DEEDS,".

Page 10, line 1, after the first "FUND", insert "OR FROM ANY OTHER SOURCES".

Education

After consideration on the merits, the Committee recommends that **HB08-1370** be referred to the Committee on Appropriations with favorable recommendation.

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

MEMBERS OF THE
BOARD OF TRUSTEES FOR THE
UNIVERSITY OF NORTHERN COLORADO

for terms expiring December 31, 2011:

Richard James "Jim" Chavez of Highlands Ranch, Colorado to serve as a Democrat, appointed;

Jerry L. Morgensen of Greeley, Colorado to serve as a Republican, reappointed;

Darlene J. LeDoux of Lakewood, Colorado to serve as a Democrat, reappointed;

Carlotta LaNier of Englewood, Colorado to serve as a Democrat, reappointed.

Richard S. Gast of Timnath, Colorado to serve as a Democrat, appointed.

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

MEMBER OF THE
PRIVATE OCCUPATIONAL SCHOOL BOARD

for a term expiring July 1, 2010:

Winnifred S. Rovig of Glenwood Springs, Colorado, to fill the vacancy occasioned by the resignation of Nancy M. Lemein of Denver, Colorado, and to serve as a member of the public, appointed.

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

MEMBER OF THE
COLORADO EDUCATIONAL AND CULTURAL
FACILITIES AUTHORITY BOARD OF DIRECTORS

for a term expiring June 30, 2008:

Beth Lamberson Warren of Durango, Colorado, to fill the vacancy occasioned by the resignation of Brian E. Wagner of Durango, Colorado, and to serve as a Democrat, appointed.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB08-228** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 6, strike "**requirements.**" and substitute "**requirements - rules.**";

strike lines 11 through 14 and substitute the following:

"ORIGINAL NOTICE OF INTENT; EXCEPT THAT INFORMATION RELATING TO THE MINERAL DEPOSIT LOCATION, SIZE, OR NATURE AND, AS DETERMINED BY THE BOARD, OTHER INFORMATION DESIGNATED BY THE OPERATOR AS PROPRIETARY OR TRADE SECRETS OR THAT WOULD CAUSE SUBSTANTIAL HARM TO THE COMPETITIVE POSITION OF THE OPERATOR shall be protected as";

line 17, after the period, add "SUCH INFORMATION DESIGNATED AS EXEMPT SHALL REMAIN CONFIDENTIAL UNTIL A FINAL DETERMINATION BY THE BOARD. THE BOARD SHALL PROMULGATE RULES IMPLEMENTING THIS SUBSECTION (3) AND SHALL CONSIDER INFORMATION INCLUDING THE TIMING OF THE DISCLOSURE OF THE OPERATOR'S IDENTITY OR OTHER

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INFORMATION THAT IS A MATTER OF PUBLIC RECORD AS DETERMINED BY THE BOARD.".

Page 3, line 15, strike "FILING" and substitute "SUBMITTAL";

line 17, strike "FILING" and substitute "SUBMITTING";

line 20, strike "SECTION," and substitute "SECTION AND THAT INFORMATION DESIGNATED BY THE PERSON AS EXEMPT FROM DISCLOSURE UNDER SUBSECTION (3) OF THIS SECTION,";

line 21, strike "BOARD SHALL" and substitute "DIVISION SHALL".

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB08-1318** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB08-1031** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 10 through 12;

strike lines 20 through 23 and substitute the following:

"27-10.5-801. Waiting list navigator pilot program - creation - report - recommendations. (1) ON OR BEFORE NOVEMBER 1, 2008, THE DEPARTMENT, IN CONSULTATION WITH COMMUNITY CENTERED BOARDS, SHALL DEVELOP AND CREATE A PILOT NAVIGATOR PROGRAM, REFERRED TO IN THIS PART 8 AS THE "PILOT PROGRAM". AS DETERMINED BY THE DEPARTMENT, THE PILOT PROGRAM SHALL BE IMPLEMENTED IN ONE OR MORE COMMUNITY CENTERED BOARD REGIONS OF THE STATE AND SHALL SERVE PERSONS ON THE WAITING LIST FOR DEVELOPMENTAL DISABILITIES SERVICES. IN ADDITION TO PROVIDING NAVIGATOR SERVICES TO PERSONS ON THE WAITING LIST FOR DEVELOPMENTAL DISABILITIES SERVICES, THE PILOT PROGRAM SHALL EXAMINE THE FEASIBILITY OF ESTABLISHING A STATEWIDE NAVIGATOR PROGRAM.

(2) AS PART OF THE PILOT PROGRAM, THE DEPARTMENT SHALL STUDY THE EFFECTIVENESS OF THE FOLLOWING POSSIBLE NAVIGATOR DUTIES:".

Page 3, strike lines 1 through 6.

Page 4, strike lines 4 through 6 and substitute the following:

"(3) ON OR BEFORE NOVEMBER 1, 2009, THE DEPARTMENT SHALL SUBMIT A REPORT ON THE PILOT PROGRAM TO THE JOINT BUDGET COMMITTEE AND THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE REPORT SHALL CONTAIN, AT A MINIMUM, RECOMMENDATIONS FOR NAVIGATOR CASELOAD RATIOS, DUTIES A NAVIGATOR SHOULD PROVIDE TO BE AN EFFECTIVE RESOURCE FOR INDIVIDUALS AND FAMILIES ON THE WAITING LIST, FUNDING LEVELS, AND ANY OTHER INFORMATION THE DEPARTMENT DEEMS APPROPRIATE IN DETERMINING THE FEASIBILITY OF A STATEWIDE NAVIGATOR PROGRAM.";

line 16, strike "section 20" and substitute "section 23".

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB08-1246** be referred to the Committee on Appropriations with favorable recommendation.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB08-011** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute the following:

SECTION 1. 10-4-635, Colorado Revised Statutes, is amended to read:

10-4-635. Medical payments coverage - disclosure - definitions.

(1) (a) ~~If an insurer makes available medical payments coverage in conjunction with the coverage required pursuant to section 10-4-620, such medical payments coverage shall provide for benefits of five thousand dollars, as well as any other benefit deemed appropriate by the insurer.~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (1), NO AUTOMOBILE LIABILITY OR MOTOR VEHICLE LIABILITY POLICY INSURING AGAINST LOSS RESULTING FROM LIABILITY IMPOSED BY LAW FOR BODILY INJURY OR DEATH SUFFERED BY ANY PERSON ARISING OUT OF THE OWNERSHIP, MAINTENANCE, OR USE OF A MOTOR VEHICLE SHALL BE DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE UNLESS COVERAGE IS PROVIDED IN THE POLICY OR IN A SUPPLEMENTAL POLICY FOR MEDICAL PAYMENTS WITH BENEFITS OF FIVE THOUSAND DOLLARS FOR BODILY INJURY, SICKNESS, OR DISEASE RESULTING FROM THE OWNERSHIP, MAINTENANCE, OR USE OF THE MOTOR VEHICLE.

(b) A POLICY MAY BE ISSUED WITHOUT MEDICAL PAYMENTS COVERAGE ONLY IF THE NAMED INSURED REJECTS MEDICAL PAYMENTS COVERAGE IN WRITING OR IN THE SAME MEDIUM IN WHICH THE APPLICATION FOR THE POLICY WAS TAKEN. THE INSURER SHALL MAINTAIN PROOF THAT A NAMED INSURED REJECTED MEDICAL PAYMENTS COVERAGE FOR AT LEAST THREE YEARS AFTER THE DATE OF THE REJECTION, AND SUCH PROOF OF REJECTION SHALL BE PRESUMED VALID.

(c) IF THE INSURER FAILS TO OFFER MEDICAL PAYMENTS COVERAGE OR FAILS TO MAINTAIN OR PROVIDE PROOF THAT THE NAMED INSURED REJECTED MEDICAL PAYMENTS COVERAGE IN THE MANNER REQUIRED BY THIS SECTION, THE INSURED'S POLICY SHALL BE PRESUMED TO INCLUDE MEDICAL PAYMENTS COVERAGE WITH BENEFITS OF FIVE THOUSAND DOLLARS.

(d) IF AN INSURED SELECTS LIMITS FOR MEDICAL PAYMENTS COVERAGE OR EXERCISES THE OPTION NOT TO PURCHASE THE COVERAGES DESCRIBED IN THIS SECTION, AN INSURER OR AFFILIATED INSURER SHALL NOT BE REQUIRED TO NOTIFY ANY POLICYHOLDER IN ANY RENEWAL OR REPLACEMENT POLICY OF THE AVAILABILITY OF MEDICAL PAYMENTS COVERAGE. HOWEVER, THE INSURED MAY MAKE A WRITTEN REQUEST FOR ADDITIONAL COVERAGE OR COVERAGE MORE EXTENSIVE THAN THAT PROVIDED ON A PRIOR POLICY.

(e) Nothing in this section shall be construed to limit any other coverage amounts being made available by an insurer.

(2) ~~Repeated:~~ IF A POLICY CONTAINS MEDICAL PAYMENTS COVERAGE, BENEFITS SHALL BE PAID TO PERSONS PROVIDING REASONABLE, NECESSARY, AND ACCIDENT-RELATED MEDICAL CARE IN THE FOLLOWING PRIORITY, AS APPLICABLE:

(a) BENEFITS SHALL FIRST BE PAID TO LICENSED AMBULANCES OR AIR AMBULANCES THAT PROVIDE TRAUMA CARE AT THE SCENE OF OR IMMEDIATELY AFTER THE MOTOR VEHICLE ACCIDENT, INCLUDING TRANSPORT TO OR FROM A TRAUMA CENTER.

(b) AFTER PAYMENTS TO PROVIDERS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3), BENEFITS SHALL NEXT BE PAID TO TRAUMA PHYSICIANS THAT PROVIDE TRAUMA CARE TO STABILIZE OR PROVIDE THE FIRST EPISODE OF CARE TO THE INJURED PERSON.

(c) AFTER PAYMENTS TO PROVIDERS DESCRIBED IN PARAGRAPHS

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(a) AND (b) OF THIS SUBSECTION (3), BENEFITS SHALL NEXT BE PAID TO TRAUMA CENTERS DESIGNATED AS LEVEL III, IV, OR V PURSUANT TO SECTION 25-3.5-703 (4) THAT ARE LOCATED IN A RURAL AREA OF THE STATE AND PROVIDE TRAUMA CARE TO STABILIZE OR PROVIDE THE FIRST EPISODE OF CARE TO THE INJURED PERSON.

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(d) AFTER PAYMENTS TO PROVIDERS DESCRIBED IN PARAGRAPHS (a), (b), AND (c) OF THIS SUBSECTION (3), BENEFITS SHALL NEXT BE PAID TO TRAUMA CENTERS DESIGNATED AS LEVEL I, II, OR III OR AS A REGIONAL PEDIATRIC TRAUMA CENTER PURSUANT TO SECTION 25-3.5-703 (4) THAT PROVIDE TRAUMA CARE TO STABILIZE OR PROVIDE THE FIRST EPISODE OF CARE TO THE INJURED PERSON.

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(e) ANY REMAINING BENEFITS SHALL BE PAID TO ALL OTHER LICENSED HEALTH CARE PROVIDERS WHO PROVIDE SUBSEQUENT MEDICAL CARE TO AN INJURED PERSON.

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(3) THIS SECTION SHALL NOT APPLY TO:

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(a) A PERSON OBTAINING AN AUTOMOBILE LIABILITY OR MOTOR VEHICLE POLICY INSURING AGAINST LOSS RESULTING FROM THE OWNERSHIP, MAINTENANCE, OR USE OF A MOTORCYCLE, MOTORSCOOTER, MOTORBICYCLE, MOTORIZED BICYCLE, OR TOY VEHICLE, AS DEFINED IN SECTION 42-1-102, C.R.S., A SNOWMOBILE, AS DEFINED IN SECTION 33-14-101, C.R.S., OR ANY VEHICLE DESIGNED PRIMARILY FOR USE OFF THE ROAD OR ON RAILS.

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(b) A PERSON THAT HAS OBTAINED A CERTIFICATE OF SELF-INSURANCE FROM THE COMMISSIONER PURSUANT TO SECTION 10-4-624.

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(4) AS USED IN THIS SECTION:

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(a) "INJURED PERSON" MEANS THE INSURED, OR A PASSENGER WHO IS AUTHORIZED BY THE INSURED TO OCCUPY THE INSURED'S MOTOR VEHICLE, WHO SUSTAINS BODILY INJURY ARISING OUT OF THE USE OF THE INSURED'S MOTOR VEHICLE.

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(b) "LICENSED AIR AMBULANCE" MEANS AN AIR AMBULANCE, AS DEFINED IN SECTION 25-3.5-103 (1), C.R.S., THAT IS LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO SECTION 25-3.5-307, C.R.S.

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(c) "LICENSED AMBULANCE" MEANS AN AMBULANCE, AS DEFINED IN SECTION 25-3.5-103 (1.5), C.R.S., THAT IS LICENSED PURSUANT TO SECTION 25-3.5-301, C.R.S.

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(d) "LICENSED HEALTH CARE PROVIDER" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 10-4-902.

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(e) "MEDICAL CARE" MEANS ALL REASONABLE, NECESSARY, AND ACCIDENT-RELATED HEALTH CARE AND REHABILITATION SERVICES PROVIDED TO A PERSON INJURED IN AN AUTOMOBILE ACCIDENT.

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(f) "STABILIZE" MEANS, WITH RESPECT TO A MEDICAL CONDITION RESULTING FROM A TRAUMA, TO PROVIDE SUCH MEDICAL TREATMENT OF THE CONDITION AS MAY BE NECESSARY TO ASSURE, WITHIN REASONABLE MEDICAL PROBABILITY, THAT NO MATERIAL DETERIORATION OF THE CONDITION IS LIKELY TO RESULT OR OCCUR DURING THE TRANSFER OF THE INDIVIDUAL TO OR FROM A TRAUMA CENTER.

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(g) "TRAUMA" MEANS AN INJURY OR WOUND TO A LIVING PERSON CAUSED BY THE APPLICATION OF AN EXTERNAL PHYSICAL FORCE. TRAUMA INCLUDES ANY EVENT THAT THREATENS LIFE, LIMB, OR THE WELL-BEING OF AN INDIVIDUAL IN SUCH A MANNER THAT A PRUDENT LAY PERSON WOULD BELIEVE THAT IMMEDIATE MEDICAL CARE IS NEEDED.

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(h) "TRAUMA CARE" MEANS CARE PROVIDED BY A LICENSED AMBULANCE OR AIR AMBULANCE, TRAUMA PHYSICIAN, OR TRAUMA

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CENTER TO A PERSON INJURED IN A MOTOR VEHICLE ACCIDENT FROM THE TIME THE ADMINISTRATION OF CARE BEGINS TO THE TIME THE PATIENT IS FULLY STABILIZED OR THROUGH THE FIRST EPISODE OF CARE, NOT TO EXCEED SEVENTY-TWO HOURS AFTER THE ADMINISTRATION OF CARE BEGINS. THE TERM INCLUDES A TRAUMA CARE SYSTEM, TRAUMA TRANSPORT PROTOCOLS, AND TRIAGE, AS DEFINED IN SECTION 25-3.5-703, C.R.S.

(i) "TRAUMA CENTER" MEANS THE EMERGENCY DEPARTMENT IN A LICENSED OR CERTIFIED HOSPITAL OR A HEALTH CARE FACILITY THAT IS DESIGNATED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AS A LEVEL I, II, III, IV, OR V FACILITY OR AS A REGIONAL PEDIATRIC TRAUMA CENTER.

(j) "TRAUMA PHYSICIAN" MEANS A TRAUMA SURGEON, ORTHOPEDIC SURGEON, NEUROSURGEON, INTENSIVE CARE UNIT PHYSICIAN, ANESTHESIOLOGIST, OR PHYSICIAN WHO PROVIDES CARE IN A TRAUMA CENTER TO A TRAUMA PATIENT INJURED IN A MOTOR VEHICLE ACCIDENT.

SECTION 2. Effective date - applicability. (1) This act shall take effect January 1, 2009.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-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.

(3) The provisions of this act shall apply to automobile insurance policies issued, delivered, or renewed on or after the applicable effective date of this act."

Page 1, strike lines 103 through 108 and substitute the following:

"ACCIDENTS IN COLORADO."

Health & Human Services

After consideration on the merits, the Committee recommends that **HB08-1150** be referred to the Committee on Appropriations with favorable recommendation.

Education

After consideration on the merits, the Committee recommends that **HB08-1168** be referred to the Committee on Appropriations with favorable recommendation.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB08-1083

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 HB08-1083, concerning the distribution to local governments of state revenues derived from mineral extraction within the state, has met and reports that it has agreed upon the following:

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

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changes:

Amend rerevised bill, page 9, strike line 17 and substitute the following:

"(II) (A) FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2008, THE FACTOR SET FORTH IN SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) SHALL BE WEIGHTED FIFTY PERCENT AND THE FACTORS SET FORTH IN SUB-SUBPARAGRAPHS (B) AND (C) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) SHALL BE WEIGHTED TWENTY-FIVE PERCENT EACH.

(B) FOR STATE FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2009, EACH OF THE THREE FACTORS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) SHALL BE WEIGHTED THIRTY PERCENT, AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS, IN CONSULTATION WITH THE ENERGY IMPACT ASSISTANCE ADVISORY COMMITTEE ESTABLISHED PURSUANT TO SECTION 34-63-102 (5) (b) (I), C.R.S., SHALL ESTABLISH GUIDELINES THAT SET FORTH THE FACTOR OR FACTORS UNDER WHICH THE REMAINING TEN PERCENT SHALL BE WEIGHTED.";

line 18, strike "(II)" and substitute "(III)".

Respectfully submitted,

House Committee:
(signed)
Representative Curry, Chair
Representative Scanlon
Representative White

Senate Committee:
(signed)
Senator Penry, Chair
Senator Isgar
Senator Schwartz

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR08-040 by Senator(s) Bacon; also Representative(s) Fischer--Concerning recognition of the 50th anniversary of the National Center for Genetic Resources Preservation.

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

INTRODUCTION OF BILLS -- FIRST READING

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

SB08-242 by Senator(s) Boyd, Mitchell S.; also Representative(s) Benefield--Concerning inclusion of the first authorized distributor of record in the chain of distribution for the purpose of a prescription drug pedigree.
Health and Human Services

SB08-243 by Senator(s) Gordon; --Concerning the creation of the election reform commission.
State, Veterans & Military Affairs

SB08-244 by Senator(s) Tapia, Groff, Gordon, Morse, Keller, Williams, Boyd, Romer, Windels, Veiga, Bacon; also Representative(s) Rice and McFadyen, Levy, Carroll T., Garza-Hicks, McKinley, Ferrandino, Labuda--Concerning additional funding for transportation infrastructure preservation, and, in connection therewith, imposing a new daily motor vehicle rental fee and a new transportation infrastructure preservation fee on the registration of classified personal property in order to generate additional revenues to fund surface treatment, resurfacing, and reconstruction projects generally; imposing a new bridge safety trust fund fee on the registration of motor vehicles and trailers in order to generate additional revenues to fund the repair, reconstruction, and replacement of structurally deficient bridges only; requiring the new revenues generated to be credited to a new transportation infrastructure preservation fund and a new bridge safety trust fund and expended in a specified manner subject to specified limitations; and providing for the

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suspension of the new fees if the general assembly enacts legislation that reduces the amount of state sales and use tax revenues transferred to the highway users tax fund under current law.

State, Veterans & Military Affairs

HB08-1032 by Representative(s) Massey, Green, Riesberg; also Senator(s) Morse, Boyd--Concerning a change in payments to pharmacies for certain drugs under medicaid.

Health and Human Services

HB08-1356 by Representative(s) Merrifield, Kefalas, Soper, Weissmann; also Senator(s) Tupa and Boyd--Concerning landlord and tenant relations.

State, Veterans & Military Affairs

HB08-1389 by Representative(s) Carroll M., Benefield, Borodkin, Butcher, Carroll T., Casso, Curry, Ferrandino, Fischer, Frangas, Gagliardi, Gallegos, Green, Hodge, Kefalas, Kerr A., Labuda, Levy, Madden, McFadyen, McKinley, Merrifield, Middleton, Pommer, Primavera, Solano, Soper, Stafford, Todd, Weissmann; also Senator(s) Sandoval, Gordon, Shaffer, Tochtrop--Concerning increased oversight of health insurance rates, and making an appropriation therefor.

Finance

HB08-1393 by Representative(s) Stephens and Pommer, Carroll M., Carroll T., Gardner C., King, Liston, Madden, McNulty; also Senator(s) Morse and Mitchell S.--Concerning the creation of a consumer guide to hospital charges that includes insurance reimbursement rates for diagnostic-related groups, and making an appropriation therefor.

Business, Labor and Technology

HB08-1398 by Representative(s) Buescher, Pommer, White; also Senator(s) Johnson, Keller, Morse--Concerning the operational account of the severance tax trust fund without making any appropriations therefrom, and, in connection therewith, changing the reserve requirement, requiring most transfers from the account to be made in three installments during a fiscal year, making the second and third transfers subject to proportional reduction if there are insufficient funds in the account to meet the reserve requirement at the end of the fiscal year, and removing obsolete provisions of law.

Finance

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB08-1144, 1226, 1309, 1347, 1348, 1360.

On motion of Senator Shaffer, the Senate adjourned until 9:30 a.m., Friday, April 25, 2008.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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