

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

104th Legislative Day

Monday, April 20, 2009

Prayer By the chaplain, Rev. Bill Calhoun, Montview Blvd. Presbyterian Church, Denver.

Pledge By Senator White.

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

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator White, reading of the Journal of Friday, April 17, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

April 17, 2009

The House has voted to reject the First Conference Committee Report on SB09-148, as printed in House Journal, April 13, pages 1146-1147. The House has voted to discharge the First Conference Committee and to appoint a Second Conference Committee on SB09-148. The speaker has appointed Representative(s) Merrifield, Chairman, A. Kerr, Baumgardner. The bill is returned herewith.

The House has passed on Third Reading and returns herewith SB09-126.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB09-269, amended as printed in House Journal, April 16, pages 1236-1237, and amended on Third Reading as printed in House Journal, April 17.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB09-271, amended as printed in House Journal, April 16, pages 1237-1238.
SB09-279, amended as printed in House Journal, April 16, pages 1239-1240.
SB09-259, amended as printed in House Journal, April 16, pages 1240-1253.

The House has adopted the First Report of the First Conference Committee on HB09-1281, as printed in House Journal, April 15, page 1209-1210, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on SB09-101, as printed in House Journal, April 16, pages 1256-1257, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB09-013, as printed in House Journal, April 16, pages 1255-1256, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted and returns herewith SJR09-036.

The House has adopted and transmits herewith HJR09-1014, HJR09-1016, and HJR09-1021 as printed in House Journal, April 17.

The House has postponed indefinitely SB09-016. The bill is returned herewith.
The House has voted to grant the House conferees on the Second Conference Committee on SB09-148 to consider matters not at issue between the two houses.

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April 16, 2009

In response to the request of the Senate, the Speaker has appointed Representatives Levy, chairman, Fischer, and Priola as House conferees on the First Conference Committee on SB09-094.

MESSAGE FROM THE REVISOR OF STATUTES

April 17, 2009

We herewith transmit:

Without comment, as amended, SB09-259, 269, 271, and 279.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1237** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1150** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1252** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1160** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 8, line 12, strike "information technology" and substitute "division of motor vehicles,";

line 13, strike "division,".

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1183** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, after line 16, insert the following:

SECTION 2. Article 18 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-18-105. Appropriation to comply with section 2-2-703 - HB 09-1183 - repeal. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 09-1183, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SEVENTH GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, C.R.S., THE SUM OF ONE HUNDRED FIFTY THOUSAND SEVEN HUNDRED SEVENTY-THREE DOLLARS (\$150,773).

(b) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THIRTY THOUSAND THREE HUNDRED EIGHTY-SIX DOLLARS (\$30,386).

(c) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL

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FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THIRTY THOUSAND THREE HUNDRED EIGHTY-SIX DOLLARS (\$30,386).

(d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THIRTY THOUSAND THREE HUNDRED EIGHTY-SIX DOLLARS (\$30,386).

(e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THIRTY THOUSAND THREE HUNDRED EIGHTY-SIX DOLLARS (\$30,386).

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.

SECTION 3. 24-75-302 (2) (v), Colorado Revised Statutes, is amended to read:

24-75-302. Capital construction fund - capital assessment fees - calculation. (2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 2012, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount that shall accrue pursuant to this subsection (2) shall be as follows:

(v) On July 1, 2009, five hundred twenty-three thousand one hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to S.B. 06-207, enacted at the second regular session of the sixty-fifth general assembly; plus forty-three thousand five hundred ninety-seven dollars pursuant to H.B. 06-1145, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the second regular session of the sixty-fifth general assembly; plus one hundred fifty thousand one hundred ninety-eight dollars pursuant to S.B. 07-096, enacted at the first regular session of the sixty-sixth general assembly; plus seventy-five thousand ninety-nine dollars pursuant to H.B. 07-1326, enacted at the first regular session of the sixty-sixth general assembly; plus one hundred twenty-five thousand one hundred sixty-five dollars pursuant to S.B. 08-239, enacted at the second regular session of the sixty-sixth general assembly; plus twelve thousand five hundred seventeen dollars pursuant to H.B. 08-1194, enacted at the second regular session of the sixty-sixth general assembly; PLUS ONE HUNDRED FIFTY THOUSAND SEVEN HUNDRED SEVENTY-THREE DOLLARS PURSUANT TO H.B. 09-1183, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SEVENTH GENERAL ASSEMBLY;"

ReNUMBER succeeding section accordingly.

Page 1, line 102, strike "APPRAISERS." and substitute, "APPRAISERS, AND MAKING AN APPROPRIATION THEREFOR."

- Appropriations After consideration on the merits, the Committee recommends that **HB09-1036** be referred to the Committee of the Whole with favorable recommendation.
- Appropriations After consideration on the merits, the Committee recommends that **HB09-1026** be referred to the Committee of the Whole with favorable recommendation.
- Appropriations After consideration on the merits, the Committee recommends that **HB09-1015** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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Amend reengrossed bill, page 9, after line 15, insert the following:

"SECTION 7. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2009, the sum of twenty-three thousand six hundred twenty-five dollars (\$23,625) cash funds, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding sections accordingly.

Page 1, line 102, strike "ELECTIONS." and substitute "ELECTIONS, AND MAKING AN APPROPRIATION THEREFOR."

Appropriations After consideration on the merits, the Committee recommends that **HB09-1064** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB09-1086** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB09-1116** be postponed indefinitely.

Appropriations After consideration on the merits, the Committee recommends that **HB09-1129** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 10, strike lines 17 and 18 and substitute the following:

"year beginning July 1, 2009, the sum of fourteen thousand two hundred eighty dollars (\$14,280), or so much thereof as may be necessary, for the."

Appropriations After consideration on the merits, the Committee recommends that **SB09-234** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Business, Labor and Technology Committee Report, dated March 9, 2009, strike line 2 and substitute ""March 31, 2010,"."

After line 2 of the committee report, insert the following:

"Page 4, after line 2, insert the following:

"(3) THE COMMISSION AND THE OFFICE OF ECONOMIC DEVELOPMENT SHALL COMPLY WITH THE REQUIREMENT OF THIS SECTION WITHIN EXISTING RESOURCES.";

line 3, strike "(3)" and substitute "(4)".

MESSAGE FROM THE GOVERNOR

Appointment A letter of designation and appointment from Governor Ritter was read and assigned to Committee as follows:

April 2, 2009

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building

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Denver, CO 80203

Ladies and Gentlemen:

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

MEMBERS OF THE COLORADO COMMISSION ON JUDICIAL DISCIPLINE

effective July 1, 2009 for a term expiring June 30, 2013:

Kathleen S. Kelley of Meeker, Colorado, reappointed;

Joseph M. Samuel of Highlands Ranch, Colorado, appointed;

James R. Spaanstra of Lakewood, Colorado, reappointed.

Sincerely,
(signed)

Bill Ritter, Jr.
Governor

Rec'd: 4/7/09

Karen Goldman, Secretary of the Senate

Committee on Judiciary

MESSAGE FROM THE GOVERNOR

April 17, 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 filed with the Secretary of State the following Acts:

SB09-215 CONCERNING MODIFICATIONS TO APPROPRIATIONS TO ACHIEVE A REDUCTION IN THE STATE EXPENDITURES FOR THE FINANCING OF PUBLIC SCHOOLS.

Approved April 17, 2009 at 3:19 p.m.

Sincerely,

Bill Ritter, Jr.
Governor

Election
of President

On motion of Senator Boyd and seconded by Senator Penry, Senator Brandon C. Shaffer was nominated as President of the Senate effective May 7, 2009.

Senator Boyd moved that the nominations for President of the Senate be closed and that a unanimous vote be cast for Senator Brandon C. Shaffer. The motion was adopted by a unanimous vote.

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THIRD READING OF BILLS -- FINAL PASSAGE -- CONSENT CALENDAR

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

SB09-258 by Senator(s) Veiga; also Representative(s) Scanlan--Concerning required acts of employee leasing companies by the department of labor and employment pursuant to the "Colorado Employment Security Act".

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**.

HB09-1120 by Representative(s) Stephens; also Senator(s) Penry--Concerning criminalizing certain acts in order to protect the safety of certain public servants.

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**.

HB09-1325 by Representative(s) Todd; also Senator(s) Bacon--Concerning the governor's authority to activate the National Guard.

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**.

HB09-1315 by Representative(s) Todd; also Senator(s) Williams--Concerning clarifying restrictions on public employee leave for purposes of public service.

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: Groff and Newell.

HB09-1311 by Representative(s) Benefield; also Senator(s) Veiga--Concerning the sourcing of sales of companies providing mutual fund services for Colorado income tax apportionment.

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**.

THIRD READING OF BILLS -- FINAL PASSAGE

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

SB09-239 by Senator(s) Tochtrop, Boyd; also Representative(s) Riesberg--Concerning the continuation of the state board of nursing.

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: Heath, Newell, Romer and Williams.

SB09-226 by Senator(s) Sandoval; --Concerning policies for the management of food allergies among school children.

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

YES	31	NO	4	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.	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, Carroll M., Gibbs, Groff, Heath, Hudak, Morse, Newell, Schwartz, Shaffer B. and Tochtrop.

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

Laid over until Tuesday, April 21, retaining its place on the calendar.

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

**GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR**

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

SB09-257 by Senator(s) Schwartz, Heath, Mitchell; also Representative(s) Fischer and Vigil, McFadyen, Rice, Solano--Concerning amendments to the "Building Excellent Schools Today Act" that will allow more efficient implementation of the act without reducing its funding or restricting existing lease-purchase agreement authorization.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 16, pages 1108-1109 and placed in members' bill files.)

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

HB09-1291 by Representative(s) Nikkel, Casso, Court, Gardner C., Hullinghorst, Kerr J., Labuda, Lambert, Massey, Miklosi, Murray, Stephens, Todd; also Senator(s) Shaffer B., Bacon, Boyd, Cadman, Lundberg, Schultheis, Williams--Concerning providing information regarding resources available to veterans of the United States armed forces.

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

On motion of Senator Isgar, 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: SB09-257 as amended, HB09-1291.

Committee of the Whole

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

Laid over until Tuesday, April 21, retaining its place on the calendar.

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

Laid over until Tuesday, April 21, retaining its place on the calendar.

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

Laid over until Tuesday, April 21, retaining its place on the calendar.

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

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 16, pages 1114-1116 and placed in members' bill files.)

Amendment No. 2(L.014), by Senator Keller.

Amend printed bill, page 3, line 11, strike "This" and substitute "(1) Except as otherwise set forth in subsection (2) of this section, this";

after line 20, insert the following:

"(2) This act shall not take effect unless a constitutional

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amendment is approved by the voters of the state to eliminate the state's obligation to provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the state, as currently required by section 2 of article IX of the state constitution."

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.)

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

Laid over until Tuesday, April 21, retaining its place on the calendar.

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

Laid over until Tuesday, April 21, retaining its place on the calendar.

SB09-284 by Senator(s) Newell, Morse, Shaffer B., Boyd, Foster, Hodge; also Representative(s) Levy--Concerning the authority of a law enforcement officer under specified circumstances to prevent a person from communicating with someone other than a peace officer by blocking communications.

Laid over until Tuesday, April 21, retaining its place on the calendar.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Second Reading of Bills Calendar (SB09-250, HB09-1250, SB09-045, HB09-1305, SB09-006, SB09-164, SB09-253, SB09-282, SB09-021, SB09-283, SB09-255, HB09-1307, HB09-1205) of Monday, April 20, was laid over until Tuesday, April 21, retaining its place on the calendar.

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) Lambert and Priola, McNulty--Concerning a property tax exemption for business personal property.

Senator Scheffel moved to amend the Report of the Committee of the Whole to show that the following Keller floor amendment, (L.014) to SB 09-085, did not pass.

Amend printed bill, page 3, line 11, strike "This" and substitute "(1) Except as otherwise set forth in subsection (2) of this section, this";

after line 20, insert the following:

"(2) This act shall not take effect unless a constitutional amendment is approved by the voters of the state to eliminate the state's obligation to provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the state, as currently required by section 2 of article IX of the state constitution."

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

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

Senator Heath moved to amend the Report of the Committee of the Whole to show that the following Heath floor amendment, (L.013) to SB 09-085, did pass.

Strike the Corrected Appropriations Committee Report, dated April 15, 2009.

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

"SECTION 1. Article 2 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 14
LEGISLATIVE INTERIM COMMITTEE ON THE BUSINESS PERSONAL PROPERTY TAX

2-2-1401. Interim committee on business personal property tax - creation - duties - repeal. (1) THERE IS HEREBY CREATED THE INTERIM COMMITTEE ON THE BUSINESS PERSONAL PROPERTY TAX, REFERRED TO IN THIS SECTION AS THE "COMMITTEE". THE COMMITTEE SHALL MEET IN THE INTERIM AFTER THE CONCLUSION OF THE 2009 FIRST REGULAR SESSION OF THE SIXTY-SEVENTH GENERAL ASSEMBLY. THE COMMITTEE SHALL CONSIST OF TEN MEMBERS OF THE GENERAL ASSEMBLY. FIVE MEMBERS OF THE COMMITTEE SHALL BE FROM THE SENATE, THREE OF WHOM SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE AND TWO OF WHOM SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE. FIVE MEMBERS OF THE COMMITTEE SHALL BE FROM THE HOUSE OF REPRESENTATIVES, THREE OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TWO OF WHOM SHALL BE APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES. THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT COCHAIRPERSONS OF THE COMMITTEE, WHO SHALL SHARE THE RESPONSIBILITIES OF CHAIRING THE COMMITTEE.

(2) THE COMMITTEE SHALL STUDY, BUT NEED NOT LIMIT ITS CONSIDERATION TO, THE FOLLOWING:

(a) BUSINESS PERSONAL PROPERTY TAX EXEMPTIONS THAT ELIMINATE OR PHASE OUT THE BUSINESS PERSONAL PROPERTY TAX;

(b) AN ANALYSIS OF THE CUMULATIVE FISCAL IMPACT OF THE ELIMINATION ON THE STATE AND LOCAL GOVERNMENTS; AND

(c) METHODS TO REIMBURSE ANY REVENUE LOSSES TO LOCAL GOVERNMENTS FROM SUCH TAX POLICY CHANGES.

(3) THE COMMITTEE SHALL MEET DURING THE 2009 INTERIM. THESE MEETINGS SHALL BE OPEN TO THE PUBLIC AND THE COMMITTEE SHALL SOLICIT THE TESTIMONY OF THE MEMBERS OF THE PUBLIC, ESPECIALLY THOSE MEMBERS OF THE PUBLIC WITH EXPERTISE RELATED TO THE FISCAL IMPACTS OF TAX POLICY CHANGES.

(4) (a) EXPENDITURES INCURRED IN CONDUCTING THE STUDY DESCRIBED IN THIS SECTION SHALL BE APPROVED BY THE CHAIRPERSON OF THE LEGISLATIVE COUNCIL AND PAID BY VOUCHERS AND WARRANTS DRAWN AS PROVIDED BY LAW FROM MONEYS ALLOCATED TO THE LEGISLATIVE COUNCIL FROM APPROPRIATIONS

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MADE BY THE GENERAL ASSEMBLY.

(b) THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL BE AVAILABLE TO ASSIST THE COMMITTEE IN CARRYING OUT ITS DUTIES.

(5) THE LEGISLATIVE MEMBERS OF THE COMMITTEE SHALL BE COMPENSATED AS PROVIDED IN SECTION 2-2-307 FOR ATTENDANCE AT MEETINGS OF THE COMMITTEE.

(6) THE COMMITTEE SHALL MAKE A REPORT TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. SUCH REPORT MAY INCLUDE RECOMMENDATIONS FOR LEGISLATION. LEGISLATION RECOMMENDED BY THE COMMITTEE SHALL BE TREATED AS LEGISLATION RECOMMENDED BY ANY OTHER INTERIM COMMITTEE FOR PURPOSES OF ANY INTRODUCTION DEADLINES OR BILL LIMITATIONS IMPOSED BY THE JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

(7) THIS PART 14 IS REPEALED, EFFECTIVE JANUARY 1, 2010.

SECTION 2. 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."

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

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

Senator Brophy moved to amend the Report of the Committee of the Whole to show that the following new amendment to SB 09-085, did pass and that the following Heath floor amendment, (L.013), did not pass.

Amend the Corrected Appropriations Committee Report, dated April 15, 2009, page 2, after line 28, insert the following:

"(b) (I) THERE IS HEREBY CREATED THE INTERIM COMMITTEE ON THE BUSINESS PERSONAL PROPERTY TAX, REFERRED TO IN THIS SECTION AS THE "COMMITTEE". THE COMMITTEE SHALL MEET IN THE INTERIM AFTER THE CONCLUSION OF THE 2009 FIRST REGULAR SESSION OF THE SIXTY-SEVENTH GENERAL ASSEMBLY. THE COMMITTEE SHALL CONSIST OF TEN MEMBERS OF THE GENERAL ASSEMBLY. FIVE MEMBERS OF THE COMMITTEE SHALL BE FROM THE SENATE, THREE OF WHOM SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE AND TWO OF WHOM SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE. FIVE MEMBERS OF THE COMMITTEE SHALL BE FROM THE HOUSE OF REPRESENTATIVES, THREE OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TWO OF WHOM SHALL BE APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES. THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT COCHAIRPERSONS OF THE COMMITTEE, WHO SHALL SHARE THE RESPONSIBILITIES OF CHAIRING THE COMMITTEE.

(II) THE COMMITTEE SHALL STUDY, BUT NEED NOT LIMIT ITS CONSIDERATION TO, THE FOLLOWING:

(A) BUSINESS PERSONAL PROPERTY TAX EXEMPTIONS THAT ELIMINATE OR

PHASE OUT THE BUSINESS PERSONAL PROPERTY TAX;

(B) AN ANALYSIS OF THE CUMULATIVE FISCAL IMPACT OF THE ELIMINATION ON THE STATE AND LOCAL GOVERNMENTS; AND

(C) METHODS TO REIMBURSE ANY REVENUE LOSSES TO LOCAL GOVERNMENTS FROM SUCH TAX POLICY CHANGES.

(III) THE COMMITTEE SHALL MEET DURING THE 2009 INTERIM. THESE MEETINGS SHALL BE OPEN TO THE PUBLIC AND THE COMMITTEE SHALL SOLICIT THE TESTIMONY OF THE MEMBERS OF THE PUBLIC, ESPECIALLY THOSE MEMBERS OF THE PUBLIC WITH EXPERTISE RELATED TO THE FISCAL IMPACTS OF TAX POLICY CHANGES.

(IV) (A) EXPENDITURES INCURRED IN CONDUCTING THE STUDY DESCRIBED IN THIS SECTION SHALL BE APPROVED BY THE CHAIRPERSON OF THE LEGISLATIVE COUNCIL AND PAID BY VOUCHERS AND WARRANTS DRAWN AS PROVIDED BY LAW FROM MONEYS ALLOCATED TO THE LEGISLATIVE COUNCIL FROM APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY.

(B) THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL BE AVAILABLE TO ASSIST THE COMMITTEE IN CARRYING OUT ITS DUTIES.

(V) THE LEGISLATIVE MEMBERS OF THE COMMITTEE SHALL BE COMPENSATED AS PROVIDED IN SECTION 2-2-307 FOR ATTENDANCE AT MEETINGS OF THE COMMITTEE.

(VI) THE COMMITTEE SHALL MAKE A REPORT TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. SUCH REPORT MAY INCLUDE RECOMMENDATIONS FOR LEGISLATION. LEGISLATION RECOMMENDED BY THE COMMITTEE SHALL BE TREATED AS LEGISLATION RECOMMENDED BY ANY OTHER INTERIM COMMITTEE FOR PURPOSES OF ANY INTRODUCTION DEADLINES OR BILL LIMITATIONS IMPOSED BY THE JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES."

Renumber succeeding paragraph accordingly.

Page 3, line 11, strike "(b)" and substitute "(c)".

Strike the Corrected Appropriations Committee Report, dated April 15, 2009.

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

SECTION 1. Article 2 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 14
LEGISLATIVE INTERIM COMMITTEE ON THE BUSINESS PERSONAL PROPERTY TAX

2-2-1401. Interim committee on business personal property tax - creation - duties - repeal. (1) THERE IS HEREBY CREATED THE INTERIM COMMITTEE ON THE BUSINESS PERSONAL PROPERTY TAX, REFERRED TO IN THIS SECTION AS THE "COMMITTEE". THE COMMITTEE SHALL MEET IN THE INTERIM AFTER THE CONCLUSION OF THE 2009 FIRST REGULAR SESSION OF THE SIXTY-SEVENTH GENERAL ASSEMBLY. THE COMMITTEE SHALL CONSIST OF TEN MEMBERS OF THE GENERAL ASSEMBLY. FIVE MEMBERS OF THE COMMITTEE SHALL BE FROM THE SENATE, THREE OF WHOM SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE AND TWO OF WHOM SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE. FIVE MEMBERS OF THE COMMITTEE SHALL BE FROM THE HOUSE OF REPRESENTATIVES, THREE OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TWO OF WHOM SHALL BE APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES. THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT COCHAIRPERSONS OF THE COMMITTEE, WHO SHALL SHARE THE RESPONSIBILITIES OF CHAIRING THE COMMITTEE.

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(2) THE COMMITTEE SHALL STUDY, BUT NEED NOT LIMIT ITS CONSIDERATION TO, THE FOLLOWING:

(a) BUSINESS PERSONAL PROPERTY TAX EXEMPTIONS THAT ELIMINATE OR PHASE OUT THE BUSINESS PERSONAL PROPERTY TAX;

(b) AN ANALYSIS OF THE CUMULATIVE FISCAL IMPACT OF THE ELIMINATION ON THE STATE AND LOCAL GOVERNMENTS; AND

(c) METHODS TO REIMBURSE ANY REVENUE LOSSES TO LOCAL GOVERNMENTS FROM SUCH TAX POLICY CHANGES.

(3) THE COMMITTEE SHALL MEET DURING THE 2009 INTERIM. THESE MEETINGS SHALL BE OPEN TO THE PUBLIC AND THE COMMITTEE SHALL SOLICIT THE TESTIMONY OF THE MEMBERS OF THE PUBLIC, ESPECIALLY THOSE MEMBERS OF THE PUBLIC WITH EXPERTISE RELATED TO THE FISCAL IMPACTS OF TAX POLICY CHANGES.

(4) (a) EXPENDITURES INCURRED IN CONDUCTING THE STUDY DESCRIBED IN THIS SECTION SHALL BE APPROVED BY THE CHAIRPERSON OF THE LEGISLATIVE COUNCIL AND PAID BY VOUCHERS AND WARRANTS DRAWN AS PROVIDED BY LAW FROM MONEYS ALLOCATED TO THE LEGISLATIVE COUNCIL FROM APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY.

(b) THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL BE AVAILABLE TO ASSIST THE COMMITTEE IN CARRYING OUT ITS DUTIES.

(5) THE LEGISLATIVE MEMBERS OF THE COMMITTEE SHALL BE COMPENSATED AS PROVIDED IN SECTION 2-2-307 FOR ATTENDANCE AT MEETINGS OF THE COMMITTEE.

(6) THE COMMITTEE SHALL MAKE A REPORT TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. SUCH REPORT MAY INCLUDE RECOMMENDATIONS FOR LEGISLATION. LEGISLATION RECOMMENDED BY THE COMMITTEE SHALL BE TREATED AS LEGISLATION RECOMMENDED BY ANY OTHER INTERIM COMMITTEE FOR PURPOSES OF ANY INTRODUCTION DEADLINES OR BILL LIMITATIONS IMPOSED BY THE JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

(7) THIS PART 14 IS REPEALED, EFFECTIVE JANUARY 1, 2010.

SECTION 2. 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."

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

YES	21	NO	14	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	Y	Shaffer B.	N
Boyd	N	Hudak	Y	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	Y
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
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	N	Mitchell	Y	Schwartz	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon		N 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: SB09-085 as amended.

Laid over until Tuesday, April 21 retaining their place on the Calendar: HB09-1299, HB09-1170, SB09-244, SB09-247, SB09-241, SB09-284, SB09-250, HB09-1250, SB09-045, HB09-1305, SB09-006, SB09-164, SB09-253, SB09-282, SB09-021, SB09-283, SB09-255, HB09-1307, HB09-1205.

MESSAGE FROM THE HOUSE

April 20, 2009

The House has adopted and transmits herewith HJR09-1019, as printed in House Journal.;

Page 1165, line 58, strike "**SB09-259.**" and substitute "**SB09-148.**".

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR09-1019 by Representative(s) Kerr J., Summers, Acree, Apuan, Balmer, Baumgardner, Benefield, Bradford, Casso, Ferrandino, Frangas, Gagliardi, Gardner B., Gardner C., Gerou, Green, Kagan, Kefalas, Kerr A., King S., Lambert, Liston, Looper, Marostica, Massey, May, McCann, McFadyen, McNulty, Merrifield, Middleton, Miklosi, Nikkel, Pace, Peniston, Primavera, Priola, Roberts, Scanlan, Schafer S., Solano, Sonnenberg, Soper, Stephens, Todd, Vaad, Vigil, Waller, Weissmann; also Senator(s) Kopp, Boyd, Brophy, Carroll M., Gibbs, Heath, Kester, King K., Lundberg, Morse, Penry, Renfroe, Romer, Scheffel, Schultheis, Spence, White--Concerning Columbine High School triumph over tragedy 1999-2009.

Amendment No. 1(L.001), by Senator Kopp.

Amend engrossed joint resolution, page 3, line 32, strike "and";

line 33, strike "School." and substitute "School; and the members of the Sixty-second General Assembly."

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	

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

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

Co-sponsors added: Bacon, Cadman, Foster, Groff, Harvey, Hodge, Hudak, Isgar, Keller, Mitchell, Newell, Sandoval, Schwartz, Shaffer B., Tapia, Tochtrop, Veiga and Williams.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB09-259 by Senator(s) Keller, Tapia, White; also Representative(s) Pommer, Ferrandino, Marostica-
-Concerning the provision for payment of the expenses of the executive, legislative, and
judicial departments of the state of Colorado, and of its agencies and institutions, for and
during the fiscal year beginning July 1, 2009, except as otherwise noted.

Senator Keller moved that the Senate not concur in House amendments to **SB09-259**, as
printed in House Journal, April 16, pages 1240-1253 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	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		

Senator Keller moved that the Senate Conferes on the First Conference Committee on
SB09-259 be granted permission to go beyond the scope of the differences between the
two houses.

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

The President appointed Senators Keller, Chair, White, and Tapia as Senate Conferes on
the First Conference Committee on **SB09-259**.

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

Senator Tapia moved that the Senate not concur in House amendments to **SB09-275**, as
printed in House Journal, April 15, page 1207 and that a Conference Committee be
appointed.

Senator Penry moved a substitute motion that the Senate concur in House amendments to
SB09-275, as printed in House journal, April 15, page 1207.

Less than a majority of all members elected to the Senate having voted in the affirmative,
the substitute motion was **lost** on the following roll call vote:

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

Senator Tapia moved that the Senate not concur in House amendments to **SB09-275**, as printed in House Journal, April 15, page 1207 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	24	NO	11	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	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The President appointed Senators Keller, Chairman, White, and Tapia as Senate Conferees on the First Conference Committee on **SB09-275**.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

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

Senator Brophy moved to reject the First Report of the First Conference Committee on **SB09-148**, that the Conference Committee be dissolved, that the Senate Conferees be discharged, and that a Second Conference Committee be formed.

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	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		

Senator Brophy moved that the Senate Conferees on the Second Conference Committee on **SB09-148** be granted permission to go beyond the scope of the differences between the two houses.

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

The President appointed Senators Brophy, Chair, Gibbs, and Heath as Senate Conferees on the Second Conference Committee on **SB09-148**.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

April 20, 2009

The House has voted adhere to its position on SB09-131. The bill is returned herewith.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR09-044 by Senator(s) Shaffer B.; also Representative(s) Weissmann--Concerning an interim commission to study long-term fiscal stability.

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

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

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

SJR09-046 by Senator(s) Hudak, Williams, Bacon, Boyd, Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Isgar, Keller, Morse, Newell, Romer, Sandoval, Schwartz, Shaffer B., Tapia, Tochtrop, Veiga; also Representative(s) Gagliardi, Acree, Apuan, Benefield, Bradford, Carroll T., Casso, Court, Curry, Ferrandino, Fischer, Frangas, Green, Hullinghorst, Judd, Kagan, Kefalas, Kerr A., King S., Labuda, Levy, Looper, Marostica, Massey, McCann, McFadyen, McKinley, Merrifield, Middleton, Miklosi, Nikkel, Pace, Peniston, Pommer, Primavera, Rice, Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano, Soper, Stephens, Summers, Todd, Vaad, Vigil, Waller--Concerning the designation of April 28, 2009, as "Equal Pay Day".

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

SJR09-047 by Senator(s) Kester; also Representative(s) Riesberg--Concerning Hepatitis C Awareness Month.

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

SJR09-048 by Senator(s) Schwartz, Kester; --Concerning the protection and restoration of Colorado's shortgrass prairie ecosystem.

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

SJR09-049 by Senator(s) Williams; also Representative(s) Roberts--Concerning the acknowledgment of April 22, 2009, as Earth Day.

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

SR09-016 by Senator(s) Tochtrop; --Concerning encouraging public schools in Colorado to implement recycling programs.

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

HJR09-1014 by Representative(s) Kerr J., Massey, Todd, Acree, Balmer, Casso, Gagliardi, Lambert, Looper, McNulty, Nikkel, Pace; also Senator(s) Morse, Schultheis--Concerning federal funds for COPLINK program.

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

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- HJR09-1016** by Representative(s) Weissmann, Kerr A.; also Senator(s) Shaffer B.--Concerning the convening date for the 2010 Second Regular Session of the Sixty-seventh General Assembly. 1
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Laid over one day under Senate Rule 30(e). 5
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- HJR09-1021** by Representative(s) Benefield, Gagliardi, Gerou, Ryden, Todd; also Senator(s) Hudak, Sandoval--Concerning support of telecommuting by the state of Colorado. 7
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Laid over one day under Senate Rule 30(e). 10
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INTRODUCTION OF MEMORIALS

The following memorials were read by title and referred to the committees indicated: 13
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- SJM09-007** by Senator(s) Cadman, Renfroe, Brophy, Harvey, Kester, King K., Lundberg, Mitchell, Penry, Scheffel, Schultheis, Spence, White; --Memorializing Congress to protect the right of workers to cast secret ballots in workplace elections. 17
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State, Veterans & Military Affairs
- SJM09-008** by Senator(s) Kopp; also Representative(s) McNulty--Concerning reservations about Congress' intent to implement a cap-and-trade regulatory program to reduce emissions of greenhouse gases. 25
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State, Veterans & Military Affairs
- SJM09-009** by Senator(s) Schultheis, Morse; also Representative(s) Kerr J., Lambert--Memorializing Congress and the federal government to make changes to and enforce immigration laws. 30
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Laid over one day under Senate Rule 30(d). 34
- SJM09-010** by Senator(s) Spence; also Representative(s) Acree--Memorializing Congress to consider community needs when deploying National Guard troops. 35
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Laid over one day under Senate Rule 30(d). 41

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated: 42
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- SB09-290** by Senator(s) Bacon, Kopp, Schwartz; also Representative(s) Riesberg, McFadyen, Sonnenberg--Concerning flexibility for capital construction projects. 45
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Finance
- SB09-291** by Senator(s) Bacon, Boyd, Carroll M., Foster, Groff, Heath, Hodge, Hudak, Isgar, Keller, Morse, Newell, Romer, Shaffer B., Tapia, Tochtrop, Veiga, Williams; also Representative(s) Middleton, Merrifield--Concerning the state share of district total program for school districts that have obtained voter approval to be exempt from the constitutional revenue limit but then obtain voter approval to again be subject to such limit. 50
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Education
- 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. 57
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Judiciary
- HB09-1067** by Representative(s) Pommer; also Senator(s) White--Concerning the establishment of an incentive for the donation of water rights to the Colorado water conservation board for use as instream flow rights. 64
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Agriculture and Natural Resources
Appropriations

- HB09-1105** by Representative(s) Kefalas; also Senator(s) Scheffel--Concerning the creation of the Colorado innovation investment tax credit to be applied against state income taxes, and making an appropriation in connection therewith.
Finance
- HB09-1202** by Representative(s) Todd, Benefield, Middleton, Ryden; also Senator(s) Foster-- Concerning the regulation of persons who provide for the final disposition of dead human bodies in the normal course of business, and making an appropriation in connection therewith.
Business, Labor and Technology
Appropriations
- HB09-1288** by Representative(s) Nikkel, Acree, Apuan, Bradford, Casso, Court, Frangas, Gardner B., Gardner C., Kerr J., King S., Lambert, Liston, Massey, May, McKinley, McNulty, Murray, Priola, Sonnenberg, Stephens, Summers, Swalm, Tipton, Vigil; also Senator(s) Kopp, Brophy, Harvey, Kester, Lundberg, Mitchell, Penry, Renfro, Scheffel, Schultheis, Spence-- Concerning the creation of a searchable database web site related to state finances, and, in connection therewith, enacting the "Colorado Taxpayer Transparency Act", and making an appropriation.
Finance
- HB09-1330** by Representative(s) Curry; also Senator(s) Isgar--Concerning fees assessed on certain feeding operations under the "Colorado Water Quality Control Act", and making an appropriation in connection therewith.
Agriculture and Natural Resources
- 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.
Health and Human Services
- HB09-1338** by Representative(s) Casso; also Senator(s) Bacon--Concerning modifications to state insurance laws to comply with recently enacted federal laws.
Business, Labor and Technology
- 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".
Health and Human Services

SENATE SERVICES REPORT

Correctly Printed: SB09-289.
 Correctly Engrossed: SB09-130, 226, 239 and 258; SJR09-036.
 Correctly Revised: HB09-1120, 1311, 1315 and 1325.
 Correctly Rerevised: HB09-1180.
 Correctly Enrolled: SB09-171, 262, 267, 268, 270, 272 and 277; SJR09-032; SM09-002.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB09-1061, 1089, 1214, 1285.

CHANGE IN SPONSORSHIP

Upon announcement of President Groff, Representative Rice and Representative Priola replaced Representative Lambert as House Joint Sponsors on SB09-085.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Monday, April 20 was laid over until Tuesday, April 21, retaining its place on the calendar.

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Consideration of Resolutions: SR09-015, SJR09-037, SJR09-039, SJR09-040, SJR09-041, SJR09-042. 1
 Consideration of Memorials: SJM09-003, SJM09-004, SJM09-005, SJM09-006. 2
 Consideration of House Amendments to Senate Bills: SB09-263 3
 Consideration of Governor's Appointments: 4
 Members of the Colorado Limited Gaming Control Commission 5
 Consideration of Conference Committee Reports: SB09-101, SB09-013, HB09-1057. 6
 Conference Committee to Report: SB09-131. 7

On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Tuesday, April 21, 2009. 8

Approved: 9

Peter C. Groff 10
 President of the Senate 11

Attest: 12

Karen Goldman 13
 Secretary of the Senate 14

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