

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

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50th Legislative Day

Wednesday, February 25, 2009

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Prayer	By the chaplain, Rabbi Eliot Baskin, Jewish Community Chaplaincy & Rafael Spiritual Healing Center of Jewish Family Services of Colorado.	11
Pledge	By Senator Kopp.	14
Call to Order	By the President <i>pro tem</i> at 9:00 a.m.	16
Roll Call	Present--33 Excused--2, Gibbs, Groff.	19
Quorum	The President <i>pro tem</i> announced a quorum present.	22
Reading of Journal	On motion of Senator Newell, reading of the Journal of Tuesday, February 24, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.	24

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**MESSAGE FROM THE HOUSE**

February 24, 2009

Upon reconsideration, the House has passed on Third Reading and transmitted to the Revisor of Statutes SB09-212, amended on Third Reading as printed in House Journal February 24.

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**MESSAGE FROM THE REVISOR OF STATUTES**

February 25, 2009

We herewith transmit:

Without comment, as amended, SB09-212.

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On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bills.

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**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**SB09-215** by Senator(s) Keller, Tapia, White; also Representative(s) Pommer, Ferrandino, Marostica--  
Concerning modifications to appropriations to achieve a reduction in the state expenditures  
for the financing of public schools.

Senator Keller moved that the Senate not concur in House amendments to **SB09-215**, as printed in House Journal, February 23, page 475, 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	33	NO	0	EXCUSED	2	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	Y	Mitchell	Y	Schwartz	Y		

The President *pro tem* appointed Senators Keller, Chair, Tapia, and White as Senate Conferees on the First conference Committee on **SB09-215**.

**SB09-208**

by Senator(s) Tapia, Keller, White; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning the augmentation of the general fund through transfers of certain moneys in the 2008-09 fiscal year.

Senator Tapia moved that the Senate not concur in House amendments to **SB09-208**, as printed in House Journal, February 23, page 476, 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	33	NO	0	EXCUSED	2	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	Y	Mitchell	Y	Schwartz	Y		

The President *pro tem* appointed Senators Keller, Chair, Tapia, and White as Senate Conferees on the First conference Committee on **SB09-208**.

**SB09-217**

by Senator(s) White, Keller, Tapia; also Representative(s) Ferrandino, Pommer, Marostica-- Concerning the reduction of moneys transferred to certain funds from the portion of limited gaming fund moneys that would otherwise be transferred to the general fund after the transfer to the local government limited gaming impact fund.

Senator White moved that the Senate concur in House amendments to **SB09-217**, as printed in House Journal, February 23, page 476.

Senator Shaffer moved a substitute motion that the Senate not concur in House amendments to **SB09-217**, as printed in House Journal, February 23, page 476, 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	33	NO	0	EXCUSED	2	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	Y	Mitchell	Y	Schwartz	Y		

The President *pro tem* appointed Senators Keller, Chair, Tapia, and White as Senate Conferees on the First conference Committee on **SB09-217**.

**SB09-185** by Senator(s) Keller, Tapia, White; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning a supplemental appropriation to the department of education.

Senator Keller moved that the Senate not concur in House amendments to **SB09-185**, as printed in House Journal, February 23, pages 476-477, 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	33	NO	0	EXCUSED	2	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	Y	Mitchell	Y	Schwartz	Y		

The President *pro tem* appointed Senators Keller, Chair, Tapia, and White as Senate Conferees on the First conference Committee on **SB09-185**.

**SB09-210** by Senator(s) Tapia, Keller, White; also Representative(s) Ferrandino, Pommer, Marostica-- Concerning transfers for health programs from the tobacco litigation funds, and, in connection therewith, making modifications to appropriations.

Senator Tapia moved that the Senate not concur in House amendments to **SB09-210**, as printed in House Journal, February 23, page 477, 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	33	NO	0	EXCUSED	2	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	Y	Mitchell	Y	Schwartz	Y		

The President *pro tem* appointed Senators Keller, Chair, Tapia, and White as Senate Conferees on the First conference Committee on **SB09-210**.

Senator Tapia moved that the Senate Conferees on the First Conference Committee on **SB09-210** be granted permission to go beyond the scope of the differences between the two houses.

A majority of all members elected to the Senate having voted in the affirmative, permission was granted to go beyond the scope of the differences between the two houses.

On motion of Senator Shaffer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Consideration of House Amendments to SB09-212.

**SB09-212** by Senator(s) White, Keller, Tapia; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning a temporary limitation on the maximum amount of state sales and use tax revenues that may be retained by a retail vendor 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 White moved that the Senate concur in House amendments to **SB09-212**, as printed in House Journal, February 23, page 477.

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	20	NO	13	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	E	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	E
Heath	Y	Mitchell	N	Schwartz	Y		

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

YES	20	NO	13	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	E	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	E
Heath	Y	Mitchell	N	Schwartz	Y		

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

**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:

**SB09-175** by Senator(s) Sandoval; also Representative(s) Pommer--Concerning the issuance of group special license plates.

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

YES	31	NO	2	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	Y	President	E
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**.

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

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	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
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**.

**HB09-1037** by Representative(s) Tipton; also Senator(s) Isgar--Concerning the reclassification of Montrose county for county court purposes.

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	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
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**.

**SB09-182** by Senator(s) Penry; also Representative(s) Stephens--Concerning the use of state parks by certain search and rescue organizations for training activities.

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	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
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**.

**SB09-165** by Senator(s) Isgar and Penry; also Representative(s) Curry and Gardner C., Fischer--Concerning the funding of grants to small communities for water quality-related capital projects through allocation of a portion of revenues that would otherwise be credited to the severance tax trust fund.

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	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
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: Hodge and Tapia.

**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:

**SB09-181** by Senator(s) Tapia, Keller, White; also Representative(s) Marostica, Ferrandino, Pommer-- Concerning the elimination of the annual resolution to certify the amount of moneys in the state education fund that are available for appropriation in the next fiscal year.

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

YES	23	NO	10	EXCUSED	2	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	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	E	Kopp	N	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	E
Heath	Y	Mitchell	N	Schwartz	Y		

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

**SB09-132** by Senator(s) Boyd; also Representative(s) Kerr J.--Concerning discounted prescription drug programs, and, in connection therewith, providing information regarding discounted prescription drug programs and modifying the "Colorado Cares Rx Act" and making an appropriation.

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

YES	32	NO	1	EXCUSED	2	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	Y	President	E
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**.

**SB09-025** by Senator(s) Spence; also Representative(s) Benefield--Concerning an extension of fees on certain identification documents issued by the department of revenue to fund identification security, and making an appropriation in connection therewith.

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	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
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: Newell

**SB09-031** by Senator(s) Heath; also Representative(s) Riesberg--Concerning the creation of the clean technology discovery evaluation grant program, and making an appropriation therefore.

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

YES	18	NO	15	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	N
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	E	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	E
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Boyd, Foster, Keller, Morse, Newell, Romer, Schwartz, Shaffer B. and Williams.

**SB09-076** by Senator(s) Heath, Schwartz; also Representative(s) Court--Concerning the appropriation of employer tax surcharge moneys to the employment and training technology fund for use by the division of employment and training within the department of labor and employment.

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	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	Y	President	E
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Foster, Hodge, Morse, Newell and Shaffer B..

**SB09-068** by Senator(s) Morse; also Representative(s) McCann--Concerning funding to support domestic abuse services, and, in connection therewith, allocating a portion of the funding to assist military members and their families, and making an appropriation.

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

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YES	20	NO	13	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	E	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	E
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Bacon, Boyd, Foster, Heath, Hudak, Keller, Newell, Romer, Schwartz, Veiga and Williams.

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

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

YES	32	NO	1	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Foster, Hodge, Keller, Newell, Romer, Shaffer B., Tapia and Tochtrop.

**SB09-026** by Senator(s) Williams; also Representative(s) Riesberg--Concerning the regulation of athletic trainers.

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	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	E	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	E
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Tochtrop

**SB09-179** by Senator(s) Tochtrop; also Representative(s) Gagliardi--Concerning communicable disease control.

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

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YES	32	NO	1	EXCUSED	2	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	E
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: Bacon, Boyd, Foster, Heath, Hodge, Hudak, King K., Mitchell, Newell, Penry, Romer, Sandoval, Schwartz, Shaffer B., Tapia and Williams.

**SB09-061**

by Senator(s) Carroll M.; also Representative(s) Primavera--Concerning the qualifications of health care professionals who review claims for medical treatment under insurance policies.

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

Amendment No. 1(L.013), by Senator Carroll.

Amend engrossed bill, page 5, line 9, strike "THE" and after "CONSIDERATION", insert "THAT INVOLVE A DECISION ABOUT TREATMENT THAT IS WITHIN THE SCOPE OF PRACTICE OF A HEALTH CARE PROFESSION LICENSED, CERTIFIED, REGISTERED, OR OTHERWISE REGULATED BY THE STATE PURSUANT TO TITLE 12, C.R.S.,".

Page 9, line 3, strike "Colorado AND HAS" and substitute "Colorado. In the case of written";

strike lines 4 and 5;

strike lines 8 through 10 and substitute the following:

"Colorado may sign the written denial.";

line 14, after "DETERMINATION", insert "THAT INVOLVES A DECISION ABOUT TREATMENT THAT IS WITHIN THE SCOPE OF PRACTICE OF MEDICINE, DENTISTRY, OR ANOTHER HEALTH CARE PROFESSION LICENSED, CERTIFIED, REGISTERED, OR OTHERWISE REGULATED BY THE STATE PURSUANT TO TITLE 12, C.R.S.,".

Page 10, line 1, after "BENEFITS", insert "THAT INVOLVES A DECISION ABOUT TREATMENT THAT IS WITHIN THE SCOPE OF PRACTICE OF A HEALTH CARE PROFESSION LICENSED, CERTIFIED, REGISTERED, OR OTHERWISE REGULATED BY THE STATE PURSUANT TO TITLE 12, C.R.S.,";

after line 26, insert the following:

"(d) NOTHING IN THIS SUBSECTION (8) SHALL BE CONSTRUED TO APPLY TO AN INSURANCE PLAN OR POLICY THAT PROVIDES BENEFITS OR COVERAGE FOR ACCIDENT ONLY, LONG-TERM CARE, HOME HEALTH CARE, COMMUNITY-BASED CARE, CREDIT, MEDICARE SUPPLEMENT, DENTAL, VISION, HOSPITAL CONFINEMENT INDEMNITY, OR SPECIFIED DISEASE, UNLESS THE REVIEW OF A REQUEST FOR BENEFITS OR THE APPEAL OF A DENIAL OF BENEFITS INVOLVES A DECISION ABOUT TREATMENT THAT IS WITHIN THE SCOPE OF PRACTICE OF A HEALTH CARE PROFESSION LICENSED, CERTIFIED, REGISTERED, OR OTHERWISE REGULATED BY THE STATE PURSUANT TO TITLE 12, C.R.S.".

Page 11, line 19, before "ELIGIBILITY", insert "TREATMENT THAT IS WITHIN THE SCOPE OF PRACTICE OF A HEALTH CARE PROFESSION LICENSED, CERTIFIED, REGISTERED, OR OTHERWISE REGULATED BY THE STATE PURSUANT TO TITLE 12, C.R.S., FOR PURPOSES OF DETERMINING".

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

YES	33	NO	0	EXCUSED	2	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	22	NO	11	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	E	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	E
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Bacon, Foster, Hodge, Hudak, Newell, Sandoval, Schwartz, Shaffer B., Tochtrop and Williams.

**SB09-159** by Senator(s) Sandoval; also Representative(s) McGihon and Benefield--Concerning the mandatory offer of dependent coverage to an unmarried child.

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	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	Y	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	E	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	E
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Foster, Hudak and Shaffer B.

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

**SB09-122** by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning the release of security assessment reports to the county sheriff of the county in which a critical state infrastructure is located.

Laid over until Wednesday, February 26, retaining its place on the calendar.

- HB09-1093** by Representative(s) Levy, McGihon, Benefield, Judd, Miklosi, Ferrandino, Fischer, Gagliardi, Green, Merrifield, Pommer, Solano; also Senator(s) Veiga, Carroll M.-- Concerning additional income tax reporting requirements for a corporate taxpayer. 1  
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Laid over until Wednesday, February 26, retaining its place on the calendar. 5  
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- HB09-1101** by Representative(s) Benefield, Todd, Apuan, Ferrandino, Kefalas, Merrifield, Murray, Stephens; also Senator(s) Veiga, Hudak--Concerning the administration of sales tax collections by the department of revenue. 7  
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Laid over until Wednesday, February 26, retaining its place on the calendar. 11  
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- SB09-131** by Senator(s) Romer; --Concerning the requirement that students in public schools engage in a certain amount of physical activity each week. 13  
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Laid over until Wednesday, February 26, retaining its place on the calendar. 16  
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**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

On motion of Senator Boyd, the following Governor's appointments were confirmed by a roll call vote: 18  
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MEMBERS OF THE  
COLORADO TRAUMATIC BRAIN INJURY BOARD

for a term expiring June 30, 2010: 23  
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Kathryn L. Doeschot of Thornton, Colorado to serve as a rehabilitation specialist who has experience working with persons with traumatic brain injuries, appointed; 29  
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effective July 1, 2008 for terms expiring June 30, 2011: 34  
35

Myriam DeLeon of Lakewood, Colorado to serve as a member of the public with experience with persons with traumatic brain injuries, appointed; 36  
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Susan B. Charlifue of Littleton, Colorado to serve as a clinical research scientist who has experience evaluating persons with traumatic brain injuries, reappointed; 39  
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Dr. David T. Matero of Denver, Colorado to serve as a neurosurgeon or neuropsychiatrist who has experience working with persons with traumatic brain injuries, appointed. 42  
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YES	33	NO	0	EXCUSED	2	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	Y	Mitchell	Y	Schwartz	Y		

On motion of Senator Boyd, the following Governor's appointments were confirmed by a roll call vote: 56  
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MEMBERS OF THE  
COLORADO COMMISSION  
FOR DEAF AND HARD OF HEARING

for terms expiring July 1, 2012: 62  
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Leslie W. Ralphe of Colorado Springs, Colorado, to serve as a late deafened member, appointed; 68  
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71

Jennifer A. Peterson of Arvada, Colorado, a public member, appointed; 72

Dr. Barbara H. Jenkins of Centennial, Colorado, to serve as a professional in the field of deafness, appointed;

Shelley J. Strickfaden of Morrison, Colorado, a parent of a deaf or hard of hearing person, reappointed.

YES	33	NO	0	EXCUSED	2	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	Y	Mitchell	Y	Schwartz	Y		

On motion of Senator Isgar, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE GROUND WATER COMMISSION

for terms expiring May 1, 2010:

Douglas L. Shriver of Monte Vista, Colorado to serve as a representative from Division 3, appointed;

Carolyn F. Burr of Denver, Colorado to serve as a representative of municipal and industrial users, appointed.

for terms expiring May 1, 2011:

George H. Schubert of Calhan, Colorado to serve as a resident agriculturist from the Upper Big Sandy Basin, appointed;

Charles "Max" Smith of Walsh, Colorado to serve as a resident agriculturist from the Southern High Plains Basin, reappointed.

for terms expiring May 1, 2012:

Dennis W. Coryell of Burlington, Colorado, a resident agriculturist from the Northern High Plains Basin, reappointed;

Larry W. Cleaver of Grand Junction, Colorado, a representative of municipal or industrial water users of the state, and who resides west of the continental divide, reappointed.

YES	33	NO	0	EXCUSED	2	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	Y	Mitchell	Y	Schwartz	Y		

On motion of Senator Isgar, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE BOARD OF PARKS AND OUTDOOR RECREATION

to continue serving for a term expiring June 30, 2010:

William G. Kane of Aspen, Colorado, redesignated to serve as a representative of the Northern Region.

for terms expiring June 30, 2012:

James C. Pribyl of Boulder, Colorado to serve as a representative of the public at-large and as a Democrat, appointed;

Gary A. Butterworth of Colorado Springs, Colorado to serve as a representative of the Southern Region and as a Republican, appointed;

Laurie A. Mathews of Denver, Colorado to serve as a representative of the Metro Region and as a Democrat, appointed.

YES	33	NO	0	EXCUSED	2	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	Y	Mitchell	Y	Schwartz	Y		

On motion of Senator Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE  
COLORADO COMMISSION ON HIGHER EDUCATION

for a term expiring July 1, 2010:

Allegra "Happy" Haynes of Denver, Colorado, a resident of the 1st Congressional District and a Democrat, appointed.

for a term expiring July 1, 2011:

Charles Hereford Percy of Arvada, Colorado, a resident of the 7th Congressional District and a Republican, appointed.

for a term expiring July 1, 2012:

Michael D. Plachy of Centennial, Colorado, a resident of the 6th Congressional District and an Unaffiliated, reappointed.

YES	33	NO	0	EXCUSED	2	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	Y	Mitchell	Y	Schwartz	Y		

On motion of Senator Bacon, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE  
CHARTER SCHOOL INSTITUTE BOARD

effective as of eight o'clock a.m. on January 7, 2009, for a term expiring July 1, 2009:

Celeste C. Di Iorio of Fort Collins, Colorado, to serve as a representative with experience as a public school teacher, appointed.

YES	33	NO	0	EXCUSED	2	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	Y	Mitchell	Y	Schwartz	Y		

On motion of Senator Bacon, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE  
BOARD OF TRUSTEES FOR  
ADAMS STATE COLLEGE

effective January 1, 2009 for terms expiring December 31, 2012:

Ann C. Rice of Greenwood Village, Colorado, a Republican, reappointed.

YES	33	NO	0	EXCUSED	2	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
Heath	Y	Mitchell	Y	Schwartz	Y		

**COMMITTEE OF REFERENCE REPORTS**

Local Government and Energy After consideration on the merits, the Committee recommends that **HB09-1072** be referred to the Committee of the Whole with favorable recommendation.

Local Government and Energy After consideration on the merits, the Committee recommends that **HB09-1092** be referred to the Committee of the Whole with favorable recommendation.

Local Government and Energy After consideration on the merits, the Committee recommends that **HB09-1005** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 19, after "PLAN", insert "OR STATEMENT OF PURPOSES";

line 21, strike "PLAN." and substitute "PLAN OR ACCEPTED THE SPECIAL DISTRICT'S STATEMENT OF PURPOSES.".

Finance After consideration on the merits, the Committee recommends that **HB09-1215** be referred to the Committee of the Whole with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **SB09-228** be referred to the Committee of the Whole with favorable recommendation.

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**INTRODUCTION OF RESOLUTIONS**

The following resolution was read by title:

**SJR09-015** by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning stewardship contracting.  
Laid over one day under Senate Rule 30(b).

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**SENATE SERVICES REPORT**

We herewith transmit:

Without comment, HB09-1190, 1229, 1249, and 1264.  
Without comment, as amended, HB09-1076, 1108, 1186, 1214, 1217, 1218, 1220, 1224,  
1236, 1254, and 1260.  
Without comment, as amended, SB09-185, 208, 210, 212, 215, and 217.

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**SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS**

The President has signed: SB09-211 and 213.

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On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Thursday, February 26, 2009.

Approved:

Betty Boyd  
President *pro tem* of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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