

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

20th Legislative Day Monday, January 26, 2009

- Prayer By the chaplain, Rev. Bill Calhoun, Montview Blvd. Presbyterian Church, Denver.
- Pledge By Senator Foster.
- 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 Foster, reading of the Journal of January 23, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.

CONSIDERATION OF RESOLUTIONS

SJR09-009 by Senator(s) Brophy; also Representative(s) Sonnenberg--Concerning the designation of "Colorado 4-H Day".

On motion of Senator Brophy, the resolution was **adopted** by the following roll call vote:

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

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

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

On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB09-015 by Senator(s) Tochtrop, Brophy, Isgar, Hodge, Schwartz, White; also Representative(s) Gardner C., Curry, McKinley--Concerning removal of the White river drainage basin from the jurisdiction of water division 5 to water division 6.

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:

SB09-032 by Senator(s) Groff, Hudak, King K., Penry, Romer, Spence; also Representative(s) Marostica and Todd, Carroll T., Gardner C., Massey, McNulty, Rice, Scanlan--Concerning creation of the education innovation institute at the university of northern Colorado.

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: Bacon, Boyd, Brophy, Carroll M., Foster, Gibbs, Heath, Hodge, Isgar, Keller, Kester, Lundberg, Mitchell, Morse, Newell, Renfroe, Sandoval, Schwartz, Shaffer B., Tochtrop, Veiga, White and Williams.

SB09-001 by Senator(s) Gibbs and Penry, Kopp; also Representative(s) Scanlan and King S.--Concerning the establishment of community wildfire protection plans by county governments.

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: Bacon, Boyd, Carroll M., Foster, Groff, Harvey, Heath, Hodge, Kester, King K., Lundberg, Morse, Newell, Romer, Scheffel, Schwartz, Shaffer B., Tapia, Tochtrop, White and Williams.

Committee of the Whole

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

SB09-044

by Senator(s) Boyd; also Representative(s) Hullinghorst--Concerning administrative procedures in relation to the department of human services.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, January 16, page 76 and placed in members' bill files.)

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

SB09-053

by Senator(s) Tochtrop; also Representative(s) Schafer S.--Concerning support arrearages that accrue prior to an applicant's eligibility for public assistance.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, January 22, page 87 and placed in members' bill files.)

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

SB09-010

by Senator(s) Spence; also Representative(s) Primavera--Concerning encouraging the use of automated external defibrillators.

Amendment No. 1(L.002), by Senator Spence.

Amend printed bill, page 2, line 2, strike "The introductory portion to 13-21-108.1 (3) (a) and";

line 8, strike "~~shall~~ IS ENCOURAGED TO" and substitute "shall";

line 22, after "The", insert "LIMITED";

strike lines 23 through 25 and substitute the following:

"(4) extends to:

(I) The licensed physician who ~~is involved with AED site placement~~ REVIEWED AND APPROVED THE WRITTEN PLANS DESCRIBED IN SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION;

(II) The person or entity who provides the CPR and AED site placement;

(III) ANY PERSON OR ENTITY THAT PROVIDES TEACHING OR TRAINING PROGRAMS FOR CPR TO THE SITE AT WHICH THE AED IS PLACED, WHICH PROGRAMS INCLUDE TRAINING IN THE USE OF AN AED; and

(IV) The person or entity responsible for the site where the AED is located."

Page 3, strike lines 1 through 3;

line 4, after "The", insert "LIMITED";

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line 6, strike "met." and substitute "met; EXCEPT THAT THE PERSON OR ENTITY RESPONSIBLE FOR THE SITE WHERE THE AED IS LOCATED SHALL RECEIVE THE LIMITED IMMUNITY ONLY IF THE REQUIREMENTS OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION ARE MET."

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

SB09-005 by Senator(s) Spence; also Representative(s) Primavera--Concerning the Colorado traumatic brain injury program.

Amendment No. 1, Health & Human Services Committee Amendment. (Printed in Senate Journal, January 22, page 87 and placed in members' bill files.)

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

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

SB09-064 by Senator(s) King K., Romer, Bacon, Groff, Heath, Hudak, Kopp, Spence, Williams; also Representative(s) Massey, Merrifield, Baumgardner, Benefield, Gardner B., Middleton, Murray, Peniston, Priola, Scanlan, Schafer S., Solano, Summers, Todd--Concerning building inspections relating to utilities.

Laid over until Tuesday, January 27, retaining its place on the calendar.

SB09-062 by Senator(s) Shaffer B.; --Concerning incentives for armed forces veterans to enter the teaching profession.

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB09-005 by Senator(s) Spence; also Representative(s) Primavera--Concerning the Colorado traumatic brain injury program.

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the following Lundberg floor amendment, (L.004) to SB09-005 did pass.

Amend printed bill, page 6, line 3, after the period, add "NO MONEYS FROM THE TRUST FUND SHALL BE USED FOR DIRECT SERVICES THAT WOULD OTHERWISE BE PROVIDED FOR BY ANY OTHER PUBLIC OR PRIVATE MEDICAL INSURANCE OR OTHER PUBLIC OR PRIVATE MEDICAL PROGRAMS."

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

Table with 4 columns: YES (8), NO (27), EXCUSED (0), ABSENT (0). Rows list members and their votes: Bacon (N), Boyd (N), Brophy (N), Cadman (Y), Carroll M. (N), Foster (N), Gibbs (N), Harvey (N), Heath (N), Hodge (N), Hudak (N), Isgar (N), Keller (N), Kester (Y), King K. (N), Kopp (N), Lundberg (Y), Mitchell (Y), Morse (N), Newell (N), Penry (N), Renfroe (N), Romer (Y), Sandoval (N), Scheffel (Y), Schultheis (Y), Schwartz (N), Shaffer B. (N), Spence (N), Tapia (N), Tochtrop (Y), Veiga (N), White (Y), Williams (N), President (N).

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Sandoval, 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: SB09-044 as amended, SB09-053 as amended, SB09-010 as amended, SB09-005 as amended, SB09-062.

Laid over until Tuesday, January 27: SB09-064.

MESSAGE FROM THE HOUSE

January 26, 2009
Mr. President:

The House has adopted and returns herewith SJR09-009.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1002.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1042, amended as printed in House Journal, January 23, page 118.
HB09-1058, amended as printed in House Journal, January 23, page 118.

SENATE SERVICES REPORT

Correctly Printed: SB09-097, 098, 099, 100, 101, 102, 103, 104, 105, 106, 107 and 108; SJR09-009.

Correctly Engrossed: SB09-001, 015 and 032.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: **HJR09-1003.**

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

After consideration on the merits, the Committee recommends that **SB09-004** be referred to the Committee on Local Government and Energy with favorable recommendation.

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MESSAGE FROM THE REVISOR OF STATUTES

January 26, 2009

We herewith transmit:

Without comment, HB09-1002.

Without comment, as amended, HB09-1042 and 1058.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB09-109** by Senator(s) Newell, Morse; also Representative(s) Schafer S.--Concerning continuation of provisions related to the fire service training and certification advisory board.
Judiciary
- SB09-110** by Senator(s) Morse, Carroll M., Hudak; also Representative(s) Levy--Concerning the continuation of the regulation of civil rights issues.
Judiciary
- SB09-111** by Senator(s) Bacon, Boyd, Schultheis; also Representative(s) Court--Concerning continuation of the "Notaries Public Act".
State, Veterans & Military Affairs
- SB09-112** by Senator(s) Kopp, Bacon, Groff, Heath, Hudak, King K., Romer, Spence; also Representative(s) Scanlan--Concerning the repeal of the on-line learning advisory board.
Education
- SB09-113** by Senator(s) Brophy, Hodge, Isgar; also Representative(s) Sonnenberg--Concerning the continuation of the authority of the department of agriculture to regulate measurement standards.
Agriculture and Natural Resources
- SB09-114** by Senator(s) Kester, Hodge, Isgar; also Representative(s) Sonnenberg--Concerning the continuation of the authority of the department of agriculture to regulate the sale of agricultural products, and, in connection therewith, regulating farm products and commodity warehouses.
Agriculture and Natural Resources
- SB09-115** by Senator(s) Brophy, Hodge, Isgar; also Representative(s) Curry--Concerning the continuation of the regulation of public livestock markets.
Agriculture and Natural Resources
- SB09-116** by Senator(s) Hodge, Isgar, Schwartz; also Representative(s) Looper--Concerning continuation of the "Colorado Seed Act".
Agriculture and Natural Resources
- SB09-117** by Senator(s) Isgar, Hodge; also Representative(s) Vigil--Concerning the continuation of the regulation by the department of agriculture of persons selling processed meat, and, in connection therewith, clarifying the statutory distinction between custom meat processors and the sellers of home food service plans, amending terms to comport with current business practices, and increasing consumer protections.
Agriculture and Natural Resources
- SB09-118** by Senator(s) Gibbs, Hodge, Isgar; also Representative(s) Fischer--Concerning continuation of pet animal care regulation.
Agriculture and Natural Resources
- SB09-119** by Senator(s) Harvey; --Concerning a clarification of the enforcement of water quality laws relating to the discharge of certain hazardous pollutants.
Agriculture and Natural Resources
- SB09-120** by Senator(s) Mitchell, Schultheis; also Representative(s) Primavera--Concerning the continuation of licensing of psychiatric technicians by the state board of nursing.

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Health and Human Services

SB09-121 by Senator(s) White; also Representative(s) May--Concerning the sales and use tax exempt status of meals provided to employees of a business where prepared food is regularly sold.
Finance

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.
Local Government and Energy

SB09-123 by Senator(s) Williams, Sandoval; also Representative(s) Todd, Solano--Concerning a pilot program to reduce the dropout rate of adolescent students, and making an appropriation therefor.
Education

On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Tuesday, January 27, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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