

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

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105th Legislative Day Tuesday, April 21, 2009

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Prayer By the chaplain, Rev. Jeannette Cartin, Harmony Christian Church, Lakewood.

Pledge By Senator White.

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

Roll Call Present--32  
 Absent--1, Williams.  
 Excused--2, Renfroe, Romer.  
 Present later--2, Romer, Williams.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Foster, reading of the Journal of Monday, April 20, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.

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**MESSAGE FROM THE HOUSE**

April 20, 2009

The Speaker has appointed Representatives Ferrandino, chairman, Pommer, and Marostica as House conferees on the First Conference Committee on SB09-275.

The Speaker has appointed Representatives Pommer, chairman, Ferrandino, and Marostica as House conferees on the First Conference Committee on SB09-259

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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:

**SB09-257** 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.

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

YES	31	NO	3	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	E	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

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

**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.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	E	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Gibbs, Heath, Hodge, Newell, Schwartz and Tapia.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the Third Reading of Bills Calendar (SB09-130, SB09-085) of Tuesday, April 21, was laid over until Wednesday, April 22, retaining its place on the calendar.

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

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, HB09-1299, HB09-1170, SB09-244, SB09-247, SB09-241, HB09-1303 were laid over until Wednesday, April 22, retaining their place on the calendar.

Upon request of Senator Shaffer, SB09-021, SB09-283, SB09-255 were removed form the General Orders -- Second Reading of Bills Calendar and placed at the end of the General Orders - Second Reading of Bill--Consent Calendar of Wednesday, April 22.

**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:

**SB09-045** by Senator(s) King K.; also Representative(s) Middleton--Concerning agreements between postsecondary students and Colorado public institutions of higher education concerning the transferability of academic credits between institutions.

Amendment No. 1, Education Committee Amendment.  
(Printed in Senate Journal, February 12, pages 262-264 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 6, pages 963-964 and placed in members' bill files.)

Amendment No. 3(L.008), by Senator King.

Amend the Education Committee Report, dated February 11, 2009, page 2, line 1, strike "FIVE" and substitute "THREE";

strike line 2.

Reletter succeeding sub-subparagraphs accordingly. 1

Page 2 of the committee report, strike line 4. 2

Reletter succeeding sub-subparagraphs accordingly. 3

Page 2 of the committee report, strike lines 13 and 14 and substitute the 4  
following: 5

"AGREEMENT, A". 6

Amendment No. 4(L.009), by Senator Williams and King. 7

Amend the Education Committee Report, dated February 11, 2009, page 8  
1, line 15, strike "SECTION,;" and substitute "SECTION, BUT NOT BEFORE 9  
JULY 1, 2012,;". 10

Amend printed bill, page 3, line 5, strike "2012," and substitute "2013, ". 11

Amendment No. 5(L.010), by Senator Schwartz. 12

Amend printed bill, page 3, after line 19, insert the following: 13

"(III) FOR EACH STATEWIDE ARTICULATION AGREEMENT 14  
ESTABLISHED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), 15  
THE COMMISSION SHALL ENSURE THAT EACH COURSE THAT IS PART OF THE 16  
SIXTY-CREDIT CURRICULUM THAT IS CONTEMPLATED BY THE STATEWIDE 17  
ARTICULATION AGREEMENT IS PART OF A TRANSFERRABLE CORE OF 18  
COURSES IN THE SUBJECT MATTER OF THE STATEWIDE ARTICULATION 19  
AGREEMENT." 20

As amended, ordered engrossed and placed on the calendar for Third Reading and Final 21  
Passage. 22

(For further action, see Roll Call vote on SB09-045.) 23

**SB09-282**

by Senator(s) Sandoval and Spence, Bacon, Foster, Groff, Hudak, Veiga; also 24  
Representative(s) Kerr A., Benefield, Court, Ferrandino, Frangas, Judd, Labuda, Levy, 25  
Massey, McCann, Merrifield, Miklosi, Scanlan, Schafer S., Solano, Summers--Concerning 26  
the merger of the Denver public schools retirement system with the public employees' 27  
retirement association. 28

Amendment No. 1, Finance Committee Amendment. 29

(Printed in Senate Journal, April 15, pages 1086-1088 and placed in members' bill files.) 30

Amendment No. 2(L.002), by Senator Penry. 31

Amend printed bill, page 12, line 23, after "**liabilities.**", insert "(1)". 32

Page 13, after line 3, insert the following: 33

"(2) ON OR BEFORE SEPTEMBER 1, 2009, THE BOARD SHALL SUBMIT 34  
SPECIFIC, COMPREHENSIVE RECOMMENDATIONS TO THE GENERAL 35  
ASSEMBLY REGARDING POSSIBLE METHODS TO RESPOND TO THE DECREASE 36  
IN THE VALUE OF THE ASSOCIATION'S ASSETS, INCLUDING REAL ESTATE, 37  
PRIVATE EQUITY, AND OTHER INVESTMENTS, TO DECREASE THE 38  
AMORTIZATION PERIOD OF EACH DIVISION OF THE ASSOCIATION AND TO 39  
ENSURE THAT EACH DIVISION OF THE ASSOCIATION WILL BECOME AND 40  
REMAIN FULLY FUNDED." 41

Amendment No. 3(L.007), by Senator Sandoval. 42

Amend the Finance Committee Report, dated April 14, 2009, page 1, line 43  
11, strike "DEBT"; 44

strike line 12, and substitute the following: 45

"OBLIGATIONS OF THE ASSOCIATION UNDER A DEBT INSTRUMENT ISSUED 46  
BY THE ASSOCIATION BECOME OBLIGATIONS OF THE DENVER". 47

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Amendment No. 4(L.008), by Senator Sandoval.

Amend printed bill, page 127, after line 20, insert the following:

"SECTION 64. 22-45-112 (3), Colorado Revised Statutes, is amended to read:

**22-45-112. Sale of assets.** (3) The proceeds, less the costs, of the sale of lands, buildings, or lands and buildings that are sold by a school district may be applied, in the discretion of the board of education, to pension liabilities of the district or to make payments to the public employees' retirement association of Colorado or ~~others in connection with the merger of the retirement system of the school district into the association pursuant to section 22-64-220~~ TO THE REFINANCING OF ANY TRANSACTION ENTERED INTO FOR SUCH PURPOSES. Notwithstanding any other provision of law, any such proceeds that are held in a separate account to secure the school district's obligation to make payments to the association ~~or others in connection with such merger~~ may be invested by the district in any investment in which moneys of the association may be invested. ~~If the proceeds so invested and earnings thereon are in excess of the amounts payable to the association or others in connection with the merger, the excess shall be deposited in the general fund of the school district and shall be used to pay the school district's employer contribution to the association after the merger.~~".

Renumber succeeding sections accordingly.

Page 128, line 6, strike "65" and substitute "66";

line 7, strike "66" and substitute "67".

Amendment No. 5(L.009), by Senator Sandoval.

Amend the Finance Committee Report, dated April 14, 2009, page 1, line 8, after ""(4)", insert "(a)";

line 13, strike "SCHOOLS." and substitute "SCHOOLS.

(b) NOTHING IN THIS SUBSECTION (4) SHALL LIMIT THE APPLICATION OF ANY OF THE FOLLOWING PROVISIONS TO DENVER PUBLIC SCHOOLS, ANY CHARTER SCHOOL THAT IS CHARTERED BY DENVER PUBLIC SCHOOLS, OR ANY CHARTER SCHOOL THAT SERVES STUDENTS OF DENVER PUBLIC SCHOOLS: SECTION 22-41-110, C.R.S., RELATING TO TIMELY PAYMENT OF SCHOOL DISTRICT OBLIGATIONS; SECTION 22-30.5-406, C.R.S., RELATING TO DIRECT PAYMENT OF CHARTER SCHOOL BONDS; SECTION 22-30.5-408, C.R.S., RELATING TO THE REPLENISHMENT OF CHARTER SCHOOL DEBT SERVICE RESERVE FUNDS; OR ANY OTHER PROGRAM THAT IS AVAILABLE TO SCHOOL DISTRICTS OR CHARTER SCHOOLS THAT MEET THE CONDITIONS SET FORTH IN STATE LAW.".

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

**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.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, April 16, page 1113 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Carroll.

Amend printed bill, page 3, line 8, after the period, add "THE COMMUNICATIONS OR INTERNET ACCESS PROVIDER SHALL RESTORE THE NORMAL OPERATIONS OF THE TELEPHONE LINES OR CELLULAR OR DIGITAL COMMUNICATIONS SIGNALS AS SOON AS PRACTICABLE FOLLOWING RESOLUTION OF THE EXIGENT CIRCUMSTANCES.".

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

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Passage.

**SB09-250**

by Senator(s) Tochtrop, Williams, Penry, Shaffer B., Boyd, Carroll M., Hodge, Hudak, Keller, Kester, Newell, Schwartz, Tapia; also Representative(s) Primavera, McNulty, Massey, Merrifield, Frangas, Gagliardi, Kefalas, Liston, Marostica, Green--Concerning health benefit plan coverage for oral anticancer medication.

Amendment No. 1, Health & Human Services Committee Amendment.

(Printed in Senate Journal, March 26, page 869 and placed in members' bill files.)

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

Amend printed bill, page 2, line 10, after the period, add "THE PRESCRIPTIONS PROVIDED FOR PURSUANT TO THIS SUBSECTION (20) SHALL BE MADE ONLY UPON A FINDING THAT IT IS IN THE PATIENT'S BEST MEDICAL INTEREST."

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

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Second Reading of Bills Calendar (HB09-1305, SB09-006, SB09-164, SB09-253, HB09-1307, HB09-1205, SB09-232, HB09-1242 ) of Tuesday, April 21, was laid over until Wednesday, April 22, retaining its place on the calendar.

Call of the Senate.

Call raised.

**ROLL CALL VOTE ON SB09-045**

**SB09-045**

by Senator(s) King K.; also Representative(s) Middleton--Concerning agreements between postsecondary students and Colorado public institutions of higher education concerning the transferability of academic credits between institutions.

Senator Bacon requested a roll call vote on SB09-045.

YES	16	NO	18	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	N	Tapia	N
Cadman	Y	Keller	N	Renfroe	E	Tochtrop	N
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	N
Foster	N	King K.	Y	Sandoval	Y	White	Y
Gibbs	N	Kopp	N	Scheffel	Y	Williams	Y
Harvey	N	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 Carroll, the Report of the Committee of the Whole was adopted on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	E	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		

Passed on Second Reading: SB09-282 as amended, SB09-284 as amended, SB09-250 as amended; Laid over until Wednesday, April 22 retaining their place on the Calendar: HB09-1299, HB09-1170, SB09-244, SB09-247, SB09-241, HB09-1303, HB09-1250, HB09-1305, SB09-006, SB09-164, SB09-253, HB09-1307, HB09-1205, SB09-232, HB09-1242; Lost on Second Reading: SB09-045 as amended; Removed from the General Orders-Second Reading of Bills Calendar and placed on the General Orders-Second Reading of Bills-Consent Calendar for Wednesday, April 22, 2009: SB09-021, SB09-283, SB09-255

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.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**SB09-263**

by Senator(s) White, Keller, Tapia; also Representative(s) Pommer, Ferrandino, Marostica--Concerning payments to medicaid nursing facility providers, and making an appropriation in connection therewith.

Senator White moved that the Senate concur in House amendments to SB09-263, as printed in House Journal, April 15, pages 1205-1206.

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

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

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

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

**SB09-269**

by Senator(s) White, Keller, Tapia; also Representative(s) Ferrandino, Pommer, Marostica-- Concerning adjustment of the allocation of tobacco litigation settlement moneys received by the state during specified fiscal years, and, in connection therewith, requiring settlement moneys that are disputed payments and settlement moneys in excess of a specified amount to be credited to the general fund, requiring a portion of the moneys so credited to be transferred to the children's basic health plan trust and the nurse home visitor program fund, delaying mandated growth in the percentage of settlement moneys allocated for the Colorado nurse home visitor program by one fiscal year, and making appropriations.

Senator White moved that the Senate not concur in House amendments to **SB09-269**, as printed in House Journal, April 16, pages 1236-1237 and April 17, pages 1265-1237, 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	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	E	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 White moved that the Senate Conferees on the First Conference Committee on **SB09-269** be granted permission to go beyond the scope of the differences between the two houses.

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

The President appointed Senators White, Chairman, Keller, and Tapia as Senate Conferees on the First Conference Committee on **SB09-269**.

**SB09-271** by Senator(s) Tapia, Keller, White; also Representative(s) Ferrandino, Pommer, Marostica-- Concerning the use of tobacco revenues generated under section 21 of article X of the state constitution in a state fiscal emergency, and making an appropriation therefor.

Senator Tapia moved that the Senate not concur in House amendments to **SB09-271**, as printed in House Journal, April 16, pages 1236-1237, 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	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	E	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 President appointed Senators Tapia, Chairman, Keller, and White as Senate Conferees on the First Conference Committee on **SB09-271**.

**SB09-279** by Senator(s) Tapia, Keller, White; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning the augmentation of the general fund through transfers of certain moneys.

Senator Tapia moved that the Senate not concur in House amendments to **SB09-279**, as printed in House Journal, April 16, pages 1239-1240, 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	1	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	E	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Senator Tapia moved that the Senate Conferees on the First Conference Committee on **SB09-279** be granted permission to go beyond the scope of the differences between the two houses.

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

The President appointed Senators Keller, Chairman, Tapia, and White as Senate Conferees on the First Conference Committee on **SB09-279**.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that HB09-1123 be referred to the Committee on Appropriations with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that HB09-1132 be referred to the Committee on Appropriations with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that HB09-1316 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 11, strike "A JUDGE, A MAGISTRATE," and substitute "A JUDGE AS DEFINED BY SECTION 18-8-615, (3)."

Judiciary After consideration on the merits, the Committee recommends that HB09-1163 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, strike line 6 and substitute the following:

"subsequent to a prior conviction under this section, then it is a class 5";

strike line 15 and substitute the following:

"subsequent to a prior conviction under this section, then it is a class 5";

strike line 23 and substitute the following:

"(7), subsequent to a prior conviction under this section, then it is a class".

Page 4, strike line 3 and substitute the following:

"(7), subsequent to a prior conviction under this section, then it is a class".

Page 6, after line 6, insert the following:

SECTION 4. 18-3-306 (1), Colorado Revised Statutes, is amended to read:

18-3-306. Internet luring of a child. (1) An actor commits internet luring of a child if the actor knowingly communicates a statement over a computer or computer network to WITH a person who the actor knows or believes is TO BE under fifteen years of age, describing AND, IN THAT COMMUNICATION OR IN ANY SUBSEQUENT COMMUNICATION BY TELEPHONE, TEXT MESSAGE, TELEPHONE NETWORK, COMPUTER, OR COMPUTER NETWORK, DESCRIBES explicit sexual conduct as defined in section 18-6-403 (2) (e), and, in connection with the communication THAT DESCRIPTION, makes a statement persuading or inviting the person to meet the actor for any purpose, and the actor is more than four years older than the person or than the age the actor believes the person to be."

Renumber succeeding sections accordingly.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that HB09-1094 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 3, line 26, strike "TO (c)" and substitute "AND (b)".

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that SCR09-001 be postponed indefinitely.



**MESSAGE FROM THE HOUSE**

April 21, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1274, amended as printed in House Journal, April 15, pages 1214-1215. HB09-1327, amended as printed in House Journal, April 20, page 1286.

The House has passed on Third Reading and returns herewith SB09-251.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB09-276, amended as printed in House Journal, April 16, pages 1253-1254.

The House failed to pass SB09-061 as amended on Third Reading. The bill is returned herewith.

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**MESSAGE FROM THE REVISOR OF STATUTES**

April 21, 2009

We herewith transmit:

Without comment, as amended, HB09-1327.  
Without comment, as amended, SB09-276.  
With comment, as amended, SB09-1274.

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

**MESSAGE FROM THE GOVERNOR**

April 10, 2009

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
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 HOUSING AND FINANCE AUTHORITY  
BOARD OF DIRECTORS**

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

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

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

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

James M. Hahn of Denver, Colorado, appointed;

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John A. Blumberg of Denver, Colorado, reappointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 4/16/09  
Karen Goldman, Secretary of the Senate

Committee on Finance

April 16, 2009

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
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  
STATE BOARD OF PAROLE

for a term expiring July 1, 2010:

Michael E. Anderson of Denver, Colorado to fill the vacancy occasioned by the resignation of Maximino A. Atencio of Pueblo, Colorado, and to serve as a representative from law enforcement, appointed;

for terms expiring July 1, 2011:

Deborah C. Allen of Aurora, Colorado to serve as a citizen member, reappointed;

Celeste M. C de Baca of Denver, Colorado to serve as a citizen member, reappointed.

for a term expiring July 1, 2011:

Margaret M. Heckenbach of Highlands Ranch, Colorado to fill the vacancy occasioned by the resignation of Leslee V. Waggener of Centennial, Colorado, and to serve as a representative of parole or probation, appointed.

This Senate letter supercedes the Senate letters dated June 17, 2008 and April 2, 2009, pertaining to the State Board of Parole, which are hereby withdrawn.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 4/16/09  
Karen Goldman, Secretary of the Senate

Committee on Judiciary

April 9, 2009

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

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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 and submit for your consideration, the following:

MEMBER OF THE  
TRANSPORTATION COMMISSION

for a term expiring July 1, 2009:

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

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 4/17/09  
Karen Goldman, Secretary of the Senate

Committee on Transportation

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**SENATE SERVICES REPORT**

**Correctly Printed:** SB09-290, 291 and 292; SJM09-007, 008, 009 and 010; SJR09-044, 045, 046, 047, 048 and 049; SR09-016.  
**Correctly Engrossed:** SB09-085 and 257.  
**Correctly Reengrossed:** SB09-226, 239 and 258.  
**Coreectly Revised:** HB09-1291; HJR09-1019.  
**Correctly Rerevised:** HB09-1120, 1311, 1315 and 1325.  
**Correctly Enrolled:** SB09-098, 260, 261, 264, 274, 278 and 280.

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

The President has signed: SB09-280.

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**DELIVERY TO THE GOVERNOR**

To the Governor for signature on Tuesday, April 21, 2009, at 9:38 a.m.:  
SB09-280.

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 Tuesday, April 21 was laid over until Wednesday, April 22, retaining its place on the calendar.

Consideration of Resolutions SR09-015, SJR09-037, SJR09-039, SJR09-040, SJR09-041, SJR09-042, SJR09-044, SJR09-045, SJR09-046, SJR09-047, SJR09-048, SJR09-049, SR09-016, HJR09-1014, HJR09-1016, HJR09-1021.  
Consideration of Memorials: SJM09-003, SJM09-004, SJM09-005, SJM09-006, SJM09-009, SJM09-010.  
Consideration of House Adherence: SB09-131  
Consideration of Governor's Appointments:  
    Member of the Colorado Limited Gaming Control Commission  
    Member of the Oil and Gas Conservation Commission of the State of Colorado  
    Members of the Coal Mine Board of Examiners  
    Members of the Pinnacol Assurance Board of Directors  
    Members of the Colorado Children's Trust Fund Board  
    Members of the State Board of Stock Inspection Commissioners  
    Members of the State Agricultural Commission  
Consideration of Conference Committee Reports: SB09-101, SB09-013, HB09-1057.

Conference Committees to Report: SB09-148, SB09-094.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

April 21, 2009

The Speaker has announced the following Sponsor change: Representative(s) Liston and Pommer will be joint prime sponsors on HB09-1356.

In response to the request of the Senate, the Speaker has appointed Representatives Ferrandino, chairman, Pommer, and Marostica as House conferees on the First Conference Committee on SB09-269. The House has voted to grant the House conferees on the First Conference Committee on SB09-269 to consider matters not at issue between the two houses.

In response to the request of the Senate, the Speaker has appointed Representatives Ferrandino, chairman, Pommer, and Marostica as House conferees on the First Conference Committee on SB09-271.

In response to the request of the Senate, the Speaker has appointed Representatives Pommer, chairman, Ferrandino, and Marostica as House conferees on the First Conference Committee on SB09-279. The House has voted to grant the House conferees on the First Conference Committee on SB09-279 to consider matters not at issue between the two houses.

The House has voted to grant the House conferees on the First Conference Committee on SB09-259 to consider matters not at issue between the two houses.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR09-050 by Senator(s) Keller; also Representative(s) Ferrandino--Concerning an amendment to the Joint Rules of the Senate and the House of Representatives to require members of the General Assembly to each attend five Joint Budget Committee meetings in the November or December prior to the convening of the General Assembly at the next regular session. Laid over one day under Senate Rule 30(b).

SJR09-051 by Senator(s) Romer and Bacon; also Representative(s) Middleton--Concerning the creation of an interim committee to study the financing of public schools. Laid over one day under Senate Rule 30(b).

SJR09-052 by Senator(s) Boyd, Foster; also Representative(s) Rice--Concerning declaration of "Colorado Refugee Day". Laid over one day under Senate Rule 30(b).

SJR09-053 by Senator(s) Newell; also Representative(s) Kagan--Concerning the recognition of the importance of raising public awareness of meningitis, and, in connection therewith, encouraging school districts to educate students and parents about the dangers of meningitis and the availability of a vaccine. Laid over one day under Senate Rule 30(b).

SJR09-054 by Senator(s) Keller; also Representative(s) Roberts--Concerning the designation of May 2009 as "Mental Health Month". Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS -- FIRST READING

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

HB09-1327 by Representative(s) Hullinghorst, Court, Fischer, Gagliardi, Levy, McCann, Peniston, Pommer, Sonnenberg, Vigil, Weissmann; also Senator(s) Tochtrop, Heath--Concerning modifications to the urban renewal law to address impacts to specified taxing entities arising

from the use of tax increment financing mechanisms to support urban renewal projects.  
Local Government and Energy

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**MESSAGE FROM THE GOVERNOR**

April 20, 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:

**SB09-005** CONCERNING THE COLORADO TRAUMATIC BRAIN INJURY PROGRAM.

Approved April 20, 2009 at 2:58 p.m.

**SB09-014** CONCERNING ALLOWING VEHICLES WITH DEFICIENT SPLASH GUARDS TO REMAIN IN SERVICE FOR THE LIMITED TIME NECESSARY TO REPLACE THE SPLASH GUARDS.

Approved April 20, 2009 at 2:59 p.m.

**SB09-053** CONCERNING SUPPORT ARREARAGES THAT ACCRUE PRIOR TO AN APPLICANT'S ELIGIBILITY FOR PUBLIC ASSISTANCE.

Approved April 20, 2009 at 3:00 p.m.

**SB09-054** CONCERNING AN INCREASE IN THE CIVIL PENALTIES RECOVERABLE BY THE STATE UNDER STATUTES RELATED TO FAIR TRADE..

Approved April 20, 2009 at 3:01 p.m.

**SB09-059** CONCERNING THE ENACTMENT OF COLORADO REVISED STATUTES 2008 AS THE POSITIVE AND STATUTORY LAW OF THE STATE OF COLORADO.

Approved April 20, 2009 at 3:02 p.m.

**SB09-060** CONCERNING CLARIFICATIONS TO THE LAW REGARDING TESTING ILLEGAL DRUG LABORATORIES FOR METHAMPHETAMINE.

Approved April 20, 2009 at 3:02 p.m.

**SB09-084** CONCERNING DOCUMENTS RELATED TO THE ROLE OF THE OFFICE OF THE SECRETARY OF STATE AS FILING OFFICE FOR SECURED TRANSACTIONS.

Approved April 20, 2009 at 3:03 p.m.

**SB09-092** CONCERNING THE REQUIREMENT THAT STATE-OWNED MOTOR VEHICLES OPERATE ON COMPRESSED NATURAL GAS.

Approved April 20, 2009 at 3:04 p.m.

**SB09-107** CONCERNING THE TIME DURING WHICH A NOTARIZED BILL OF SALE WILL EXEMPT A VEHICLE THAT IS AT LEAST TWENTY-FIVE YEARS OLD FROM BEING REQUIRED TO HAVE A BONDED TITLE.

Approved April 20, 2009 at 3:05 p.m.

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**SB09-109** CONCERNING CONTINUATION OF PROVISIONS RELATED TO THE FIRE SERVICE TRAINING AND CERTIFICATION ADVISORY BOARD.

Approved April 20, 2009 at 3:05 p.m.

**SB09-137** CONCERNING THE TIMELY PAYMENT OF DEBTS IN RELATION TO A WAIVER OF THE RIGHT TO ATTACH A PROPERTY LIEN.

Approved April 20, 2009 at 3:06 p.m.

**SB09-157** CONCERNING THE RETIREMENT PLAN ELIGIBILITY OF SPECIFIED EMPLOYEES OF THE UNIVERSITY OF COLORADO.

Approved April 20, 2009 at 3:07 p.m.

**SB09-181** 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.

Approved April 20, 2009 at 3:07 p.m.

**SB09-182** CONCERNING THE USE OF STATE PARKS BY CERTAIN SEARCH AND RESCUE ORGANIZATIONS FOR TRAINING ACTIVITIES.

Approved April 20, 2009 at 3:08 p.m.

**SB09-208** CONCERNING THE AUGMENTATION OF THE GENERAL FUND THROUGH TRANSFERS OF CERTAIN MONEYS IN THE 2008-09 FISCAL YEAR.

Approved April 20, 2009 at 3:08 p.m.

**SB09-222** CONCERNING STANDARDS FOR A SIGN REQUIRED TO NOTIFY DRIVERS THAT AN AUTOMATED VEHICLE IDENTIFICATION DEVICE IS BEING USED TO DETECT TRAFFIC VIOLATIONS.

Approved April 20, 2009 at 3:10 p.m.

**SB09-231** CONCERNING THE CONTINUATION OF THE STATE METHAMPHETAMINE TASK FORCE.

Approved April 20, 2009 at 3:10 p.m.

Sincerely,

Bill Ritter, Jr.  
Governor

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On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Wednesday, April 22, 2009.

Approved:

Peter C. Groff  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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