

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

77th Legislative Day

Tuesday, March 24, 2009

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Prayer	By the chaplain, Father Lou Christopoulos, St. Catherine Greek Orthodox Church, Denver.	11
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Pledge	By Senator Spence.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present--30	18
	Excused--5, Gibbs, Isgar, Kopp, Mitchell, Romer.	19
	Present later-- 4, Gibbs, Isgar, Kopp, Romer.	20
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Scheffel, reading of the Journal of Monday, March 23, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.	24
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MESSAGE FROM THE HOUSE

March 23, 2009

The House has adopted and returns herewith SJR09-025.

INTRODUCTION OF RESOLUTIONS

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

SJR09-028 by Senator(s) Heath; also Representative(s) Primavera--Concerning recognition of Colorado's cool cities.

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

SJR09-029 by Senator(s) Tapia, Sandoval; also Representative(s) Frangas, McFadyen, Pace, Vigil-- Concerning recognition of "César Chávez Day".

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

SENATE SERVICES REPORT

Correctly Engrossed: SB09-176

Correctly Reengrossed: SB09-067, 103, 138, 154 and 160.

Correctly Revised: HB09-1057, 1214, 1224, 1253, 1276 and 1297.

Correctly Rerevised: HB09-1034, 1061, 1089, 1110, 1143, 1216 and 1260.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB09-091, 113, 151, 217, HB09-1122, 1168, 1178, HJR09-1002, HB09-1005, 1027, 1066, 1072, 1185, 1236, 1249, HB09-1093, 1099, 1124, 1171, 1179, 1181, 1182, 1188, 1189, 1203, 1223.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Monday, March 23, 2009, at 3:40 p.m.:
SB09-091, 113, 151 and 217.

INTRODUCTION OF BILLS -- FIRST READING

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

HB09-1026 by Representative(s) Marostica, Fischer, McFadyen, Rice, Vaad; also Senator(s) Williams, Spence--Concerning the application of vehicle laws to low-power vehicles that operate with less than four wheels in contact with the ground, and, in connection therewith, defining "low-power scooter" and "electric personal assistive mobility device".
Transportation

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

HB09-1294 by Representative(s) Vigil; also Senator(s) Schwartz--Concerning the voluntary contribution designation benefiting the nongame and endangered wildlife fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.
Finance

**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:

HB09-1297 by Representative(s) Frangas; also Senator(s) Mitchell--Concerning membership appointments to the advisory committee on licensing of child care facilities.

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	E	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	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

Co-sponsors added: Hudak

HB09-1214 by Representative(s) Benefield, Massey, Middleton, Miklosi, Scanlan, Schafer S., Summers, Todd; also Senator(s) Bacon--Concerning education data reporting requirements.
The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	E	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	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

Co-sponsors added: Hudak

HB09-1253 by Representative(s) Pace, Apuan, Levy, McKinley, Miklosi, Vigil; also Senator(s) Tapia-- Concerning processes for involuntary mental health treatment for defendants committed under title 16, Colorado Revised Statutes.

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	E	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	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	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, Morse, Newell and Tochtrop.

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:

HB09-1057 by Representative(s) Kerr A., Carroll T., Apuan; also Senator(s) Bacon, Groff--Concerning parental involvement in kindergarten through twelfth grade education.

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

YES	21	NO	13	EXCUSED	1	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	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	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, Heath, Hudak and Shaffer B.

SB09-176 by Senator(s) Spence; also Representative(s) Casso and Massey--Concerning charter school participation in school district bond elections.

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	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	E	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, Harvey, King K., Kopp, Lundberg, Romer, Scheffel, Schultheis

and White.

HB09-1276 by Representative(s) Ferrandino, Apuan, Benefield, Carroll T., Casso, Court, Gagliardi, Gerou, Hullinghorst, Kerr A., Kerr J., Labuda, Marostica, Massey, McCann, Merrifield, Middleton, Miklosi, Pace, Peniston, Pommer, Ryden, Scanlan, Schafer S., Solano, Vigil; also Senator(s) Carroll M.--Concerning a delay in the foreclosure of residential property for eligible borrowers.

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

YES	26	NO	8	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	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	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	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, Gibbs, Groff, Heath, Hodge, Hudak, Morse, Newell, Romer, Sandoval, Schwartz, Shaffer B., Tapia, Tochtrop, White and Williams.

HB09-1224 by Representative(s) Schafer S., McGihon, Labuda, Frangas, Ryden, Green, Ferrandino, Court, Hullinghorst, Kefalas, Middleton, Peniston, Solano, Todd, Vigil; also Senator(s) Carroll M., Hodge--Concerning a prohibition on the consideration of gender in setting rates for individual health benefit plans, and, in connection therewith, directing the health care task force during the 2009 interim to study issues related to such prohibition.

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

YES	25	NO	9	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	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.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	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, Gibbs, Groff, Heath, Hudak, Keller, Morse, Newell, Romer, Sandoval, Schwartz, Shaffer B., Tapia, Tochtrop, Veiga and Williams.

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

HB09-1018 by Representative(s) Bradford; also Senator(s) Spence--Concerning the removal of obsolete language in statutory provisions implementing the statewide voter registration and election system for purposes of compliance with the federal "Help America Vote Act".

Laid over until Wednesday, March 25, retaining its place on the calendar.

HB09-1279 by Representative(s) Pace; also Senator(s) Kopp--Concerning abandoned motor vehicles.

Laid over until Wednesday, March 25, retaining its place on the calendar.

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

HB09-1292 by Representative(s) McGihon, Labuda, Levy; also Senator(s) Veiga, Morse, Schwartz-- Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

Ordered revised 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.)

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB09-1292 by Representative(s) McGihon, Labuda, Levy; also Senator(s) Veiga, Morse, Schwartz-- Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 09-1292 did pass, and that HB 09-1292, as amended, did pass.

Amend reengrossed bill, page 6, after line 4, insert the following:

"(b) Rule 503. b. (7) D., which rule was adopted on December 11, 2008, concerning the Colorado department of public health and environment, solely to raise issues relating to protection of health, safety, and welfare;

(c) Rule 503. b. (7) E., which rule was adopted on December 11, 2008, concerning the Colorado division of wildlife, solely to raise issues relating to minimizing adverse impacts to wildlife resources;"

Reletter succeeding paragraphs accordingly.

Page 6, after line 9, insert the following:

"(5) Rule 201A. of the oil and gas conservation commission of the department of natural resources concerning practice and procedure (2 CCR 404-1), which rule was adopted on December 11, 2008, is amended to read, effective May 15, 2009:

Rule 201A. EFFECTIVE DATE OF AMENDMENTS. Unless otherwise specified in the rules, amendments to these rules adopted by the Commission in December 2008 shall become effective on ~~May 1, 2009 for federal land and~~ April 1, 2009. ~~for all other land.~~ THE COMMISSION SHALL SEEK "COOPERATING AGENCY" STATUS WITH FEDERAL LAND MANAGEMENT AGENCIES SO THAT THE STATE CAN PLAY A MORE ACTIVE ROLE IN DEVELOPING APPROPRIATE AND WORKABLE STANDARDS FOR WATER QUALITY, AIR QUALITY, AND THE MANAGEMENT OF WILDLIFE HABITAT ON FEDERAL LANDS.

(6) Rule 305. c. and the introductory portion of 305. e., of the oil and gas conservation commission of the department of natural resources concerning practice and procedure (2 CCR 404-1), which rules were adopted on December 11, 2008, are amended to read, effective May 15, 2009:

Rule 305. NOTICE, COMMENT, APPROVAL. c. Comment period. The Director shall not approve the Form 2A, or any associated Form 2, for twenty (20) days from posting pursuant to Rule 305.b, and shall accept and post on the Commission's website immediately upon their receipt any comments received from the public, the local governmental designee, the Colorado Department of Public Health and Environment, or the Colorado Division of Wildlife regarding the proposed oil and gas location. The Director shall extend the comment period to thirty (30) days upon the written request during the twenty (20) day comment

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period by the local governmental designee, the Colorado Department of Public Health and Environment, the Colorado Division of Wildlife, the surface owner, or an owner of surface property who receives notice under Rule 305.e. RECEIPT OF NOTICE UNDER RULE 305.e BY AN OWNER OF SURFACE PROPERTY SHALL NOT BE DEEMED TO CONFER ANY LEGAL STANDING TO SUE UNDER RULE 503.b.(10). The Director shall post the extension on the COGCC website within twenty-four (24) hours of receipt of the extension request.

e. Landowner notice; copy of advance notice to Local Governmental Designee. An operator making application for approval of an Oil and Gas Location Assessment, Form 2A, shall, upon receipt of a completeness determination from the Director, promptly provide the surface owner and owners of surface property within five hundred (500) feet of the proposed oil and gas location with the information set out in Rule 305.e.(1).A, below ("landowner notice"); provided that notice to the owners of surface property within five hundred (500) feet of the proposed oil and gas location shall not be required in an area covered by Rules 318A or 318B. This notice is in addition to the statutorily required notice to surface owners ("advance notice"), which must be provided thirty (30) days in advance of commencement of operations with heavy equipment for the drilling of a well. The operator may rely on the tax records of the assessor for the county in which the affected lands are located to identify the surface owner and the owners of surface property within five hundred (500) feet of the proposed oil and gas location for purposes of this section. A copy of the advance notice shall also be provided to the local government in whose jurisdiction the well is to be drilled, if such local government has registered its local governmental designee with the Commission. The notices required herein shall be accomplished by hand delivery or by certified mail, return-receipt requested. RECEIPT OF LANDOWNER NOTICE UNDER THIS RULE BY AN OWNER OF SURFACE PROPERTY SHALL NOT BE DEEMED TO CONFER ANY LEGAL STANDING TO SUE UNDER RULE 503.b.(10).

(7) Table 1 of Rule 317B. of the oil and gas conservation commission of the department of natural resources concerning practice and procedure (2 CCR 404-1), which rule was adopted on December 11, 2008, is amended to read, effective May 15, 2009:

317B. PUBLIC WATER SYSTEM PROTECTION. b. Applicability Determination. TABLE 1. Buffer Zones Associated with DCPS Operations.

Zone	Classified Water Supply Segments (ft)
Internal Buffer	0 - 300 0 - 330
Intermediate Buffer	301 - 500 331 - 500
External Buffer	501 - 2,640

(8) Rule 503. b. (7) B. of the oil and gas conservation commission of the department of natural resources concerning practice and procedure (2 CCR 404-1), which rule was adopted on December 11, 2008, is amended to read, effective May 15, 2009:

Rule 503. ALL OTHER PROCEEDINGS COMMENCED BY FILING AN APPLICATION. b. Applications to the Commission may be filed by the following applicants: (7) For purposes of seeking a hearing on approval of an Application for Permit-to-Drill, Form 2, or an Oil and Gas Location Assessment, Form 2A, under Rule 305.d.(2), any of the following may be the applicant:

B. ~~The surface owner, solely to raise alleged noncompliance with Commission rules or statute, or to allege potential adverse impacts to public health, safety, and welfare, including the environment and wildlife resources, that are within the Commission's jurisdiction to remedy~~ ON THE GROUNDS THAT THE PERMIT CONDITIONS DO NOT COMPLY WITH THE PROVISIONS OF HOUSE BILL 07-1252;

(9) The base fine schedule for the Series 800 Rules contained in Rule 523. c. of the oil and gas conservation commission of the department of natural resources concerning practice and procedure (2 CCR 404-1), which rule was adopted on December 11, 2008, is amended to read, effective May 15, 2009:

Rule 523. PROCEDURE FOR ASSESSING FINES. c. Base fine schedule. The following table sets forth the base fine for violation of the rules listed

RULE NUMBER	BASE FINE
802	\$1000 \$3000
803	\$500
804	\$500
805	\$1000 \$3000

(10) Rule 1202. e. of the oil and gas conservation commission of the department of natural resources concerning practice and procedure (2 CCR 404-1), which rule was adopted on December 11, 2008, is amended to read, effective May 15, 2009:

Rule 1202. CONSULTATION. e. ~~No permit-specific condition of approval for wildlife habitat protection under this rule shall be imposed without surface owner consent, including any permit-specific conditions for wildlife habitat protection that modify, add to, or differ materially from the general operating requirements in Rules 1203 and 1204. If the surface owner fails to consent to any such permit-specific condition of approval, then the parties shall consult with the surface owner regarding alternative conditions of approval acceptable to the surface owner.~~ THE COMMISSION SHALL NEITHER PROPOSE NOR DESIGNATE NO-SURFACE OCCUPANCY AREAS OR RESTRICT SURFACE OCCUPANCY FOR OIL AND GAS OPERATIONS UPON PRIVATE LANDS WITHOUT THE CONSENT OF THE SURFACE OWNER. THE COMMISSION SHALL NOT DENY A PERMIT OR OTHER APPLICATION AS A RESULT OF A FAILURE TO OBTAIN THE CONSENT OF THE SURFACE OWNER TO ANY PERMIT CONDITION OR OTHER MITIGATION REQUIREMENT."

Renumber succeeding subsection accordingly.

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:

YES	12	NO	21	EXCUSED	2	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	E
Brophy	Y	Isgar	N	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	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	E	Schwartz	N		

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (HB09-1151, SB09-180, HB09-1180, HB09-1042, HB09-1217, HB09-1220, HB09-1229, HB09-1240, HB09-1264, HB09-1285, HB09-1281, HB09-1200, SB09-003, SB09-118, SB09-133, SB09-235, SB09-242) of Tuesday, March 24, was laid over until Wednesday, March 25, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	22	NO	12	EXCUSED	1	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	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

The Committee of the Whole took the following action:

- Passed on Second Reading: HB09-1292.
- Laid over until Wednesday, March 25 retaining their place on the Calendar: HB09-1151, SB09-180, HB09-1180, HB09-1042, HB09-1217, HB09-1220, HB09-1229,

HB09-1240, HB09-1264, HB09-1285, HB09-1281, HB09-1200, SB09-003, SB09-118, SB09-133, SB09-235, SB09-242.

MESSAGE FROM THE HOUSE

March 24, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1311.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1205, amended as printed in House Journal, March 23, page 846.

The House has passed on Third Reading and returns herewith SB09-038, 112, 048, 100.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB09-117, amended as printed in House Journal, March 23, page 846. SB09-141, amended as printed in House Journal, March 23, page 847.

The House has voted to grant the House conferees on the First Conference Committee on HB09-1153 to consider matters not at issue between the two houses.

MESSAGE FROM THE REVISOR OF STATUTES

March 24, 2009

Without comment, HB09-1311.

Without comment, as amended, HB09-1205.

Without comment, as amended, SB09-117 and 141.

Senate in recess. Senate reconvened.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

HB09-1153 by Representative(s) May; also Senator(s) Harvey--Concerning the requirements applicable to the formation of an issue committee under Colorado law governing campaign finance.

Senator Harvey moved that the Senate Conferees on the First Conference Committee on HB09-1153 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 declared adopted.

On motion of Senator Shaffer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB09-1018, HB09-1279, HB09-1151, SB09-180, HB09-1180, HB09-1042, HB09-1217, HB09-1220, HB09-1229, HB09-1240, HB09-1264, HB09-1285, HB09-1281, HB09-1200, SB09-003, SB09-118, SB09-133, SB09-235, SB09-242 were made Special Orders at 3:12 p.m.

Committee of the Whole The hour of 3:12 p.m. having arrived, Senator Isgar moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Isgar was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

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

HB09-1018 by Representative(s) Bradford; also Senator(s) Spence--Concerning the removal of obsolete language in statutory provisions implementing the statewide voter registration and election

system for purposes of compliance with the federal "Help America Vote Act".

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

HB09-1151 by Representative(s) Todd, Labuda, Lundberg, Ryden, Solano; also Senator(s) Heath, Williams--Concerning designating the department of public safety as the agency responsible for oversight of school building inspections.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, February 26, page 518 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, March 13, page 733-734 and placed in members' bill files.)

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

Amend reengrossed bill, page 9, line 3, strike "24-33.5-1213.5," and substitute "24-33.5-1213.7,".

Amendment No. 4(L.009), by Senator Heath.

Amend reengrossed bill, page 9, line 3, strike "24-33.5-1213.5," and substitute "24-33.5-1213.7,".

Page 18, line 16, after "(3)", insert "(a)";

after line 25, insert the following:

"(b) ON AND AFTER JANUARY 1, 2010, ALL POSITIONS OF EMPLOYMENT IN THE PUBLIC SCHOOL CONSTRUCTION PROGRAM, CONCERNING THE DUTIES SPECIFIED IN SECTIONS 22-32-124 AND 23-71-122 (1) (v), C.R.S., IN THE DIVISION OF OIL AND PUBLIC SAFETY IN THE DEPARTMENT OF LABOR DETERMINED BY THE DIRECTOR OF THE DIVISION OF FIRE SAFETY TO BE NECESSARY TO CARRY OUT THE PURPOSES OF THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION SECTION SHALL BE TRANSFERRED TO THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY AND SHALL BECOME EMPLOYMENT POSITIONS THEREIN. THE EXECUTIVE DIRECTOR SHALL APPOINT SUCH EMPLOYEES AS ARE NECESSARY TO CARRY OUT THE DUTIES AND EXERCISE THE POWERS SPECIFIED IN SECTIONS 22-32-124 AND 23-71-122 (1) (v), C.R.S., AND IN THIS PART 12. THE EXECUTIVE DIRECTOR MAY DELEGATE APPOINTING AUTHORITY AS APPROPRIATE.

(c) ON AND AFTER JANUARY 1, 2010, ALL EMPLOYEES OF THE PUBLIC SCHOOL CONSTRUCTION PROGRAM IN THE DIVISION OF OIL AND PUBLIC SAFETY IN THE DEPARTMENT OF LABOR CARRYING OUT THE DUTIES SPECIFIED IN SECTIONS 22-32-124 AND 23-71-122 (1) (v), C.R.S., SHALL BE CONSIDERED EMPLOYEES OF THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION SECTION IN THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY. SUCH EMPLOYEES SHALL RETAIN ALL RIGHTS UNDER THE STATE PERSONNEL SYSTEM AND TO RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED TO HAVE BEEN CONTINUOUS.

(d) ON JANUARY 1, 2010, ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE PUBLIC SCHOOL CONSTRUCTION PROGRAM IN THE DIVISION OF OIL AND PUBLIC SAFETY IN THE DEPARTMENT OF LABOR USED IN CARRYING OUT THE DUTIES OF THE PUBLIC SCHOOL CONSTRUCTION PROGRAM ARE TRANSFERRED TO THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION SECTION IN THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY AND SHALL BECOME THE PROPERTY THEREOF."

Amendment No. 5(L.010), by Senator Heath.

Amend reengrossed bill, page 3, line 18, strike "division." and substitute "division AND THAT THE SCHOOL DISTRICT OR CHARTER SCHOOL, WHICHEVER IS APPROPRIATE, HAS COMPLIED WITH THE PROVISIONS OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION."

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

- Passage. 1
- HB09-1279** by Representative(s) Pace; also Senator(s) Kopp--Concerning abandoned motor vehicles. 2
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 5
- SB09-180** by Senator(s) Tochtrop, Carroll M.; also Representative(s) Casso--Concerning collective bargaining by employees of public safety agencies. 6
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9
Laid over until Wednesday, March 25, retaining its place on the calendar. 10
- HB09-1180** by Representative(s) King S.; also Senator(s) Brophy--Concerning allowing valid Colorado concealed handgun permits to satisfy background check requirements for transfers of firearms. 11
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Laid over until Wednesday, March 25, retaining its place on the calendar. 16
- HB09-1042** by Representative(s) Merrifield; also Senator(s) Gibbs--Concerning a prohibition on a slow-moving motor vehicle impeding highway traffic. 17
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Laid over until Wednesday, March 25, retaining its place on the calendar. 21
- HB09-1217** by Representative(s) Murray; also Senator(s) Scheffel--Concerning the creation of local improvement districts for the purpose of improving public utilities. 22
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 26
- HB09-1220** by Representative(s) Scanlan; also Senator(s) Gibbs--Concerning an amendment to the "Colorado Common Interest Ownership Act" to permit a unit owner to prescribe specified conditions in connection with the use of such owner's property that promote affordable housing. 27
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Amendment No. 1, Local Government & Energy Committee Amendment. 33
(Printed in Senate Journal, March 20, page 791 and placed in members' bill files.) 34
35
As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 36
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38
- HB09-1229** by Representative(s) Kerr J., Miklosi, Primavera; also Senator(s) Isgar, Tochtrop--Concerning the designation of auxiliary facilities of institutions of higher education as enterprises. 39
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 43
44
- HB09-1240** by Representative(s) Miklosi; also Senator(s) Foster--Concerning creating the Colorado teacher of the year program. 45
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 48
49
- HB09-1264** by Representative(s) Benefield, Apuan, Court, Gardner B., Kerr A., Levy, McCann, Miklosi, Pace, Roberts, Ryden, Solano; also Senator(s) Hudak--Concerning the costs associated with college-level academic programs for state inmates. 50
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 54
55
- HB09-1285** by Representative(s) Benefield, Kerr A., Massey, Middleton, Miklosi, Scanlan, Schafer S., Summers, Todd; also Senator(s) King K.--Concerning the government data advisory board, and, in connection therewith, creating the education data subcommittee to make recommendations for creation of a statewide comprehensive P-20 education data system. 56
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Amendment No. 1, Education Committee Amendment. 61
(Printed in Senate Journal, March 20, page 793-794 and placed in members' bill files.) 62
63
As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 64
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66
- HB09-1281** by Representative(s) Labuda, Baumgardner, Casso, Frangas, Hulinghorst, Marostica, Murray, Schafer S., Soper, Tipton; also Senator(s) Carroll M. and Newell--Concerning representation on state boards by persons with disabilities. 67
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71
Laid over until Wednesday, March 25, retaining its place on the calendar. 72

- HB09-1200** by Representative(s) Stephens, King S., Liston, Waller; also Senator(s) Scheffel, King K., Kopp--Concerning a requirement that the staff of the legislative council consider certain factors relating to counties in the local government impact section of a fiscal note. 1
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Amendment No. 1, State, Veterans & Military Affairs Committee Amendment. 5
(Printed in Senate Journal, March 20, page 794-795 and placed in members' bill files.) 6
7
Amendment No. 2(L.005), by Senator Scheffel. 8
9
Amend the State, Veterans & Military Affairs Committee Report, dated 10
March 18, 2009, page 1, line 6, strike "line 22" and substitute "lines 22 11
through 24"; 12
13
strike lines 7 through 14 and substitute the following: 14
15
""BY THE ASSOCIATION.""; 16
17
after line 14, insert the following: 18
19
"Page 3, strike lines 1 through 7;" 20
21
As amended, ordered revised and placed on the calendar for Third Reading and Final 22
Passage. 23
24
- SB09-003** by Senator(s) Bacon; also Representative(s) Fischer--Concerning the automobile inspection 25
and readjustment program, and, in connection therewith, expanding the enhanced emissions 26
program to Weld and Larimer counties, modifying the geographical boundaries of the 27
program area, and altering criteria used to determine which collector's items are excluded 28
from the emissions testing process. 29
30
Laid over until Wednesday, March 25, retaining its place on the calendar. 31
32
- SB09-118** by Senator(s) Gibbs, Hodge, Isgar; also Representative(s) Fischer--Concerning continuation 33
of pet animal care regulation. 34
35
Laid over until Wednesday, March 25, retaining its place on the calendar. 36
37
- SB09-133** by Senator(s) Spence; --Concerning increased surcharges for traffic violations that apply the 38
moneys collected to the Colorado traumatic brain injury trust fund. 39
40
Amendment No. 1, Appropriations Committee Amendment. 41
(Printed in Senate Journal, March 20, page 811 and placed in members' bill files.) 42
43
As amended, ordered engrossed and placed on the calendar for Third Reading and Final 44
Passage. 45
46
- SB09-235** by Senator(s) Gibbs and Isgar; also Representative(s) Merrifield--Concerning certain fees 47
charged by the division of wildlife. 48
49
Laid over until Wednesday, March 25, retaining its place on the calendar. 50
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- SB09-242** by Senator(s) Isgar, Penry; --Concerning Colorado membership in the energy council, and 53
making an appropriation in connection therewith. 54
55
Amendment No. 1, Finance Committee Amendment. 56
(Printed in Senate Journal, March 11, page 279 and placed in members' bill files.) 57
58
As amended, ordered engrossed and placed on the calendar for Third Reading and Final 59
Passage. 60
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62
- ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE** 63
64
On motion of Senator Isgar, the Report of the Committee of the Whole was adopted on the 65
following roll call vote: 66

YES	30	NO	0	EXCUSED	5	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	E	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	E
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-133 as amended, SB09-242 as amended, HB09-1018, HB09-1151 as amended, HB09-1279, HB09-1217, HB09-1220 as amended, HB09-1229, HB09-1240, HB09-1264, HB09-1285 as amended, HB09-1200 as amended.
 Laid over until Wednesday, March 25 retaining their place on the Calendar: SB09-180, HB09-1180, HB09-1042, HB09-1281, SB09-003, SB09-118, SB09-235.

**MEMORANDUM
 REPORT FROM THE HOUSE AND SENATE
 COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for LLS No. 09-0933, Concerning the Financing of Public Schools:

The Friday, March 13 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, as previously extended until Friday, March 27, 2009 (the 80th legislative day) is further extended until Friday, April 10, 2009 (the 94th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(signed)
 Representative T. Carroll
 Speaker of the House of Representatives

(signed)
 Senator Groff
 President of the Senate

(signed)
 Representative Weissmann
 House Majority Leader

(signed)
 Senator Shaffer
 Senate Majority Leader

(signed)
 Representative May
 House Minority Leader

(signed)
 Senator Penry
 Senate Minority Leader

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

**MEMBERS OF THE
 ADVISORY COMMITTEE TO THE PROPERTY
 TAX ADMINISTRATOR**

for terms expiring September 1, 2012:

Naomi Q. Keys of Antonito, Colorado, to serve as an assessor from a county with a population under 75,000 and as a Democrat, reappointed;

Damon O. Barry of Westminster, Colorado, to serve as a non-assessor from a county with a population over 75,000, as the Chair of the Committee and as a Democrat, reappointed;

Doralyn B. Genova of Grand Junction, Colorado, to serve as a non-assessor from the Western Slope and as a Democrat, reappointed.

YES	31	NO	0	EXCUSED	4	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	E
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	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:

John G. Schlichting of Highlands Ranch, Colorado, to serve as a charter school board member or founder of a charter school, appointed.

YES	31	NO	0	EXCUSED	4	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	E
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

MEMBERS OF THE
COLLEGEINVEST BOARD OF DIRECTORS

effective eight o'clock a.m. on January 7, 2009 for terms expiring July 31, 2011:

Ashley J. Burt of Gunnison, Colorado, appointed;

Katie S. Kramer of Arvada, Colorado, appointed;

effective eight o'clock a.m. on January 7, 2009 for terms expiring July 31, 2012:

Richard E. Martinez of Centennial, Colorado, reappointed;

Jean C. Jones of Denver, Colorado, appointed.

YES	31	NO	0	EXCUSED	4	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	E
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

MEMBERS OF THE
STATE BOARD FOR COMMUNITY COLLEGES
AND OCCUPATIONAL EDUCATION

for terms expiring December 31, 2012:

Margaret Porfido of Boulder, Colorado, a Democrat and a resident of the 2nd Congressional District, appointed;

Maury C. Dobbie of Fort Collins, Colorado, a Republican and a resident of the 4th Congressional District, appointed.

YES	31	NO	0	EXCUSED	4	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	E
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

MEMBERS OF THE
COLORADO STATE FAIR AUTHORITY
BOARD OF COMMISSIONERS

for terms expiring November 1, 2012:

Catherine R. Ross of Granby, Colorado, a Democrat residing in the 2nd Congressional District and resident of the western slope of the state, reappointed;

Arthur H. Bosworth II of Denver, Colorado, a Republican residing in the 1st Congressional District, appointed.

Michael J. Schliep of Brighton, Colorado, a Democrat residing in the 7th Congressional District, appointed.

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YES	31	NO	0	EXCUSED	4	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	E
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

MEMBER OF THE
WILDLIFE COMMISSION

for terms expiring March 1, 2012:

Robert G. Streeter of Fort Collins, Colorado to serve as a representative of Wildlife District 3 and as a Republican, appointed.

YES	31	NO	0	EXCUSED	4	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	E
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

MEMBER OF THE
WILDLIFE COMMISSION

for terms expiring March 1, 2012:

Dorothea Farris of Carbondale, Colorado to serve as a representative of the public at large, as a representative of wildlife organizations, and as a Democrat, appointed.

YES	19	NO	12	EXCUSED	4	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	E
Cadman	N	Keller	E	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	E
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

MEMBER OF THE
WILDLIFE COMMISSION

for terms expiring March 1, 2013:

Kenneth M. "Mark" Smith of Center, Colorado, a resident of Wildlife District 2, a livestock producer, and a Republican, appointed.

YES	22	NO	9	EXCUSED	4	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	E
Cadman	N	Keller	E	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	E
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

MEMBER OF THE WILDLIFE COMMISSION

for terms expiring March 1, 2013:

John W. Singletary of Pueblo, Colorado, a resident of Wildlife District 4, a sportsman, and a Democrat, appointed.

YES	31	NO	0	EXCUSED	4	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	E
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

COMMITTEE OF REFERENCE REPORTS

Local Government and Energy

After consideration on the merits, the Committee recommends that **SB09-249** be referred to the Committee of the Whole with favorable recommendation.

Transportation

After consideration on the merits, the Committee recommends that **HB09-1164** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 2, line 7, strike the second "OR" and substitute "SHALL";

strike line 8;

line 9, after "DOLLARS.", insert "A PERSON APPLYING TO RENEW A BREAST CANCER AWARENESS SPECIAL LICENSE PLATE SHALL HAVE THE OPTION TO PAY THE TWENTY-FIVE DOLLAR SURCHARGE BUT SHALL NOT BE REQUIRED TO PAY THE SURCHARGE IN ORDER TO RENEW THE SPECIAL PLATE.".

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB09-1058 by Representative(s) Marostica; also Senator(s) Morse--Concerning the final disposition of the remains of veterans of the armed forces that have been abandoned.

Senator Morse moved for the adoption of the First Report of the First Conference Committee on **HB09-1058**, as printed in Senate Journal, March 9, page 663. The motion was **adopted** by the following roll call vote:

YES	31	NO	0	EXCUSED	4	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	E
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

YES	31	NO	0	EXCUSED	4	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	E
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

DELIVERY TO THE GOVERNOR

To the Governor for signature on Thursday, March 12, 2009, at 1:36 p.m.: SB09-224.

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, March 24, was laid over until Wednesday, March 25, retaining its place on the calendar.

Consideration of House Amendments to Senate Bills: SB09-069, SB09-225.
 Consideration of Conference Committee Reports: SB09-208, SB09-210.
 Conference Committees to Report: HB09-1108, HB09-1162, SB09-215.

On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Wednesday, March 25, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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