

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

76th Legislative Day

Monday, March 23, 2009

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Prayer	By the chaplain, Bill Calhoun, Montview Blvd. Presbyterian Church, Denver.	11
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Pledge	By Senator Shaffer.	13
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Call to Order	By the President at 10:00 a.m.	15
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Roll Call	Present--32	18
	Absent--1, King.	19
	Excused--2, Mitchell, Penry.	20
	Present later--1, King.	21
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Quorum	The President announced a quorum present.	23
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Reading of Journal	On motion of Senator Scheffel, reading of the Journal of Friday, March 20, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.	25
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COMMITTEE OF REFERENCE REPORTS

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Appropriations	After consideration on the merits, the Committee recommends that SB09-230 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	32
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Amend printed bill, page 5, after line 15, insert the following:

"(d) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (6) TO THE CONTRARY, THE COMMISSIONER OF EDUCATION OR HIS OR HER DESIGNEE SHALL NOT GRANT PROVISIONAL AUTHORIZATION AS A SCHOOL FOOD AUTHORITY TO MORE THAN FOUR APPLICANT DISTRICT CHARTER SCHOOLS OR INSTITUTE CHARTER SCHOOLS."

Page 6, strike line 11;

line 16, strike "PROGRAM." and substitute "PROGRAM; AND";

after line 16, insert the following:

"(v) THE DEPARTMENT SHALL NOT GRANT AUTHORIZATION AS A SCHOOL FOOD AUTHORITY TO MORE THAN FOUR APPLICANT DISTRICT CHARTER SCHOOLS OR INSTITUTE CHARTER SCHOOLS UNTIL JULY 1, 2011, INCLUDING ANY DISTRICT CHARTER SCHOOLS OR INSTITUTE CHARTER SCHOOLS THAT HAVE BEEN GRANTED PROVISIONAL AUTHORIZATION PURSUANT TO SUBSECTION (6) OF THIS SECTION."

Page 14, after line 24, insert the following:

SECTION 17. Appropriation - adjustments to the 2009 long bill. For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2009, shall be adjusted as follows: The federal funds appropriation to the department of education, assistance to public schools, grant programs, distributions, and other assistance, health and nutrition, is increased by

Appropriations

1.0 FTE."

Renumber succeeding section accordingly.

Page 1, line 102, strike "AUTHORITIES." and substitute "AUTHORITIES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

After consideration on the merits, the Committee recommends that SB09-090 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Education Committee Report, dated February 5, 2009, page 1, before line 1, insert the following:

"Amend printed bill, page 4, strike lines 15 through 23."

Page 2 of the committee report, before line 3, insert the following:

"Page 10 of the printed bill, line 13, strike "UPON"; strike lines 14 through 17 of the printed bill;"

line 3 of the committee report, strike "Page 10,"

strike line 7 of the committee report and substitute the following:

"Page 15 of the printed bill, strike lines 2 through 6 and substitute the following:

"SUBSECTION (4). THE MONEYS IN THE FUND SHALL BE SUBJECT";

after line 26 of the printed bill, insert the following:"

line 11 of the committee report, strike "OR";

line 12 of the committee report, strike "APPROPRIATED";

line 14 of the committee report, strike "OR APPROPRIATED";

line 15 of the committee report, strike "OR";

line 16 of the committee report, strike "APPROPRIATED";

line 19 of the committee report, strike "OR APPROPRIATED".

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON SB09-210

***** THIS REPORT AMENDS THE REENGROSSED BILL *****

To the President of the Senate and the Speaker of the House of Representatives:

Your first conference committee appointed on SB09-210, concerning transfers for health programs from the tobacco litigation funds, and, in connection therewith, making modifications to appropriations, has met and reports that it has agreed upon the following:

That the House recede from its amendments made to the bill, as the amendments appear in the rerevised bill, and that the following amendments be substituted therefor:

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Amend reengrossed bill, page 3, line 27, strike "ONE MILLION FIVE" and substitute "TWO MILLION FOUR".

Page 5, line 24, strike "ONE MILLION FIVE" and substitute "NINE HUNDRED SEVENTY-SEVEN THOUSAND THREE HUNDRED FIFTY-SIX";

line 25, strike "HUNDRED THOUSAND".

Page 15, line 7, strike "3,260,962" and substitute "5,000,000", strike "1,630,481^m" and substitute "2,153,125^m", and strike "1,630,481" and substitute "2,846,875";

line 9, strike "536,989,019" and substitute "538,728,057".

Page 17, line 3, strike "\$3,823,744,396" and substitute "\$3,825,483,434", strike "\$365,408,676^b" and substitute "\$365,931,320^b", and strike "\$1,865,892,604" and substitute "\$1,867,108,998";

strike lines 11 through 15.

Strike pages 18 through 21.

Page 22, strike lines 1 through 13.

Re-number succeeding sections accordingly.

Page 27, strike lines 1 through 4.

Re-number succeeding section accordingly.

Respectfully submitted,

Senate Committee:
(signed)
Moe Keller, Chair
Al White
Able Tapia

House Committee:
(signed)
Mark Ferrandino, Chair
Jack Pomer
Don Marostica

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB09-1058

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB09-1058, concerning the final disposition of the remains of veterans of the armed forces that have been abandoned, has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

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Amend rerevised bill, page 2, line 15, strike "TWELVE" and substitute "ONE HUNDRED EIGHTY DAYS";

line 16, strike "MONTHS".

Respectfully submitted,

House Committee:
(signed)
Don Marostica, Chair
Jack Pommer
Paul Weismann

Senate Committee:
(signed)
Morse, Chair
Bill Cadman
Bob Bacon

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 Resolutions.

CONSIDERATION OF RESOLUTIONS

SJR09-027 by Senator(s) Sandoval; also Representative(s) Kefalas--Concerning the proclamation of March 24, 2009, as "American Diabetes Alert Day".

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	E	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		

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

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

Senator Keller moved to reject the First Report of the First Conference Committee on SB09-215 as printed in House Journal, February 23, page 475, that the First Conference Committee on SB09-215 be dissolved, that the Senate Conferees be discharged, and that a Second Conference Committee be formed. The motion was adopted on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	E	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		

The President appointed Senators Keller, Chair, Tapia, and White as Senate Conferees on the Second Conference Committee on **SB09-215**.

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:

SB09-067 by Senator(s) Heath; also Representative(s) Marostica and Gagliardi, Rice--Concerning the authority for the operation of the Colorado credit reserve program, and, in connection therewith, making an appropriation.

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

YES	26	NO	7	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	E	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	Y	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, Foster, Gibbs, Groff, Hodge, Isgar, Newell, Sandoval, Schwartz, Tapia, Veiga and Williams.

SB09-103 by Senator(s) Carroll M.; also Representative(s) Pommer--Concerning the designation of the practice of providing financial incentives to persons handling insurance claims for making determinations that adversely affect insureds as a deceptive act in the business of insurance.

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

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

SB09-138

by Senator(s) Boyd, Newell, Tochtrop; also Representative(s) Gagliardi--Concerning the continuation of the certification of nurse aides by the state board of nursing, and making an appropriation therefor.

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

YES	24	NO	9	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	Y	Isgar	Y	Penry	E	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: Williams

SB09-154

by Senator(s) Hodge; also Representative(s) Curry--Concerning the funding of personnel for the "Livestock Health Act".

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	E	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: Schwartz

HB09-1110

by Representative(s) Scanlan; also Senator(s) Gibbs--Concerning information required to be provided to the county assessor upon request in connection with any advertisement for the rental of furnished residential real property within the state.

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

YES	23	NO	10	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	E	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	N	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**.

SB09-160 by Senator(s) Hudak; also Representative(s) Todd--Concerning recommendations from the P-20 council relating to educator licensure, and, in connection therewith, streamlining and aligning the alternative teacher and the teacher in residence programs.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	E	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: Bacon, Gibbs, Groff, Heath, King K., Newell, Romer, Schwartz, Shaffer B., Spence, Tapia, Tochtrop and Williams.

HB09-1143 by Representative(s) Swalm, Acree, Balmer, Bradford, Court, Gardner B., Labuda, Liston, Looper, Lundberg, Massey, McFadyen, McNulty, Priola, Scanlan, Summers; also Senator(s) Schwartz--Concerning the authority of a health maintenance organization to offer basic health services through a limited benefit plan.

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

YES	26	NO	7	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	N	Newell	Y	Spence	Y
Brophy	Y	Isgar	N	Penry	E	Tapia	Y
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	Y	Veiga	Y
Foster	N	King K.	Y	Sandoval	N	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: Brophy, Gibbs, Groff, Harvey, Kester, King K., Kopp, Lundberg, Morse, Romer, Scheffel, Schultheis, Shaffer B., Spence, Tapia, White and Williams.

HB09-1061 by Representative(s) McGihon; also Senator(s) Tochtrop--Concerning required health care disclosures involving insurance carrier business relationships with intermediary entities. The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	E	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: Boyd, Carroll M., Foster, Hudak, Newell, Sandoval and Shaffer B..

HB09-1089 by Representative(s) Primavera; also Senator(s) Spence--Concerning the filing requirements for liens that secure a debt upon a vehicle.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	E	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: Gibbs and Kester.

HB09-1260 by Representative(s) Ferrandino; also Senator(s) Veiga--Concerning designated beneficiary agreements.

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

Third Reading Amendment No. 1(L.037), by Senator Veiga.

Amend revised bill, page 4, strike line 5 and substitute the following:

"AND THE NECESSITY TO KEEP THESE DOCUMENTS CURRENT.

(d) THE POWER".

Page 14, line 16, strike "INJURY OR".

Page 26, line 10, strike "AND" and substitute "OR".

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	E	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		

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

YES	23	NO	10	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	E	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, Foster, Gibbs, Groff, Heath, Hodge, Hudak, Morse, Newell, Romer, Sandoval, Shaffer B., Tapia and Williams.

HB09-1216 by Representative(s) Murray; also Senator(s) Newell--Concerning voting by electors, and, in connection therewith, amending the election code to reflect changes brought about by the implementation of the statewide voter registration system and permanent mail-in voting.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	E	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: Carroll M., Groff, Hudak, Kester and Williams.

HB09-1034 by Representative(s) Liston; also Senator(s) Gibbs--Concerning authorization for a regional transportation authority to impose property tax.

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

YES	23	NO	10	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	E	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	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: Bacon, Foster, Heath, Hudak, Schwartz and Williams.

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

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

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

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

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

HB09-1214 by Representative(s) Benefield, Massey, Middleton, Miklosi, Scanlan, Schafer S., Summers, Todd; also Senator(s) Bacon--Concerning education data reporting requirements.

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

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.

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

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

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	E	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		

The Committee of the Whole took the following action:

Passed on Second Reading: HB09-1297, HB09-1214, HB09-1253.

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

HB09-1151 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. 1
- Laid over until Tuesday, March 24, retaining its place on the calendar. 2
3
- SB09-180** by Senator(s) Tochtrop, Carroll M.; also Representative(s) Casso--Concerning collective 4
bargaining by employees of public safety agencies. 5
6
7
- Laid over until Tuesday, March 24, retaining its place on the calendar. 8
9
- HB09-1057** by Representative(s) Kerr A., Carroll T., Apuan; also Senator(s) Bacon, Groff--Concerning 10
parental involvement in kindergarten through twelfth grade education. 11
12
- Amendment No. 1, Education Committee Amendment. 13
(Printed in Senate Journal, March 13, page 739 and placed in members' bill files.) 14
15
- As amended, ordered revised and placed on the calendar for Third Reading and Final 16
Passage. 17
18
- SB09-176** by Senator(s) Spence; --Concerning charter school participation in school district bond 19
elections. 20
21
22
- Amendment No. 1, Education Committee Amendment. 23
(Printed in Senate Journal, March 13, page 739-741 and placed in members' bill files.) 24
25
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final 26
Passage. 27
28
29
- HB09-1180** by Representative(s) King S.; also Senator(s) Brophy--Concerning allowing valid Colorado 30
concealed handgun permits to satisfy background check requirements for transfers of 31
firearms. 32
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- Laid over until Tuesday, March 24, retaining its place on the calendar. 34
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- HB09-1224** by Representative(s) Schafer S., McGihon, Labuda, Frangas, Ryden, Green, Ferrandino, 36
Court, Hullinghorst, Kefalas, Middleton, Peniston, Solano, Todd, Vigil; also Senator(s) 37
Carroll M., Hodge--Concerning a prohibition on the consideration of gender in setting rates 38
for individual health benefit plans, and, in connection therewith, directing the health care 39
task force during the 2009 interim to study issues related to such prohibition. 40
41
- Declared **LOST** on Second Reading. 42
43
- (For further action, see Amendments to the Report of the Committee of the Whole.) 44
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46
- HB09-1042** by Representative(s) Merrifield; also Senator(s) Gibbs--Concerning a prohibition on a slow- 47
moving motor vehicle impeding highway traffic. 48
49
- Laid over until Tuesday, March 24, retaining its place on the calendar. 50
51
- HB09-1292** by Representative(s) McGihon, Labuda, Levy; also Senator(s) Veiga, Morse, Schwartz-- 52
Concerning implementation of recommendations of the committee on legal services in 53
connection with legislative review of rules and regulations of state agencies. 54
55
- Laid over until Tuesday, March 24, retaining its place on the calendar. 56
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- HB09-1276** by Representative(s) Ferrandino, Apuan, Benefield, Carroll T., Casso, Court, Gagliardi, 59
Gerou, Hullinghorst, Kerr A., Kerr J., Labuda, Marostica, Massey, McCann, Merrifield, 60
Middleton, Miklosi, Pace, Peniston, Pommer, Ryden, Scanlan, Schafer S., Solano, Vigil; 61
also Senator(s) Carroll M.--Concerning a delay in the foreclosure of residential property for 62
eligible borrowers. 63
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- Ordered revised and placed on the calendar for Third Reading and Final Passage. 65
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AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

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.

Senator Shaffer moved to amend the Report of the Committee of the Whole to show that the State, Veterans, and Military Affairs Committee Report did pass, and that HB 09-1224, as amended, did pass.

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	17	NO	16	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	N	Penry	E	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	N	Veiga	N
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	N	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

Senator Shaffer moved to amend the Report of the Committee of the Whole to show that HB 09-1224 did pass.

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

YES	21	NO	12	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	E	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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	E	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		

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-176 as amended, HB09-1057 as amended, HB09-1224, HB09-1276.

Laid over until Tuesday, March 24 retaining their place on the Calendar: HB09-1151, SB09-180, HB09-1180, HB09-1042, HB09-1292.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **SB09-167** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 7, line 13, after the period, insert ""CHIROPRACTIC" DOES NOT INCLUDE COLONIC IRRIGATION THERAPY.".

Page 8, after line 2, insert the following:

SECTION 7. 12-33-112.5 (2) and (3), Colorado Revised Statutes, are amended, and the said 12-33-112.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-33-112.5. Temporary licensure. (1.5) AN APPLICANT WHO LAWFULLY PRACTICES CHIROPRACTIC IN ANOTHER STATE OR TERRITORY MAY BE GRANTED A TEMPORARY LICENSE TO PRACTICE CHIROPRACTIC IN THIS STATE FOR THE LIMITED PURPOSE OF TREATING MEMBERS, COACHES, AND STAFF OF A VISITING SPORTS TEAM WHILE IN COLORADO.

(2) A temporary license issued pursuant to SUBSECTION (1) OF this section shall remain in effect only as long as the licensee provides chiropractic services at the invitation of the United States olympic committee. In no event, however, shall such a license remain in effect after the period certified by the committee pursuant to paragraph (b) of subsection (1) of this section, unless the board has granted an extension. The board shall not grant an extension in excess of ninety days.

(3) A temporary licensee ISSUED PURSUANT TO SUBSECTION (1) OF THIS SECTION shall provide chiropractic services only to athletes or team personnel who are registered to train at the olympic training center or compete in an event sanctioned by the United States olympic committee.".

Renumber succeeding sections accordingly.

Page 8, line 20, strike "A NEW SECTION" and substitute "THE FOLLOWING NEW SECTIONS".

Page 14, after line 1, insert the following:

12-33-128. Chiropractic assistants. A CHIROPRACTOR MAY SUPERVISE UP TO FIVE UNLICENSED PERSONS AS CHIROPRACTIC ASSISTANTS IF SUCH PERSONS HAVE RECEIVED APPROPRIATE TRAINING AS ESTABLISHED BY THE BOARD BY RULE PROMULGATED PURSUANT TO SECTION 12-33-107. A CHIROPRACTIC ASSISTANT MAY PERFORM HIS OR HER DUTIES ONLY UNDER THE DIRECT SUPERVISION OF A CHIROPRACTOR AND ONLY IN THOSE AREAS IN WHICH THE CHIROPRACTIC ASSISTANT HAS THE REQUISITE SKILL AND TRAINING. A CHIROPRACTIC ASSISTANT SHALL NOT PERFORM A DIAGNOSIS, AN ADJUSTMENT, OR ACUPUNCTURE.".

Appropriations

After consideration on the merits, the Committee recommends that **SB09-037** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. 8-46-102 (2) (a) (I) and (3) (a), Colorado Revised Statutes, are amended to read:

8-46-102. Funding for subsequent injury fund and major medical insurance fund. (2) (a) (I) Notwithstanding the provisions of sections 10-3-209 (1) (c) and 10-6-128 (3), C.R.S., for the purpose of funding the financial liabilities of the subsequent injury fund pursuant to this section and of the major medical insurance fund pursuant to section 8-46-202, every person, partnership, association, and corporation, whether organized under the laws of this state or of any other state or country, every mutual company or association, every captive insurance company, and every other insurance carrier, including Pinnacol Assurance, insuring employers in this state against liability for personal injury to their employees or death caused thereby under the provisions of articles 40 to 47 of this title shall, as provided in this subsection (2), be levied a tax upon the premiums received in this state, whether or not in cash, or on account of business done in this state for such insurance in this state at a rate ~~not to exceed three and one-quarter percent~~ DETERMINED BY THE DIRECTOR until the balance in either or both funds exceeds the estimated ~~actuarial present~~ value of future claim payments THAT ARE ANTICIPATED TO BE SUBMITTED IN THE FOLLOWING STATE FISCAL YEAR for which such fund is liable. ~~after which time said surcharge shall be reduced or eliminated, as the case may be, as determined by the director in accordance with subsection (3) of this section.~~ Such insurance carriers shall be credited with all cancelled or returned premiums actually refunded during the year of such insurance.

(3) (a) As determined by the director, a portion of the revenue received each year pursuant to subsection (2) of this section shall be deposited into the subsequent injury fund, established in section 8-46-101 (1) (b), based upon the direct and indirect costs of administration of such fund and projections of benefit payments and settlements of benefit claims. The remaining revenue shall be deposited into the major medical insurance fund, established in section 8-46-202 (1), until the balance in such fund exceeds the estimated ~~actuarial present~~ value of future claim payments THAT ARE ANTICIPATED TO BE SUBMITTED IN THE FOLLOWING STATE FISCAL YEAR plus the amount necessary to pay the direct and indirect costs of administration of the fund, at which time such revenue shall be deposited into the subsequent injury fund. ~~Revenue shall continue to be deposited into the subsequent injury fund until the balance in such fund exceeds the estimated actuarial present value of future claim payments, at which time the surcharge rate established in paragraph (a) of subsection (2) of this section shall be reduced to zero.~~

SECTION 2. Act subject to petition - effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 4, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to acts occurring on or after the applicable effective date of this act."

MESSAGE FROM THE HOUSE

March 23, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1063, 1222.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1015, amended as printed in House Journal, March 20, page 802.

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HB09-1086, amended as printed in House Journal, March 20, pages 803-806. 1
 HB09-1130, amended as printed in House Journal, March 20, page 806. 2
 HB09-1133, amended as printed in House Journal, March 20, pages 806-807. 3
 HB09-1160, amended as printed in House Journal, March 20, page 807. 4
 HB09-1175, amended as printed in House Journal, March 20, pages 807-808. 5
 HB09-1244, amended as printed in House Journal, March 20, page 809. 6
 HB09-1309, amended as printed in House Journal, March 20, pages 809-810. 7
 HB09-1301, amended as printed in House Journal, March 20, page 810. 8
 HB09-1230, amended as printed in House Journal, March 20, page 810. 9

The House has passed on Third Reading and returns herewith SB09-066, 147, 139. 10

The House has passed on Third Reading and transmitted to the Revisor of Statutes; 11
 SB09-069, amended as printed in House Journal, March 19, page 790. 12
 SB09-225, amended as printed in House Journal, March 20, page 811. 13

The House has postponed indefinitely SB09-029, 057, 012. The bills are returned herewith. 14

The House has adopted and returns herewith SJR09-027. 15

MESSAGE FROM THE REVISOR OF STATUTES

March 23, 2009 16

We herewith transmit: 17

Without comment, HB09-1063 and 1222. 18

Without comment, as amended, HB09-1015, 1086, 1130, 1133, 1160, 1175, 1230, 1244, 1301, and 1309. 19

Without comment, as amended, SB09-069 and 225. 20

MESSAGE FROM THE GOVERNOR

March 20, 2009 21

To the Honorable Senate 22
 Sixty-seventh General Assembly 23
 First Regular Session 24
 State Capitol 25
 Denver, CO 80203 26

Ladies and Gentlemen: 27

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts: 28

SB09-055 CONCERNING THE FAMILY RESOURCE CENTER PROGRAM. 29

Approved March 20, 2009 at 2:31 p.m.. 30

SB09-224 CONCERNING PAYMENT OF EXPENSES OF THE LEGISLATIVE DEPARTMENT, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH. 31

Approved March 20, 2009 at 2:32 p.m. 32

Sincerely, 33

Bill Ritter, Jr. 34
 Governor 35

SENATE SERVICES REPORT

Correctly Printed: SJR09-027.
Correctly Engrossed: SB09-067, 103, 138, 154 and 160; SJR09-025 and 026.
Correctly Reengrossed: SB09-018 and 098.
Correctly Revised: HB09-1034, 1061, 1089, 1110, 1143, 1216 and 1260.
Correctly Rerevised: HB09-1139 and 1188.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Monday, March 23 was laid over until Tuesday, March 24, retaining its place on the calendar.

Consideration of Conference Committee Reports: SB09-208.
 Conference Committees to Report: HB09-1153, HB09-1108, HB09-1162.

On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Tuesday, March 24, 2009.

Approved:

Peter C. Groff
 President of the Senate

Attest:

Karen Goldman
 Secretary of the Senate

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