

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

57th Legislative Day Wednesday, March 4, 2009

Prayer By the chaplain, Rev. Vern Rempel, First Mennonite Church of Denver. 11
 Pledge By Senator Morse. 13
 Call to Order By the President at 9:00 a.m. 15
 Roll Call Present--35 18
 Quorum The President announced a quorum present. 20
 Reading of Journal On motion of Senator Lundberg, reading of the Journal of Tuesday, March 3, 2009, was dispensed with and the Journal was approved as corrected by the Secretary. 22

COMMITTEE OF REFERENCE REPORTS

Trans- After consideration on the merits, the Committee recommends that **HB09-1066** be referred to the Committee of the Whole with favorable recommendation. 29
 portation
 Trans- After consideration on the merits, the Committee recommends that **HB09-1027** be referred to the Committee of the Whole with favorable recommendation. 32
 portation

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

SJR09-017 by Senator(s) Boyd; also Representative(s) Primavera--Concerning recognition of the importance of raising public awareness of deep-vein thrombosis, and, in connection therewith, recognizing March 2009 as Deep-vein Thrombosis Awareness Month and April 30, 2009, as Deep-vein Thrombosis Awareness Day in Colorado. 44

Laid over until Thursday, March 5, retaining its place on the calendar. 49

SJR09-018 by Senator(s) Tochtrop; also Representative(s) Kerr A.--Concerning the designation of March 2009 as Colorectal Cancer Awareness Month. 52

On motion of Senator Tochtrop, the resolution was **adopted** by the following roll call vote: 55

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

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

**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:

HB09-1265 by Representative(s) Liston, Kerr J., Looper, Massey, Murray, Priola, Tipton; also Senator(s) King K.--Concerning a two-year limitation on abatement interest awarded to a nonprofit entity that has not qualified for tax exemption due to an error made by the nonprofit entity.

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

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

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

HB09-1050 by Representative(s) Soper; also Senator(s) Tochtrop--Concerning the voluntary contribution designation benefiting the Colorado Easter Seals fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation and changing the name of the fund.

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	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: Bacon, Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Keller, Morse, Penry, Sandoval, Schwartz, Shaffer B., Spence and Tapia.

HB09-1257 by Representative(s) Scanlan; also Senator(s) Scheffel--Concerning the requirement that the amount of public funds invested in any one certificate of deposit may not exceed the amount insured by the federal deposit insurance corporation.

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

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

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

HB09-1148 by Representative(s) Schafer S.; also Senator(s) Schwartz--Concerning the authority of the department of revenue to provide information about severance tax taxpayers to the department of local affairs.

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

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

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

HB09-1161 by Representative(s) Baumgardner, Bradford, Gardner C., King S., Looper, May, McNulty, Murray, Tipton; also Senator(s) Gibbs, White--Concerning a reduction in the time to provide written documentation supporting an oil and gas valuation statement.

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

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

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

HB09-1159 by Representative(s) Priola, Baumgardner, Lambert, Looper, Schafer S.; also Senator(s) Isgar, Hodge, Mitchell--Concerning the ability of a nonresident to serve on the board of directors of ground water management water districts.

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

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

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

HB09-1078 by Representative(s) Ryden; also Senator(s) Hodge--Concerning training for foster parents in regard to individualized education programs.

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

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

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

Co-sponsors added: Boyd, Carroll M., Foster, Groff, Heath, Hudak, Keller, Newell, Sandoval, Schwartz, Shaffer B., Tapia, Tochtrop and Williams.

HB09-1007 by Representative(s) Frangas, Hullinghorst; also Senator(s) Newell, Boyd--Concerning improving child protection efforts by adding domestic violence experts to interagency oversight groups in the collaborative management program.

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

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

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

Co-sponsors added: Bacon, Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Hudak, Isgar, Keller, Morse, Shaffer B., Tapia, Tochtrop and Williams.

HB09-1046 by Representative(s) Scanlan; also Senator(s) Penry--Concerning procedures to implement the postsecondary and workforce readiness assessments pilot program.

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

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

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

Co-sponsors added: Bacon, Boyd, Foster, Gibbs, Groff, Heath, Hudak, Newell, Schwartz, Tapia and Williams.

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:

SB09-228 by Senator(s) Morse, Bacon, Boyd, Foster, Groff, Heath, Hodge, Hudak, Isgar, Keller, Newell, Romer, Schwartz, Shaffer B., Tapia, Tochtrop, Veiga, Williams; also Representative(s) Marostica and Court, Ferrandino, Frangas, Green, Hullinghorst, McCann, McGihon, Merrifield, Miklosi, Pace, Pommer, Todd, Weissmann--Concerning an increase in the flexibility of the general assembly to determine the appropriate use of state revenues.

Laid over until Thursday, March 5, retaining its place on the calendar.

SB09-131 by Senator(s) Romer; also Representative(s) Massey--Concerning the requirement that students in public schools engage in a certain amount of physical activity each week.

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

YES	26	NO	9	EXCUSED	0	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	N
Gibbs	Y	Kopp	N	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Boyd, Foster, Gibbs, Groff, Heath, Hudak, Morse, Newell, Sandoval, Schwartz, Shaffer B., Tapia, Tochtrop and Williams.

SB09-222 by Senator(s) Lundberg, Cadman, Schultheis, Harvey, Renfroe, Scheffel; also Representative(s) Vaad--Concerning standards for a sign required to notify drivers that an automated vehicle identification device is being used to detect traffic violations.

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

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

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

Co-sponsors added: Brophy, Carroll M., Gibbs, King K., Kopp, Mitchell, Penry, Sandoval, Shaffer B. and Tochtrop.

SB09-237

by Senator(s) Lundberg, Harvey, Schultheis, Cadman, Brophy, Isgar, King K., Kopp, Mitchell, Penry, Renfroe, Romer, Scheffel, Tochtrop, White; also Representative(s) Acree, McNulty--Concerning grounds for mandatory expulsion from a public school.

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

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

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

Co-sponsors added: Boyd, Carroll M., Gibbs, Morse and Williams.

SB09-147

by Senator(s) Hodge, Brophy; also Representative(s) Priola, Gardner C.--Concerning the authorization of substitute water supply plans for the replacement of out-of-priority depletions caused by historic diversions from wells included in decreed augmentation plans entered by the water court for water division 1.

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

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

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

Co-sponsors added: Boyd, Harvey, Isgar, Kopp, Newell, Penry, Renfroe, Romer, Shaffer B., Tapia and Tochtrop.

SB09-224

by Senator(s) Shaffer B., Groff, Penry; also Representative(s) Weissmann, Carroll T., May--Concerning payment of expenses of the legislative department, and making an appropriation in connection therewith.

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

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

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

Co-sponsors added: Boyd, Newell and Spence.

SB09-020

by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning the responsibility for responding to wild land fires.

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	Y	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, Foster, Groff, Kopp, Newell, Penry, Romer, Schwartz, Shaffer B., Tapia, Tochtrop and White.

SB09-022

by Senator(s) Bacon; also Representative(s) Solano--Concerning the state board of land commissioners.

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

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

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

Co-sponsors added: Hudak, Newell, Sandoval and Schwartz.

SB09-052

by Senator(s) Bacon, Heath, King K., Newell, Williams; also Representative(s) Pommer, Ferrandino, Hullinghorst, Levy, Massey, Merrifield, Middleton, Primavera, Rice, Schafer S., Todd--Concerning the funding source for the innovative higher education research fund, and making an appropriation in connection therewith.

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

YES	27	NO	8	EXCUSED	0	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	Y	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Boyd, Foster, Gibbs, Groff, Keller, Morse, Schwartz, Spence and Tapia.

SB09-024 by Senator(s) White; also Representative(s) Sonnenberg and Curry--Concerning responsibilities of the division of wildlife with respect to game damage issues, and making an appropriation in connection therewith.

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	N
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	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: Kester

SB09-051 by Senator(s) Carroll M.; also Representative(s) Levy--Concerning measures to facilitate the financing of energy-efficient structures.

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	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	N	Schwartz	Y		

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

Co-sponsors added: Foster, Gibbs, Groff, Heath, Hodge, Hudak, Keller, Morse, Newell, Romer, Schwartz, Shaffer B., Tapia, White and Williams.

SB09-162 by Senator(s) Schwartz, Heath, Veiga; also Representative(s) Liston, McFadyen, Rice, Solano--Concerning the operation of the project by the state's chief information officer to create an inventory of broadband service areas, and, in connection therewith, authorizing the acceptance of publicly funded gifts, grants, and donations, and making an appropriation.

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	N	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	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: Foster, Gibbs, Groff, Hodge, Hudak, Newell, Shaffer B., Tapia, White and Williams.

SB09-094

by Senator(s) Williams, Gibbs, Groff, Heath, Schwartz, Shaffer B.; also Representative(s) Levy, Green, Marostica, Merrifield, Middleton, Primavera, Rice, Ryden, Scanlan-- Concerning the creation of a transit and rail division within the department of transportation.

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

YES	24	NO	11	EXCUSED	0	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	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	N	Schwartz	Y		

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

Co-sponsors added: Bacon, Boyd, Carroll M., Foster, Hodge, Hudak, Keller, Morse, Newell and Tapia.

SB09-124

by Senator(s) Isgar; also Representative(s) Roberts--Concerning additional funding for agricultural energy-related projects through the agriculture value-added cash fund.

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

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

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

Co-sponsors added: Gibbs, Hodge, Kester, Kopp, Penry, Schwartz, Shaffer B., Tapia and White.

SB09-125

by Senator(s) Isgar; also Representative(s) Curry--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.

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

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

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, Kester, Schwartz, Shaffer B., Tapia and White.

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**

SB09-032

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

Senator Groff moved that the Senate concur in House amendments to **SB09-032**, as printed in House Journal, March 2, 2009, page 575.

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

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

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

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

Co-sponsors added: Kopp

Committee
of the
Whole

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

GENERAL ORDERS -- SECOND READING OF BILLS

Upon request of Senator Shaffer, HB09-1012, HB09-1122, HB09-1005, HB09-1092, HB09-1090, and HB09-1008 were removed from the General Orders -- Second Reading of Bills Calendar and placed on the General Orders -- Second Reading of Bills -- Consent Calendar of Thursday, March 5.

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:

SB09-087 by Senator(s) Carroll M.; also Representative(s) Peniston--Concerning increased accountability requirements for special districts.

Amendment No. 1(L.014), by Senator Carroll.

Amend printed bill, page 4, line 19, strike "DISTRICT." and substitute "DISTRICT WITH MORE THAN TWENTY-FIVE THOUSAND DOLLARS OF ANNUAL REVENUE OR A METROPOLITAN DISTRICT THAT HAS TOTAL AUTHORIZED DEBT OF MORE THAN ONE THOUSAND DOLLARS PER ELIGIBLE ELECTOR."

Page 6, after line 21, insert the following:

"(5) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO A SPECIAL DISTRICT WITH LESS THAN FIVE THOUSAND DOLLARS OF ANNUAL REVENUE WHO HAVE TOTAL AUTHORIZED DEBT OF ONE THOUSAND DOLLARS OR LESS PER ELIGIBLE ELECTOR."

Amendment No. 2(L.013), by Senator Carroll.

Amend the State, Veterans & Military Affairs Committee Report, dated February 11, 2009, page 1, line 6, strike "C.R.S.";

strike line 7 and substitute the following:

"C.R.S.".

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

SB09-075 by Senator(s) Schwartz, Gibbs, Williams, Heath; also Representative(s) Marostica, Curry, Kerr A., Levy, McFadyen, Primavera, Scanlan, Vigil--Concerning the operation of low-speed electric self-propelled vehicles on public rights-of-way.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, February 11, page 246-247 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, February 27, page 534 and placed in members' bill files.)

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

SB09-225 by Senator(s) Boyd; also Representative(s) McGihon--Concerning the definition of contraceptive.

Amendment No. 1(L.003), by Senator Boyd.

Amend printed bill, page 2, line 3, strike "(2.3)" and substitute "(1.5)";

line 5, after the period, add "NOTHING IN THIS SUBSECTION (1.5) SHALL BE CONSTRUED TO AMEND OR ALTER THE DEFINITION OF "EMERGENCY

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CONTRACEPTION" IN SECTION 25-3-110 (1) (a), C.R.S."

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-087 as amended, SB09-075 as amended, SB09-225 as amended.

Laid over until Thursday, March 5 retaining their place on the Calendar: HB09-1082, HB09-1093, HB09-1101, HB09-1052, HB09-1080, HB09-1072, HB09-1215, HB09-1088, HB09-1219, HB09-1162, HB09-1079, HB09-1174, SB09-099.

Removed from the General Orders Second Reading of Bills Calendar and placed on the General Orders Second Reading of Bills Consent Calendar for March 5: HB09-1012, HB09-1122, HB09-1005, HB09-1092, HB09-1090, HB09-1008.

MESSAGE FROM THE HOUSE

March 4, 2009

The House has adopted the First Report of the First Conference Committee on SB09-217, as printed in House Journal, March 3, page 595, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB09-185, as printed in House Journal, March 3, page 594, and has repassed the bill as so amended. The bill is returned herewith.

The House has voted to concur in the Senate amendments to HB09-1109 and has repassed the bill as so amended.

The House has adopted and returns herewith SJR09-018.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB09-242** by Senator(s) Isgar, Penry; --Concerning Colorado membership in the energy council, and making an appropriation in connection therewith.
Finance
- HB09-1064** by Representative(s) Kefalas, Fischer, Frangas, Hullinghorst, Solano, Todd; also Senator(s) Sandoval--Concerning creating a legislative committee to study poverty issues, and, in connection therewith, establishing the economic opportunity poverty reduction task force for the purpose of advancing economic opportunity while reducing child and family poverty.
State, Veterans & Military Affairs
- 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.
Education

SENATE SERVICES REPORT

Correctly Printed: SJR09-018.

Correctly Engrossed: SB09-020, 022, 024, 051, 052, 094, 124, 125, 131, 147, 162, 222, 224, 228 and 237.

Correctly Revised: HB09-1007, 1046, 1050, 1078, 1148, 1159, 1161, 1257 and 1265.

Correctly Rerevised: HB09-1004, 1023, 1025, 1109 and 1141.

Correctly Enrolled: SB09-183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202 and 203; SJR09-001, 002 and 003.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR09-014.

The President has signed: SB09-040 and 204; SJR09-015 and 016.

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 Wednesday, March 4, 2009, was laid over until Thursday, March 5, 2009, retaining its place on the calendar.

Consideration of Governor's Appointments:

Public Employees' Retirement Benefit Plans

Solid and Hazardous Waste Commission

Colorado Commission on Higher Education

Charter School Institute Board

Read-to-Achieve Board

Consideration of Conference Committee Reports: SB09-217 and SB09-185

Conference Committees to Report: SB09-215, SB09-208, and SB09-210.

CHANGE IN SPONSORSHIP

Upon announcement of President Groff, Representative McFadyen replaced Representative Hullinghorst as the House prime sponsor on SB09-029.

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On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Thursday, March 5, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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