

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

35th Legislative Day

Tuesday, February 10, 2009

Prayer	By the chaplain, Rev. Dwight Blackstock, Presbyterian Church, Denver.	10
Pledge	By Senator Schwartz.	11
Call to Order	By the President at 9:00 a.m.	12
Roll Call	Present--33 Absent--1, Penry. Excused--1, Scheffel. Present later--2, Penry, Scheffel.	13 14 15 16 17 18 19 20 21 22
Quorum	The President announced a quorum present.	23
Reading of Journal	On motion of Senator White, reading of the Journal of Monday, February 9, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.	24 25 26 27

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB09-1014 be referred to the Committee of the Whole with favorable recommendation.	28 29 30 31 32 33 34 35
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB09-077 be postponed indefinitely.	36 37 38 39
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB09-081 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	40 41 42 43
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB09-085 be referred to the Committee on <u>Finance</u> with favorable recommendation.	44 45 46 47

**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:	48 49 50 51 52
SB09-097	by Senator(s) Cadman; also Representative(s) Pace --Concerning clarifying changes to provisions pertaining to institutional peace officers.	53 54 55 56 57
	Laid over until Wednesday, February 11, retaining its place on the calendar.	58 59 60
SB09-034	by Senator(s) Kester; also Representative(s) Todd--Concerning the security level designation for the Centennial correctional facility.	61 62 63
	The question being "Shall the bill pass?", the roll call was taken with the following result:	64 65 66

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

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

THIRD READING OF BILLS -- FINAL PASSAGE

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB09-140 by Senator(s) Bacon; also Representative(s) Fischer--Concerning a requirement that public trustees serve at the pleasure of the governor.

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

YES	25	NO	10	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	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	Y	Lundberg	N	Schultheis	Y	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 and Hodge.

SB09-078 by Senator(s) Newell; also Representative(s) Rice--Concerning the abandonment of portions of the state highway system to local jurisdictions.

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

YES	22	NO	13	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	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	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, Heath, Romer and Williams.

SB09-036 by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning theft of sound recordings, 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: Bacon, Boyd, Groff, Keller, King K., Kopp, Newell, Romer, Spence, Tochtrop and Veiga.

SB09-054 by Senator(s) Scheffel; also Representative(s) Kerr A.--Concerning an increase in the civil penalties recoverable by the state under statutes related to fair trade.

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: Foster and Veiga.

SB09-070 by Senator(s) Foster; also Representative(s) Acree--Concerning clarifications to workers' compensation procedures.

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: Carroll M. and Tapia.

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

SB09-150 by Senator(s) Heath; also Representative(s) Levy--Concerning the priority of a purchase-money lien for a motor vehicle.

	Laid over until Wednesday, February 11, retaining its place on the calendar.	1
SB09-139	by Senator(s) Shaffer B.; also Representative(s) McGihon--Concerning the adoption of recent changes to the "Uniform Principal and Income Act" proposed by the national conference of commissioners on uniform state laws.	2 3 4 5 6
	Laid over until Wednesday, February 11, retaining its place on the calendar.	7
SB09-115	by Senator(s) Brophy, Hodge, Isgar; also Representative(s) Curry--Concerning the continuation of the regulation of public livestock markets.	8 9 10 11
	Laid over until Wednesday, February 11, retaining its place on the calendar.	12 13 14

GENERAL ORDERS -- SECOND READING OF BILLS		
SB09-035	by Senator(s) Renfroe; also Representative(s) Sonnenberg--Concerning a penalty for a violation of certain proscribed acts for government officials.	15 16 17 18 19 20 21
	Laid over until Wednesday, February 11, retaining its place on the calendar.	22 23 24 25
SB09-064	by Senator(s) King K., Romer, Bacon, Groff, Heath, Hudak, Kopp, Spence, Williams; also Representative(s) Massey, Merrifield, Baumgardner, Benefield, Gardner B., Middleton, Murray, Peniston, Priola, Scanlan, Schafer S., Solano, Summers, Todd--Concerning building inspections relating to utilities.	26 27 28 29 30
	Laid over until Wednesday, February 11, retaining its place on the calendar.	31 32
SB09-057	by Senator(s) Harvey, Kopp; also Representative(s) Stephens--Concerning searchable budget database web sites containing public education financial information, and, in connection therewith, enacting the "Public School Financial Transparency Act".	33 34 35 36
	Laid over until Wednesday, February 11, retaining its place on the calendar.	37 38 39
SB09-126	by Senator(s) Newell, Hodge, Spence, Tochtrop; also Representative(s) Apuan, Gagliardi, Swalm--Concerning the voluntary contribution designation benefiting the multiple sclerosis fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.	40 41 42 43 44
	Laid over until Wednesday, February 11, retaining its place on the calendar.	45 46 47
SB09-092	by Senator(s) Kopp, Romer, Brophy, White, King K., Penry, Renfroe; also Representative(s) Marostica, King S., Sonnenberg, Stephens, Waller--Concerning the requirement that state-owned motor vehicles operate on compressed natural gas.	48 49 50 51
	Laid over until Wednesday, February 11, retaining its place on the calendar.	52 53 54
SB09-104	by Senator(s) Sandoval; also Representative(s) Gagliardi--Concerning the provision of verifiable documents to youth leaving foster care.	55 56 57
	Laid over until Wednesday, February 11, retaining its place on the calendar.	58 59 60
SB09-100	by Senator(s) Newell, Mitchell, Carroll M., Foster, Heath, Hodge, Morse; also Representative(s) Frangas, Primavera, Rice--Concerning amending the definition of "noncustodial parent" in the "Colorado Works Program Act" to enable a noncustodial parent to receive employment assistance regardless of whether the noncustodial parent's child is receiving assistance under the Colorado works program.	61 62 63 64 65 66
	Laid over until Wednesday, February 11, retaining its place on the calendar.	67 68
SB09-030	by Senator(s) Keller; also Representative(s) Schafer S.--Concerning the "Child Mental Health Treatment Act".	69 70 71
	Laid over until Wednesday, February 11, retaining its place on the calendar.	72

SB09-114 by Senator(s) Kester, Hodge, Isgar; also Representative(s) Sonnenberg--Concerning the continuation of the authority of the department of agriculture to regulate the sale of agricultural products, and, in connection therewith, regulating farm products and commodity warehouses.

Laid over until Wednesday, February 11, retaining its place on the calendar.

SB09-151 by Senator(s) Isgar, Hodge; also Representative(s) Curry--Concerning the regulation of slaughterers of livestock through the department of agriculture, and, in connection therewith, allowing such function to expire on schedule and reassigning certain regulatory functions to the state board of stock inspection commissioners.

Laid over until Wednesday, February 11, retaining its place on the calendar.

SB09-127 by Senator(s) Schwartz, Hodge, Isgar; also Representative(s) Fischer--Concerning the continuation of the regulation of egg quality.

Laid over until Wednesday, February 11, retaining its place on the calendar.

SB09-113 by Senator(s) Brophy, Hodge, Isgar; also Representative(s) Sonnenberg--Concerning the continuation of the authority of the department of agriculture to regulate measurement standards.

Laid over until Wednesday, February 11, retaining its place on the calendar.

CONSIDERATION OF RESOLUTIONS

HJR09-1009 by Representative(s) Weissmann, May; also Senator(s) Shaffer B.--Concerning authorization for adjournment for more than three days during the 2009 regular session of the general assembly.

Laid over until Wednesday, February 11, retaining its place on the calendar.

SR09-010 by Senator(s) Shaffer B., Groff, Penry; --Concerning changes to membership of certain Senate Committees of Reference.

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

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

Co-sponsors added: Kopp

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

MEMBER OF THE
PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

effective January 13, 2009 for a term expiring the Monday preceding the second Tuesday in January, 2013:

James K. Tarpey of Englewood, Colorado, a Republican, reappointed.

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		

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

**MEMBERS OF THE
BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE**

effective eight o'clock a.m. on January 7, 2009 for a term expiring December 31, 2009:

Karen D. Wilde of Aurora, Colorado, a Democrat, to fill the vacancy occasioned by the resignation of Patricia B. Noyes of Boulder, Colorado, appointed;

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

Mark R. Larson of Denver, Colorado, a Republican, appointed;

Leonel B. Silva of Centennial, Colorado, a Democrat, reappointed.

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		

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

**MEMBERS OF THE
READ-TO-ACHIEVE BOARD**

effective as of eight o'clock a.m. on January 7, 2009, for a term expiring April 1, 2010:

Myra "Desha" Bierbaum of Glenwood Springs, Colorado, to serve as a parent of a child who is enrolled in a public school at the time of appointment and as an Unaffiliated, appointed.

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		

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

**MEMBERS OF THE
COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY**

for a term expiring October 1, 2012:

Steven O. Sims of Greeley, Colorado, a resident from within the South Platte drainage basin who has experience in water law and water project financing, appointed.

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		

COMMITTEE OF REFERENCE REPORTS

- Judiciary After consideration on the merits, the Committee recommends that **SB09-109** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
- Judiciary After consideration on the merits, the Committee recommends that **SB09-048** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
- Judiciary After consideration on the merits, the Committee recommends that **SB09-021** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, after line 11, insert the following:

"SECTION 2. 23-71-122 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

23-71-122. Junior college board of trustees - specific powers - rules - definitions. (1) In addition to any other power granted by law to a board of trustees of a junior college district, each board shall have the power to:

(w) ENTER INTO A COOPERATIVE ARRANGEMENT WITH THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY TO

DEVELOP A SYSTEM IN WHICH A QUALIFIED VOLUNTEER FIREFIGHTER MAY RECEIVE A TUITION VOUCHER TO ATTEND COURSES AT A LOCAL COMMUNITY COLLEGE, INCLUDING AIMS COMMUNITY COLLEGE AND COLORADO MOUNTAIN COLLEGE, IN ACCORDANCE WITH SECTION 24-33.5-1216, C.R.S."

Renumber succeeding sections accordingly.

Page 2, strike line 23.

Page 3, strike lines 1 through 16 and substitute the following:

"24-33.5-1215. Volunteer firefighter tuition voucher fund - created. THERE IS HEREBY CREATED IN THE STATE TREASURY THE VOLUNTEER FIREFIGHTER TUITION VOUCHER FUND, WHICH SHALL BE ADMINISTERED BY THE DIVISION AND SHALL CONSIST OF ALL MONEYS TRANSFERRED BY THE TREASURER AS SPECIFIED IN SECTION 39-29-109.3 (2) (n), C.R.S. ALL MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DIVISION TO BE USED FOR THE PURPOSES SET FORTH IN SECTION 24-33.5-1216. ALL MONEYS IN THE FUND AT THE END OF EACH FISCAL YEAR SHALL BE RETAINED IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.";

line 18, after "colleges.", insert "(1) (a)";

line 20, after "C.R.S.", insert "AND THE BOARD OF THE TRUSTEES FOR EACH LOCAL COMMUNITY COLLEGE AS SPECIFIED IN SECTION 23-71-122, C.R.S.";

line 24, after "COLLEGES", insert "OR A LOCAL COMMUNITY COLLEGE";

after line 26, insert the following:

"(b) FOR PURPOSES OF THIS SECTION, "LOCAL COMMUNITY COLLEGE" INCLUDES AIMS COMMUNITY COLLEGE AND COLORADO MOUNTAIN COLLEGE.";

strike line 27.

Strike page 4.

Page 5, strike lines 1 through 4 and substitute the following:

"SECTION 5. 39-29-109.3 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

39-29-109.3. Operational account of the severance tax trust fund - repeal. (2) Subject to the requirements of subsections (3) and (4) of this section, if the general assembly chooses not to spend up to one hundred percent of the moneys in the operational account as specified in subsection (1) of this section, the state treasurer shall transfer the following:

(n) (I) TO THE VOLUNTEER FIREFIGHTER TUITION VOUCHER FUND CREATED IN SECTION 24-33.5-1215, C.R.S., FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2009, TWENTY THOUSAND DOLLARS.

(II) THIS PARAGRAPH (n) IS REPEALED, EFFECTIVE JULY 1, 2011."

Judiciary

After consideration on the merits, the Committee recommends that **SB09-013** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 14, after "THE", insert "GROSSLY NEGLIGENT,".

Page 3, line 20, strike "EMERGENCY." and substitute "EMERGENCY;

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EXCEPT THAT THIS EXEMPTION SHALL NOT APPLY TO GROSSLY NEGLIGENT,
WILLFUL, WANTON, OR RECKLESS ACTS OR OMISSIONS.";

strike line 27.

Page 4, strike lines 1 through 15.

Renumber succeeding section accordingly.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB09-028** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB09-023** be postponed indefinitely.

MESSAGE FROM THE GOVERNOR

Appointment

Letters of designation and appointment from Governor Ritter were read and assigned to Committees as follows:

February 3, 2009

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

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

**MEMBER OF THE
MEDICAL SERVICES BOARD**

for a term expiring July 1, 2010:

Alan I. Eisenberg of Denver, Colorado, a Democrat and resident of the 1st Congressional District with knowledge of medical assistance programs, to fill the vacancy occasioned by the death of Joan M. Johnson of Denver, Colorado, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 2/6/09
Karen Goldman, Secretary of the Senate

Committee on Health and Human Services

February 3, 2009

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

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Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

MEMBERS OF THE
COLORADO CHILDREN'S TRUST FUND BOARD

for terms expiring November 7, 2011:

Theresa Rapstine of Denver, Colorado, to serve as a member with knowledge of child abuse prevention, appointed;

Frances H. Cosby of Denver, Colorado, to serve as a member with knowledge of child abuse prevention, appointed.

Sincerely,
(signed)

Bill Ritter, Jr.
Governor

Rec'd: 2/6/09

Karen Goldman Secretary of the Senate

Committee on Health and Human Services

SENATE SERVICES REPORT

Correctly Printed: SB09-173, 174, 175, 176 and 177; SR09-010.

Correctly Engrossed: SB09-034, 036, 054, 070, 078 and 097.

Correctly Reengrossed: SB09-014, 033, 039, 055, 079, 080, 086, 096, 112 and 116.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

February 10, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB09-1159, amended as printed in House Journal, February 9, page 293.
HB09-1109, amended as printed in House Journal, February 9, page 293.
HB09-1141, amended as printed in House Journal, February 9, page 293.
HB09-1143, amended as printed in House Journal, February 9, page 293.

MESSAGE FROM THE REVISOR OF STATUTES

February 10, 2009

We herewith transmit:

Without comment, as amended, HB09-1109, 1141, 1143, and 1159.

INTRODUCTION OF BILLS -- FIRST READING

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

SB09-178 by Senator(s) Heath, Schwartz, Veiga; also Representative(s) Liston, McFadyen, Rice, Solano--Concerning the waiver of certain eligibility conditions for unemployment insurance benefits for unemployed individuals attached to regular jobs.
Business, Labor and Technology

SB09-179 by Senator(s) Tochtrop; also Representative(s) Gagliardi--Concerning communicable

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disease control.	1
Health and Human Services	2
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SB09-180 by Senator(s) Tochtrop, Carroll M.; also Representative(s) Casso--Concerning collective bargaining by employees of public safety agencies.	4
State, Veterans & Military Affairs	5
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HB09-1008 by Representative(s) Miklosi; also Senator(s) Williams--Concerning the expansion of the ability to transfer annual leave between employees in the state personnel system.	8
State, Veterans & Military Affairs	9
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HB09-1057 by Representative(s) Kerr A., Carroll T., Apuan; also Senator(s) Bacon, Groff--Concerning parental involvement in kindergarten through twelfth grade education.	12
Education	13
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HB09-1088 by Representative(s) Balmer, Benefield, Looper, Todd; also Senator(s) Newell--Concerning certification of public benefit nonprofit entities as local public procurement units.	16
State, Veterans & Military Affairs	17
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HB09-1092 by Representative(s) Peniston, Gagliardi; also Senator(s) Kester--Concerning the risk of damage to underground facilities caused by excavation.	20
Local Government and Energy	21
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	23
HB09-1103 by Representative(s) Riesberg; also Senator(s) Newell--Concerning presumptive eligibility under the medical assistance program for persons in need of long-term care.	24
Health and Human Services	25
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HB09-1118 by Representative(s) Murray; also Senator(s) Kester--Concerning the manner in which the records of certain governmental entities are kept.	28
State, Veterans & Military Affairs	29
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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.	32
Judiciary	33
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	36
HB09-1162 by Representative(s) Gerou; also Senator(s) Kopp--Concerning intergovernmental cooperation for the purpose of mitigating wildfires.	37
Local Government and Energy	38
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HB09-1174 by Representative(s) Riesberg; also Senator(s) Hodge, Brophy--Concerning the exemption of depletions from pumping that occurred prior to 1974.	41
Agriculture and Natural Resources	42
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MESSAGE FROM THE GOVERNOR

Appointment	Letter of designation and appointment from Governor Ritter was read and assigned to Committee as follows:	48
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	February 3, 2009	50
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	To the Honorable	52
	Colorado Senate	53
	Colorado General Assembly	54
	State Capitol Building	55
	Denver, CO 80203	56
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	Ladies and Gentlemen:	58
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	Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:	61
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MEMBERS OF THE PINNACOL ASSURANCE BOARD OF DIRECTORS

for terms expiring January 1, 2013:

Paul P. Pettinger of Fort Collins, Colorado, an employee of an employer whose liability is insured by Pinnacol, appointed;

Robert John "R.J." Jolly of Kit Carson, Colorado, a farmer or employer whose liability is insured by Pinnacol, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 2/6/09
Karen Goldman, Secretary of the Senate.

Committee on Health and Human Services

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR09-012 by Senator(s) Scheffel, Penry, Kopp, Cadman, King K., White, Harvey, Schultheis, Groff, Brophy, Kester, Lundberg, Renfroe; also Representative(s) McNulty--Concerning the 200th anniversary of the birth of former President Abraham Lincoln.

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

On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Wednesday, February 11, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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