

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

6th Legislative Day Monday, January 12, 2009

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Prayer	By Senator Brophy.	11
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Pledge	By Senator Tochtrop.	13
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Call to Order	By the President at 10:00 a.m.	15
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Roll Call	Present--19	18
	Excused--15, Cadman, Gibbs, Harvey, Isgar, King, Kopp, Mitchell, Penry, Renfroe, Romer, Scheffel, Schultheis, Shaffer B., Spence, Tapia.	19
	Present later--2, Isgar, Spence.	20
	Vacant--1, Senate District 15.	21
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Quorum	The President announced a quorum present.	24
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Reading of Journal	On motion of Senator Hudak, reading of the Journal of January 9, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.	26
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MESSAGE FROM THE HOUSE

January 9, 2009
 Mr. President:
 The House has adopted and returns herewith SJR09-004.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Date: January 12, 2009

Mr. President:

The Committee on State, Veterans, and Military Affairs has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

SECRETARY OF STATE

Bernard A. Buescher of Grand Junction, Colorado,
 appointed to the Office of Secretary of State

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This appointment shall be effective upon confirmation of the Senate if confirmed. Mr. Buescher would serve as Colorado Secretary of State for the remainder of the term expiring on January 11, 2011.

**CORRECTED
INTRODUCTION OF BILLS -- FIRST READING**

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

- SB09-004** by Senator(s) Brophy; also Representative(s) Bradford--Concerning a moratorium on the implementation of rules promulgated by the Colorado oil and gas conservation commission pursuant to bills enacted after May 28, 2007.
State, Veterans & Military Affairs

INTRODUCTION OF BILLS -- FIRST READING

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

- SB09-061** by Senator(s) Carroll M.; also Representative(s) Primavera--Concerning the qualifications of health care professionals who review claims for medical treatment under insurance policies.
Health and Human Services
- SB09-062** by Senator(s) Shaffer B.; --Concerning incentives for armed forces veterans to enter the teaching profession.
Education
- SB09-063** by Senator(s) Brophy; also Representative(s) Gardner C.--Concerning limitations on the exercise of the power of eminent domain by railroads.
Transportation
- 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.
Education
- SB09-065** by Senator(s) Schultheis, Isgar; also Representative(s) McNulty, Kerr J., Primavera--Concerning the audit requirements for the public safety communications trust fund.
State, Veterans & Military Affairs
- SB09-066** by Senator(s) Tochtrop, Isgar, Schultheis; also Representative(s) Primavera--Concerning the consolidation of public employee retirement plans under the public employees' retirement association.
Finance
- 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.
Business, Labor and Technology
- SB09-068** by Senator(s) Morse; also Representative(s) McCann--Concerning funding to support domestic abuse services, and, in connection therewith, allocating a portion of the funding to assist military members and their families.
Judiciary
- SB09-069** by Senator(s) Boyd; --Concerning court-appointed parenting coordinators.
Judiciary
- SB09-070** by Senator(s) Foster; also Representative(s) Acree--Concerning clarifications to workers' compensation procedures.
Business, Labor and Technology

MESSAGE FROM THE GOVERNOR

October 28, 2008

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

Ladies and Gentlemen:

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

MEMBERS OF THE
CHARTER SCHOOL INSTITUTE BOARD

for a term expiring July 1, 2009:

Dean L. Titterington of Englewood, Colorado, a Republican who has experience as a charter school board member or founder of a charter school, to fill the vacancy occasioned by the resignation of Christine S. Howard of Louisville, Colorado, appointed;

for terms expiring July 1, 2011:

Wayne D. Eckerling of Denver, Colorado, a Democrat who has experience as a public school teacher and as a public school administrator working with charter schools, appointed;

Patrick A. Grippe of Highlands Ranch, Colorado, an Unaffiliated who has experience as a public school administrator working with charter schools, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 11/10/08
Karen Goldman, Secretary of the Senate

Committee on Education

January 7, 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:

MEMBERS OF THE
CHARTER SCHOOL INSTITUTE BOARD

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

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

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

Celeste C. Di Iorio of Fort Collins, Colorado, to serve as a representative with experience as a

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public school teacher, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/8/09
Karen Goldman, Secretary of the Senate

Committee on Education

January 7, 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:

**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;

effective as of eight o'clock a.m. on January 7, 2009, for a term expiring April 1, 2011:

Joanne E. Scanlan of Colorado Springs, Colorado, to serve as a kindergarten, first, second or third grade elementary school teacher and as a Republican, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/8/09
Karen Goldman, Secretary of the Senate

Committee on Education

December 12, 2008

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

Ladies and Gentlemen:

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

**MEMBERS OF THE
COLORADO STATE FAIR AUTHORITY
BOARD OF COMMISSIONERS**

for terms expiring November 1, 2012:

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

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

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 12/29/08
Karen Goldman, Secretary of the Senate

Committee on Agriculture & Natural Resources

December 31, 2008

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:

MEMBERS OF THE
BOARD OF GOVERNORS OF THE
COLORADO STATE UNIVERSITY SYSTEM

effective January 1, 2009 for terms expiring December 31, 2012:

Marguerite Salazar of Alamosa, Colorado, a resident of southern Colorado and a Democrat, appointed;

Joseph C. Zimlich of Fort Collins, Colorado, a Larimer County resident and a Democrat, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/9/09
Karen Goldman, Secretary of the Senate

Committee on Education

January 5, 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
JUVENILE PAROLE BOARD

for a term expiring at the pleasure of the Governor:

Mary Beth Buescher of Grand Junction, Colorado, to fill the vacancy occasioned by the resignation of Paul W. Nelson of Grand Junction, Colorado, and to serve as a public member who is not employed by state government, appointed.

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Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/9/09
Karen Goldman, Secretary of the Senate

Committee on Judiciary

June 17, 2008

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

Ladies and Gentlemen:

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

MEMBERS OF THE
GROUND WATER COMMISSION

for terms expiring May 1, 2010:

Douglas L. Shriver of Monte Vista, Colorado to serve as a representative from Division 3, appointed;

Carolyn F. Burr of Denver, Colorado to serve as a representative of municipal and industrial users, appointed;

for terms expiring May 1, 2011:

George H. Schubert of Calhan, Colorado to serve as a resident agriculturist from the Upper Big Sandy Basin, appointed;

Charles "Max" Smith of Walsh, Colorado to serve as a resident agriculturist from the Southern High Plains Basin, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 7/14/08
Karen Goldman, Secretary of the Senate

Committee on Agriculture & Natural Resources

October 1, 2008

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, reappoint and submit to your consideration, the following:

MEMBERS OF THE
GROUND WATER COMMISSION

for terms expiring May 1, 2012:

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Dennis W. Coryell of Burlington, Colorado, a resident agriculturist from the Northern High Plains Basin, reappointed;

Larry W. Clever of Grand Junction, Colorado, a representative of municipal or industrial water users of the state, and who resides west of the continental divide, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 10/7/08
Karen Goldman, Secretary of the Senate

Committee on Agriculture & Natural Resources

September 9, 2008

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:

MEMBERS OF THE
BOARD OF PARKS AND OUTDOOR RECREATION

for terms expiring June 30, 2012:

James C. Pribyl of Boulder, Colorado to serve as a representative of the public at-large and as a Democrat, appointed;

Gary A. Butterworth of Colorado Springs, Colorado to serve as a representative of the Southern Region and as a Republican, appointed;

Laurie A. Mathews of Denver, Colorado to serve as a representative of the Metro Region and as a Democrat, appointed;

to continue serving for a term expiring June 30, 2010:

William G. Kane of Aspen, Colorado, redesignated to serve as a representative of the Northern Region.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 9/16/08
Karen Goldman, Secretary of the Senate

Committee on Agriculture & Natural Resources

May 21, 2008

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:

MEMBERS OF THE
WATER QUALITY CONTROL COMMISSION

for terms expiring February 15, 2011:

Peter Butler of Durango, Colorado to serve as a representative who lives west of the continental divide, appointed;

Jill C. Harris McConaughy of Glenwood Springs, Colorado to serve as a representative who lives west of the continental divide, appointed;

Janelle A. Barrilleaux of Golden, Colorado, appointed.

Sincerely,

(signed)

Bill Ritter, Jr.

Governor

Rec'd: 5/27/08

Karen Goldman, Secretary of the Senate

Committee on Agriculture & Natural Resources

May 7, 2008

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:

MEMBERS OF THE
COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY

for a term expiring October 1, 2008:

Gregory C. Fisher of Denver, Colorado to fill the vacancy occasioned by the resignation of Barbara J. Green of Denver, Colorado, and to serve as a member from the city and county of Denver who is familiar with its water problems, and with experience in the planning and developing of water projects, appointed;

for terms expiring October 1, 2011:

Frank J. Kugel of Gunnison, Colorado to serve as a member from the Gunnison-Uncompahgre drainage basin, and with experience in water law, appointed;

Ty H. Wattenberg of Walden, Colorado to serve as a member from the North Platte drainage basin, appointed.

Sincerely,

(signed)

Bill Ritter, Jr.

Governor

Rec'd: 5/8/08

Karen Kuhlmann, Asst. Secretary

Committee on Agriculture & Natural Resources

November 13, 2008

To the Honorable
Colorado Senate

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Colorado General Assembly
State Capitol Building
Denver, CO 80203

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Ladies and Gentlemen:

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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:

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MEMBERS OF THE
COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY

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for terms expiring October 1, 2012:

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Gregory C. Fisher of Denver, Colorado, a resident from within the city and county of Denver who has experience in planning and development of water projects, reappointed;

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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.

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Sincerely,
(signed)

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Bill Ritter, Jr.
Governor

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Rec'd: 11/21/08

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Karen Goldman, Secretary of the Senate

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Committee on Agriculture & Natural Resources

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June 4, 2008

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

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Ladies and Gentlemen:

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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 and submit to your consideration, the following:

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MEMBERS OF THE
WILDLIFE COMMISSION

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for terms expiring March 1, 2012:

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Robert G. Streeter of Fort Collins, Colorado, a resident of Wildlife District 3, a representative of the public at large, and a Republican, appointed;

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Dorothea Farris of Carbondale, Colorado, a resident of Wildlife District 1, a representative of wildlife organizations, and a Democrat, appointed.

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This shall amend, repeal and supercede the letter to the Senate dated May 27, 2008 pertaining to the Wildlife Commission.

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Sincerely,
(signed)

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Bill Ritter, Jr.
Governor

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Rec'd: 6/5/08

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Karen Kuhlmann, Asst. Secretary

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Committee on Agriculture and Natural Resources

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May 27, 2008

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, reappoint and submit to your consideration, the following:

MEMBERS OF THE
BOARD OF ASSESSMENT APPEALS

effective July 2, 2008 for terms expiring July 1, 2009:

- James R. Meurer of Golden, Colorado, reappointed;
- MaryKay Kelley of Silverthorne, Colorado, reappointed;
- Diane M. DeVries of Wheat Ridge, Colorado, reappointed;
- Lyle D. Hansen of Denver, Colorado, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 6/2/08
Karen Goldman, Secretary of the Senate

Committee on Local Government & Energy

October 28, 2008

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, reappoint and submit to your consideration, the following:

MEMBER OF THE
COLORADO BANKING BOARD

for a term expiring July 1, 2012:

- Dennis F. Reece of Ouray, Colorado, to serve as a representative of bankers, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 11/17/08
Karen Goldman, Secretary of the Senate

Committee on Finance

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July 22, 2008

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

Ladies and Gentlemen:

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

MEMBERS OF THE
STATE ELECTRICAL BOARD

for terms expiring July 1, 2011:

Loren R. Priest of Parker, Colorado, to serve as a representative of the public at large, reappointed;

Scott W. Berg of Highlands Ranch, Colorado, to serve as a building official from a political subdivision of the state performing electrical inspections, appointed;

Terry L. Schneider of Colorado Springs, Colorado, to serve as master electrician who is not an electrical contractor, reappointed;

Jose A. Amaya of Parker, Colorado, to serve as a general contractor actively engaged in the building industry, appointed;

Robin L. Kittel of Highlands Ranch, Colorado, to serve as a representative of private, municipal, or cooperative electric utilities rendering electric service to the ultimate public, appointed;

Rory J. Berumen of Aurora, Colorado, to serve as a journeyman electrician who is not an electrical contractor, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 8/6/08
Chris McGowne, Reading Clerk

Committee on Business, Labor, & Technology

September 9, 2008

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, reappoint and submit for your consideration, the following:

MEMBER OF THE
COLORADO LIMITED GAMING CONTROL COMMISSION

for a term expiring July 1, 2011:

Florence E. Hunt of Pueblo, Colorado to serve as a member from the 3rd Congressional District representing registered electors, and as a Democrat, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.

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Governor
Rec'd: 9/16/08
Karen Goldman, Secretary of the Senate

Committee on State, Veterans, & Military Affairs

October 1, 2008

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 for your consideration, the following:

MEMBER OF THE
COLORADO LIMITED GAMING CONTROL COMMISSION

for a term expiring July 1, 2011:

Larry R. Gaddis of Colorado Springs, Colorado, a resident of the 5th Congressional District, an attorney admitted to the practice of law in Colorado for not less than five years who has experience in regulatory law, and a Democrat, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 10/7/08
Karen Goldman, Secretary of the Senate

Committee on State, Veterans, & Military Affairs

July 22, 2008

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
EXAMINING BOARD OF PLUMBERS

for a term expiring July 1, 2012:

Michael K. Trapp of Colorado Springs, Colorado, a plumbing contractor engaged in the construction of residential or commercial buildings, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 7/29/08
Karen Goldman, Secretary of the Senate

Committee on Business, Labor, & Technology

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September 19, 2008

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

Ladies and Gentlemen:

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

MEMBERS OF THE
COLORADO RACING COMMISSION

for terms expiring July 1, 2012:

Jack K. Pretti of Rifle, Colorado, a Republican from the Third Congressional District, who has been previously engaged in the racing industry for at least five years, reappointed;

Mary Sharon Wells of Golden, Colorado, a Democrat from the Seventh Congressional District, who is a registered elector of the state, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 9/25/08
Chris McGowne, Reading Clerk

Committee on State, Veterans, & Military Affairs

September 9, 2008

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

Ladies and Gentlemen:

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

MEMBERS OF THE
SECURITIES BOARD

for terms expiring July 1, 2011:

Paul E. Washington of Boulder, Colorado, a member of the public at large, appointed;

Herrick K. Lidstone, Jr. of Centennial, Colorado, who is licensed by the state supreme court to practice law in the state of Colorado and who is conversant in securities law, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 9/23/08
Karen Goldman, Secretary of the Senate

Committee on Finance

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On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., January 13, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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