

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

115th Legislative Day Friday, May 1, 2009

Prayer By Senator Mitchell. 10
 Pledge By Senator King. 11
 Call to Order By the President at 9:30 a.m. 12
 Roll Call Present--30 13
 Absent--1, Schwartz. 14
 Excused--4, Cadman, Morse, Romer, Spence. 15
 Present later--3, Schwartz, Morse, Romer. 16
 Quorum The President announced a quorum present. 17
 Reading of Journal On motion of Senator Heath, reading of the Journal of Thursday, April 30, 2009, was 18
 dispensed with and the Journal was approved as corrected by the Secretary. 19
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On motion of Senator Shaffer, and with a majority of those elected to the Senate having 23
 voted in the affirmative, the Senate proceeded out of order for Consideration of 24
 Conference Committee Reports, HB09-1164. 25
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CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB09-1164 by Representative(s) Primavera, Gagliardi, Green, Kefalas, Kerr J., McGihon; also 29
 Senator(s) Kester--Concerning a surcharge on breast cancer awareness special license plates 30
 to provide funding for cancer treatment for women who are not currently eligible to 31
 participate in the breast and cervical cancer prevention and treatment program under the 32
 "Colorado Medical Assistance Act", and requiring a post-enactment review of the 33
 implementation of this act. 34
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Senator Kester moved for the adoption of the First Report of the First Conference 36
 Committee on **HB09-1164**, as printed in Senate Journal, April 30, page 1425-1426. The 37
 motion was **adopted** by the following roll call vote: 38
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YES	30	NO	1	EXCUSED	3	ABSENT	1
Bacon	Y	Hodge	Y	Morse	E	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	A		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the 45
 following result: 46
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YES	29	NO	2	EXCUSED	3	ABSENT	1
Bacon	Y	Hodge	Y	Morse	E	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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	A		

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

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, SJR09-042, SJR09-054, SJR09-044, SJR09-047.

CONSIDERATION OF RESOLUTIONS

SJR09-042 by Senator(s) Newell; also Representative(s) Frangas--Concerning the value of conflict resolution, and, in connection therewith, recognizing October 2009 as "Conflict Resolution Month".

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

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

SJR09-047 by Senator(s) Kester; also Representative(s) Riesberg--Concerning Hepatitis C Awareness Month.

On motion of Senator Kester, 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	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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, Carroll M., Foster, Gibbs, Groff, Harvey, Heath, Hodge, Hudak, Isgar, Keller, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry,

Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Tapia, Tochtrop, Veiga, White and Williams.

SJR09-044 by Senator(s) Shaffer B.; also Representative(s) Weissmann--Concerning an interim commission to study long-term fiscal stability.

Amendment No. 1(L.003), by Senators Heath and Shaffer.

Amend printed joint resolution, page 1, strike lines 1 through 13.

Strike pages 2 and 3 and substitute the following:

"WHEREAS, The budget challenges faced by the state this fiscal year necessitate the formation of a commission to study the fiscal stability of the state, including but not limited to solutions for the economy, higher education funding, state transportation funding, and affordable access to health care; and

WHEREAS, A collaborative effort involving all sectors of the economic community is necessary to develop a bipartisan solution for the state's fiscal stability; and

WHEREAS, The commission's charge should be broad in order to grant flexibility to consider all solutions necessary to create fiscal stability; now, therefore,

Be It Resolved by the Senate of the Sixty-seventh General Assembly of the State of Colorado, the House of Representatives concurring herein:

(1) That there is hereby created the fiscal stability commission, hereinafter referred to as the "commission", which shall meet during the interim after the 2009 Regular Session of the Sixty-seventh General Assembly to study matters relating to fiscal stability.

(2) That the commission shall consist of fifteen members as follows:

(a) (I) Six legislative members as follows:

(A) Three members of the Senate, two appointed by the President of the Senate and one appointed by the Minority Leader of the Senate; and

(B) Three members of the House, two appointed by the Speaker of the House of Representatives and one appointed by the Minority Leader of the House of Representatives.

(II) The President of the Senate shall select a chair of the commission, and the Speaker of the House of Representatives shall select a vice-chair of the commission.

(III) The President of the Senate and the Speaker of the House of Representatives shall make the appointments and selections specified in this paragraph (a) no later than 30 days after the certification of funds pursuant to subsection (7) of this resolution has been made to the Speaker of the House of Representative and the President of the Senate.

(b) (I) Nine additional members, as follows:

(A) Seven community leaders with broad knowledge and experience with the fiscal policies of the state; and

(B) Two former members of the General Assembly.

(II) The nine additional members specified in this paragraph (b) shall be appointed by the six legislative members of the commission.

(3) That the commission shall:

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(a) Study the fiscal stability of the state, including but not limited to solutions for higher education and transportation funding and affordable access to health care;

(b) Develop a strategic plan for state fiscal stability that may be amended on a yearly basis to reflect then-existing economic realities; and

(c) Consider other issues as needed.

(4) That the meetings of the commission shall be public meetings.

(5) That the commission may request information from other sources, including but not limited to the National Conference of State Legislatures, representatives from state and local government, private businesses, nonprofit organizations, and appropriate trade groups to provide testimony, written comments, and other relevant data to the commission.

(6) That the commission shall submit written findings and any recommended legislation to the Legislative Council no later than November 6, 2009. The commission shall be limited to proposing five bills. If a legislative member of the commission chooses to carry a bill recommended by the commission in the following legislative session, such commission bills shall not count against the individual legislator's bill limits set forth in the Joint Rules of the Senate and the House of Representatives. Legislation recommended by the commission shall be subject to the interim committee deadlines pursuant to the Joint Rules of the Senate and the House of Representatives.

(7) That the Speaker of the House of Representatives and the President of the Senate shall designate a nonprofit or private organization as the custodian of the funds for the commission. Such organization is authorized to receive and expend any funds necessary for the operation of the commission. In addition, such organization shall prepare a budget for the operation of the commission. Prior to the expenditure of any moneys received, the organization shall transmit a copy of the operating budget to the Speaker of the House of Representatives and the President of the Senate and shall certify that there is adequate funding available to cover the expenses identified in the operating budget.

(8) That any staff needed to assist the commission in conducting its duties may be provided by nonprofit agencies, private groups, the majority staff of the Senate and House of Representatives, or staff of the legislative council and of the office of legislative legal services if moneys are credited to a cash fund of the legislative department in an amount sufficient to fund staff assistance.

(9) That the legislative members of the commission shall not receive payment of per diem.

(10) That all costs incurred by the commission, including but not limited to the costs of research and analysis, compensation for any nonprofit agency or private group that assists the commission by supplying staff support, and any expenses incurred or compensation received by members of the commission, shall be paid by contributions, grants, services, and in-kind donations from private sources."

Page 1, line 101, strike "LONG-TERM".

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

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YES	32	NO	1	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Amendment No. 2(L.004), by Senator Schultheis.

Amend the Heath and Shaffer, B. floor amendment, (SJR044_L.003), page1, line 20, strike "fifteen" and substitute "seventeen".

Page 2, after line 21, insert the following:

"(c) One member from a group representing tax limitation philosophy appointed by the Minority Leader of the Senate;

(d) One member from a group representing limited government philosophy appointed by the Minority Leader of the Senate."

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

YES	12	NO	21	EXCUSED	2	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	E
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	E	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Amendment No. 3(L.006), by Senator Brophy.

Amend the Heath and Shaffer, B. floor amendment, (SJR044_L.003), page 1, line 20, strike "fifteen"and substitute "seventeen".

Page 2, line 1, strike "Six" and substitute "Eight";

line 2, strike "Three" and substitute "Four";

line 3, strike "one" and substitute "two";

line 5, strike "Three" and substitute "Four";

line 6, strike "one" and substitute "two".

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

YES	13	NO	20	EXCUSED	2	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	E
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	E	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	N	Mitchell	Y	Schwartz	N		

Amendment No. 4(L.007), by Senator Renfroe.

Amend the Heath and Shaffer, B. floor amendment, (SJR044_L.003), page 2, line 24, strike "funding and" and substitute "funding,";
line 25, strike "care;" and substitute "care, and the creation and adequate funding of a state rainy day fund;".

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	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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		

Amendment No. 5(L.011), by Senator Kopp.

Amend the Heath and Shaffer, B. floor amendment, (SJR044_L.003), page 2, after line 28, insert the following:

"(4) The commission shall not consider the repeal of the Taxpayer's Bill of Rights, section 20 of article X of the State Constitution."

Renumber succeeding subsections accordingly.

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

YES	13	NO	20	EXCUSED	2	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	E
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	E	Keller	Y	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Amendment No. 6(L.012), by Senators Penry, Shaffer, Heath, and Scheffel.

Amend the Heath and Shaffer, B. floor amendment, (SJR044_L.003), page 1, line 20, strike "fifteen" and substitute "sixteen".

Page 2, strike lines 16 through 21 and substitute the following:

"(b) (I) Ten additional members, appointed as follows:

(A) Three by the President of the Senate;

(B) Two by the Minority Leader of the Senate;

(C) Three by the Speaker of the House of Representatives; and

(D) Two by the Minority Leader of the House of Representatives.

(II) The appointments specified in subparagraph (I) of this paragraph (b) shall be made no later than 30 days after the certification of funds pursuant to subsection (7) of this resolution has been made to the Speaker of the House of Representatives and the President of the Senate."

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	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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		

Amendment No. 7(L.009), by Senator Renfroe.

Amend the Heath and Shaffer, B. floor amendment, (SJR044_L.003), page 2, after line 21, insert the following:

"(3) Upon request of a member of the commission, staff shall prepare a dissenting opinion to the final strategic plan adopted by the commission. Such dissenting opinion shall be incorporated in any final findings or recommendations of the commission presented to Legislative Council."

Renumber succeeding subsections accordingly.

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

YES	13	NO	20	EXCUSED	2	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	E
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	E	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	N	Mitchell	Y	Schwartz	N		

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

YES	25	NO	8	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

Co-sponsors added: Boyd and Groff.

SJR09-054 by Senator(s) Keller; also Representative(s) Roberts--Concerning the designation of May 2009 as "Mental Health Month".

On motion of Senator Keller, 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	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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, Carroll M., Foster, Gibbs, Groff, Harvey, Heath, Hodge, Hudak, Isgar, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Tapia, Tochtrop, Veiga, White and Williams.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that **HB09-1347** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB09-1353** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB09-1365** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB09-1367** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB09-1274** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB09-1288** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB09-1342** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 11, line 22, strike "one hundred eighty-three thousand five hundred";

line 23, strike "seventy-eight dollars (\$183,578)" and substitute "one hundred seventy-seven thousand eight hundred fifteen dollars (\$177,815)".

Appropriations After consideration on the merits, the Committee recommends that **HB09-1081** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 1, line 102, strike "**HOMICIDE, AND MAKING AN**" and substitute "**HOMICIDE.**";

strike line 103.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON SB09-281

 THIS REPORT AMENDS THE
 REREVISED BILL

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

Your first conference committee appointed on SB09-281,
concerning Pinnacol Assurance, and, in connection therewith, clarifying
the operation of Pinnacol Assurance as a political subdivision of the state,
creating a legislative interim committee to study worker safety and the
system of compensation for work-related injuries, and requiring
performance audits of Pinnacol Assurance, has met and reports that it has
agreed upon the following:

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

Amend rerevised bill, page 3, strike lines 17 through 26, and substitute
the following:

**"8-45-125. Legislative interim committee on operation of
Pinnacol Assurance - creation - members - study -report - repeal.**

(1) THERE IS HEREBY CREATED A LEGISLATIVE INTERIM COMMITTEE TO
STUDY ISSUES RELATED TO PINNACOL ASSURANCE AS SET FORTH IN
SUBSECTION (3) OF THIS SECTION."

Page 4, line 1, strike "THIRTEEN" and substitute "SIXTEEN";

strike lines 12 and 13 and substitute the following:
"ASSURANCE DESIGNATED BY SUCH BOARD;

(V) THE INSURANCE COMMISSIONER OR HIS OR HER DESIGNEE; AND

(VI) EACH OF THE FOLLOWING APPOINTED JOINTLY BY THE
PRESIDENT OF THE SENATE, MINORITY LEADER OF THE SENATE, SPEAKER
OF THE HOUSE OF REPRESENTATIVES, AND MINORITY LEADER OF THE
HOUSE OF REPRESENTATIVES:

(A) A POLICYHOLDER INSURED BY PINNACOL ASSURANCE;

(B) AN INJURED WORKER; AND

(C) A MEMBER OF THE PUBLIC WHO HAS KNOWLEDGE OF THE
COLORADO WORKERS' COMPENSATION SYSTEM.";

strike lines 23 through 25, and substitute the following:

"TO THE OPERATION OF PINNACOL ASSURANCE INCLUDING, BUT NOT
LIMITED TO,".

Page 1, strike lines 105 and 106 and substitute the following:

**"THE OPERATION OF PINNACOL ASSURANCE, AND REQUIRING
PERFORMANCE";**

line 107, strike "PINNOCAL" and substitute "PINNACOL".

Respectfully submitted,

Senate Committee:
(signed)
Senator Shaffer, Chair
Senator Hodge
Senator Kopp

House Committee:
(signed)
Representative Weissmann, Chair
Representative Pace
Representative B. Gardner

MESSAGE FROM THE HOUSE

May 1, 2009

The House has postponed indefinitely SB09-130. The bill is returned herewith.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB09-245, amended as printed in House Journal, April 29, page 1638, and amended on Third Reading as printed in House Journal, May 1.

SB09-235, amended as printed in House Journal, April 29, pages 1638-1639.

The House has passed on Third Reading and returns herewith SB09-293.

The House has voted not to concur in the Senate amendments to HB09-1338 and requests that a conference committee be appointed. The Speaker has appointed Representatives Casso, chairman, Soper, and Priola as House conferees on the First Conference Committee on HB09-1338. The bill is transmitted herewith.

The House has adopted the First Report of the First Conference Committee on HB09-1164, as printed in House Journal, April 28, pages 1351-1352, and has repassed the bill as amended.

The House has adopted and returns herewith SJR09-042.

The House has adopted and transmits herewith HJR09-1023, as printed in House Journal.

The House has adopted and transmits herewith HJR09-1027, and amended as printed in House Journal, May 1.)

MESSAGE FROM THE REVISOR OF STATUTES

May 1, 2009

We herewith transmit:

Without comment, as amended, SB09-245.

Without comment, as amended, SB09-235.

SENATE SERVICES REPORT

Correctly Printed: SJR09-057 and 058.

Correctly Engrossed: SB09-297; SJR09-039, 048 and 056.

Correctly Reengrossed: SB09-085, 233, 286, 289, 292, 295 and 296; SJR09-039, 048, and 056.

Correctly Revised: HB09-1017, 1039, 1047, 1111, 1123, 1132, 1163, 1202, 1266, 1267, 1290, 1298, 1310, 1320, 1326, 1330 and 1348.

Correctly Rerevised: HB09-1243 and 1338; HJR09-1020.

Correctly Enrolled: SB09-076, 243, 248, 249, 254, 258 and 275; SJR09-037, 041 and 051.

THIRD READING OF BILLS -- FINAL PASSAGE

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

HB09-1348 by Representative(s) Weissmann; also Senator(s) Carroll M.--Concerning activities resulting from the performance of legislative duties.

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

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

HB09-1267 by Representative(s) Todd; also Senator(s) Bacon--Concerning the removal of statutory provisions describing pervasively sectarian educational institutions, and making an appropriation in connection therewith.

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

YES	32	NO	1	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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	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**.

HB09-1039 by Representative(s) McNulty; also Senator(s) Kopp--Concerning in-state tuition classification for honorably discharged military veterans, and making an appropriation therefor.

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	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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, Brophy, Carroll M., Foster, Gibbs, Groff, Harvey, Heath, Hodge, Isgar, Kester, King K., Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Romer, Scheffel, Schwartz, Shaffer B., Tochtrop, White and Williams.

HB09-1290 by Representative(s) Nikkel and Apuan; also Senator(s) Harvey, Bacon--Concerning increasing the maximum amount of money that the Colorado commission on higher education may allocate for the purpose of providing tuition assistance to members of the National Guard, and making an appropriation therefor.

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	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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, Brophy, Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Isgar, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Tochtrop, White and Williams.

HB09-1330 by Representative(s) Curry; also Senator(s) Isgar--Concerning fees assessed on certain feeding operations under the "Colorado Water Quality Control Act", and making an appropriation in connection therewith.

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	E
Brophy	Y	Isgar	Y	Penry	N	Tapia	Y
Cadman	E	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	Y	Scheffel	N	Williams	Y
Harvey	Y	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**.

HB09-1310 by Representative(s) Levy, Apuan, Court, McCann, Pace, Ryden; also Senator(s) Heath--Concerning the misclassification of employees as independent contractors for purposes of the "Colorado Employment Security Act", and making an appropriation therefor.

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

YES	28	NO	5	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	Keller	Y	Renfroe	Y	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: Carroll M., Groff and Shaffer B.

HB09-1266 by Representative(s) McCann; also Senator(s) Carroll M.--Concerning the repeal of the loss of driving privileges as a penalty for certain crimes, and, in connection therewith, making an appropriation.

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	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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 and Hudak.

HB09-1163 by Representative(s) Gardner C., Baumgardner, Bradford, King S., Looper, May, McNulty, Murray, Scanlan, Summers, Tipton, Todd, Vaad; also Senator(s) Romer, Spence, Brophy, Harvey--Concerning crimes in which the victim is a child.

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

YES	32	NO	1	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	N	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, Groff, Isgar, Kester, King K., Kopp, Mitchell, Newell, Penry, Renfroe, Scheffel, Schultheis, Tochtrop, White and Williams.

HB09-1047 by Representative(s) Todd; also Senator(s) Williams--Concerning a program for providing additional therapies to certain persons with disabilities who are eligible to receive Medicaid, and making an appropriation in connection therewith.

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	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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, Gibbs, Groff, Hodge, Morse, Newell and Tochtrop.

HB09-1320 by Representative(s) Marostica, Ferrandino, Pommer; also Senator(s) White, Keller, Tapia--Concerning an increase in fees paid for certain dairy licenses, and making an appropriation in connection therewith.

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

YES	25	NO	8	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	N	Tapia	Y
Cadman	E	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	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**.

HB09-1202 by Representative(s) Todd, Benefield, Middleton, Ryden; also Senator(s) Foster-- Concerning the regulation of persons who provide for the final disposition of dead human bodies in the normal course of business, and making an appropriation in connection therewith.

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	E
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	E	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: Bacon and Williams.

HB09-1123 by Representative(s) Lambert, Kerr J., Balmer, Baumgardner, Gardner B., Gardner C., King S., Liston, Lundberg, Marostica, Massey, Priola, Roberts, Stephens, Swalm, Waller; also Senator(s) Schultheis, Harvey, Brophy, Hodge, King K., Penry, Renfroe, Scheffel-- Concerning changes to crimes related to unlawful treatment of persons to align with similar law provisions, and making an appropriation in connection therewith.

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

Third Reading Amendment No. 1,(L.003), by Senator Schultheis.

Amend revised bill, page 3, strike lines 11 through 27.

Strike pages 4 through 6.

Page 7, strike lines 1 through 21.

Re-number succeeding section accordingly.

Page 1, strike lines 103 and 104 and substitute "**PROVISIONS.**".

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	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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, 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	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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**.

HB09-1017 by Representative(s) Pace; also Senator(s) Hodge--Concerning the water efficiency grant program cash fund, and, in connection therewith, giving the Colorado water conservation board continuous authority to spend moneys transferred to the water efficiency grant program cash fund from the operational account of the severance tax trust fund.

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

YES	32	NO	1	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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	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: Gibbs, Isgar, Penry and Schwartz.

HB09-1326 by Representative(s) Carroll T. and Court, Apuan, Benefield, Casso, Curry, Ferrandino, Fischer, Green, Hullinghorst, Kefalas, Kerr A., Levy, May, McCann, McFadyen, Merrifield, Middleton, Miklosi, Peniston, Pommer, Ryden, Scanlan, Schafer S., Solano, Stephens, Todd, Vigil; also Senator(s) Shaffer B., Bacon, Boyd, Groff, Heath, Penry, Williams--Concerning the integrity of the statewide citizen-initiated petition process, and making an appropriation therefor.

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

Third Reading Amendment No. 1,(L.043), by Senator Shaffer.

Amend revised bill, page 32, line 18, strike "2009." and substitute "2009, and sections 1 and 12 of this act shall take effect on January 1, 2010.".

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	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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, pass?", the roll call was taken with the following result:

YES	28	NO	5	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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	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, Hodge, Isgar, Keller, Morse, Newell, Sandoval, Schwartz, Tapia and Tochtrop.

HB09-1111 by Representative(s) Massey, Swalm; also Senator(s) Boyd and Schwartz--Concerning measures to increase the availability of health resources in designated areas in Colorado, and, in connection therewith, creating the primary care office in the prevention services division in the department of public health and environment to maximize state and federal programs that provide health resources, and making an appropriation.

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	E
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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, Gibbs, Heath, Hodge, Hudak, Shaffer B., Tapia, Tochtrop and Williams.

HB09-1298 by Representative(s) McFadyen and Gardner C., Liston, Rice, Solano; also Senator(s) Mitchell, Heath, Scheffel, Schwartz--Concerning economic development for the trucking industry in Colorado, and making an appropriation in connection therewith.

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	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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, Gibbs, Hudak, Kester, King K., Kopp, Newell, Penry, Tapia, Tochtrop and White.

HB09-1132 by Representative(s) Murray and Priola, Liston, Benefield, Labuda, Waller; also Senator(s) Heath, Scheffel--Concerning the use of messaging systems to commit unlawful activity.

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	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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, Brophy, Gibbs, Groff, Harvey, Hodge, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Schultheis, Schwartz, Shaffer B., Tapia, Tochtrop, White and Williams.

SB09-297 by Senator(s) Sandoval; also Representative(s) Judd--Concerning projects funded with moneys received pursuant to the federal "American Recovery and Reinvestment Act of 2009", and, in connection therewith, establishing a process for the waiving of state contracting requirements for contracts for such projects in circumstances in which a waiver is necessary in order to ensure that the moneys can be timely and efficiently expended for their intended purposes, requiring the public utilities commission to give the fullest consideration for incentives to specified types of such projects, and including moneys received by the governor's energy office pursuant to the federal act and from specified other sources as principal of the clean energy fund.

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

YES	25	NO	8	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	E	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	Y	Scheffel	N	Williams	Y
Harvey	Y	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: Hudak

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

SB09-133 by Senator(s) Spence; also Representative(s) Primavera--Concerning increased surcharges for traffic violations that apply the moneys collected to the Colorado traumatic brain injury trust fund, and making an appropriation in connection therewith.

Laid over until Monday, May 4, retaining its place on the calendar.

SB09-173 by Senator(s) Veiga; also Representative(s) Rice--Concerning the economic development of large-scale regional tourism projects to be partially financed with a portion of state sales tax revenue above an existing base amount.

Senator Veiga moved that the Senate concur in House Amendments to SB09-173 as printed in House Journal, April 29, page 1597-1598.

A majority of all members elected to the Senate having voted in the affirmative, the motion was adopted on the following roll call vote:

Table with 4 columns: YES (33), NO (0), EXCUSED (2), ABSENT (0). Rows list members: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath and their corresponding votes for Hodge, Morse, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Tapia, Tochtrop, Veiga, White, Williams, and President.

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

Table with 4 columns: YES (30), NO (3), EXCUSED (2), ABSENT (0). Rows list members: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath and their corresponding votes for Hodge, Morse, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Tapia, Tochtrop, Veiga, White, Williams, and President.

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

SB09-021 by Senator(s) Kopp, Gibbs, Penry, Schwartz; also Representative(s) Scanlan and Levy, King, Lundberg--Concerning incentives for volunteer firefighters.

Senator Kopp moved that the Senate concur in House Amendments to SB09-021 as printed in House Journal, April 28, page 1566 .

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	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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, 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	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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 **repassed**.

SB09-180 by Senator(s) Tochtrop, Carroll M.; also Representative(s) Casso--Concerning collective bargaining by employees of public safety agencies.

Senator Tochtrop moved that the Senate concur in House Amendments to **SB09-180** as printed in House Journal, April 29, page 1606.

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	31	NO	2	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	N	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	N	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, pass?" the roll call was taken with the following result:

YES	18	NO	15	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	N	Isgar	N	Penry	N	Tapia	Y
Cadman	E	Keller	N	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	N	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	N	Schwartz	Y		

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

Co-sponsors added: Groff and Romer.

SB09-226 by Senator(s) Sandoval; also Representative(s) Gagliardi--Concerning policies for the management of food allergies among school children, and making an appropriation in connection therewith.

Senator Sandoval moved that the Senate not concur in House amendments to **SB09-226**, as printed in House Journal, April 29, page 1609-1614, and that a Conference Committee be appointed.

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	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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 President appointed Senators Sandoval, Chair, Hudak, and Lundberg as Senate Conferees on the First Conference Committee on **SB09-226**.

The Senate granted permission to the Senate Conferees to go beyond the scope of the differences between the two Houses.

SB09-163

by Senator(s) Hudak and King K.; also Representative(s) Middleton and Massey-- Concerning the education accountability system, and making an appropriation therefor.

Senator Hudak moved that the Senate concur in House Amendments to **SB09-163** as printed in House Journal, April 30, pages 1617.

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	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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, pass?" the roll call was taken with the following result:

YES	28	NO	5	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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	Y	Lundberg	Y	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 **repassed**.

Co-sponsors added: Carroll M., Penry and White.

SB09-118

by Senator(s) Gibbs, Hodge, Isgar; also Representative(s) Fischer--Concerning continuation of pet animal care regulation, and making an appropriation therefor.

Senator Gibbs moved that the Senate concur in House Amendments to **SB09-118** as printed in House Journal, April 29, page 1617.

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	23	NO	10	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	E	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		

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	E
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	E	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 **repassed**.

Co-sponsors added: Newell, Schwartz and Tochtrop.

SB09-006 by Senator(s) Boyd, Keller; also Representative(s) Solano--Concerning creation of an identification processing unit for detention facilities, and making an appropriation in connection therewith.

Senator Boyd moved that the Senate concur in House Amendments to **SB09-006** as printed in House Journal, April 29, page 1618.

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	27	NO	6	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

The question being "Shall the bill, as amended, 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	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1246** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Transportation Committee Report, dated April 30, 2009, page 1, after line 2, insert the following:

"strike lines 11 through 13 and substitute the following:

"IMPROVEMENT SCHOOLS PURSUANT TO THIS SECTION. THE MONEYS IN THE FUND AT THE END OF";".

Page 2 of the committee report, strike lines 19 through 23 and substitute the following:

"instruction in traffic accident prevention. UPON COMPLETION OF THE COURSE, THE COURT MAY SUSPEND ALL OR A PORTION OF THE FINE OR SENTENCE OF IMPRISONMENT. Unless otherwise provided";

line 25, strike "A PERSON" and substitute "EFFECTIVE JANUARY 1, 2010, A PERSON".

Page 3 of the committee report, line 1, strike "WHEN" and substitute "If";

line 3, strike "THE ENTITY SHALL" and substitute "ENTITY.".";

strike lines 4 and 5 of the committee report;

after line 5 of the committee report, insert the following:

"strike lines 16 through 23 and substitute the following:

"SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the defensive driving school fund created in section 42-1-223 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2009, the sum of twenty-nine thousand one hundred seventy dollars (\$29,170) cash funds and 0.5 FTE, or so much thereof as may be necessary, for oversight of the entity providing the monitoring services necessary for the implementation of this act."

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1126** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 13, strike "2013-14," and substitute "2016-17,".

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Bacon, Chair, Newell, and Mitchell as Senate Conferees on the First Conference Committee on **HB09-1338**.

RECALL OF HJR09-1020

Senator Romer moved to recall **HJR09-1020** for the purpose of reconsideration. A majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**. The bill was ordered recalled.

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MESSAGE FROM THE HOUSE

May 1, 2009

In response to the request of the Senate for the recall of HJR09-1020, the bill is transmitted herewith.

RECONSIDERATION OF HJR09-1020

HJR09-1020 by Representative(s) Middleton, Todd, Massey, Ferrandino, Benefield, Kerr A., Merrifield, Peniston, Pommer, Scanlan, Solano; also Senator(s) Romer--Concerning the creation of an interim committee to study the financing of public schools.

Having voted on the prevailing side, Senator Romer moved for reconsideration of the last Senate action, adoption of HJR09-1020. 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	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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, reconsideration was granted.

CONSIDERATION OF RESOLUTIONS

HJR09-1020 by Representative(s) Middleton, Todd, Massey, Ferrandino, Benefield, Kerr A., Merrifield, Peniston, Pommer, Scanlan, Solano; also Senator(s) Romer--Concerning the creation of an interim committee to study the financing of public schools.

Amendment No. 1(L.002), by Senator Romer.

Amend revised joint resolution, page 1, line 14, after "funding" insert "is adequate to meet the standards set by the Colorado Constitution and the General Assembly as stated above, and that it".

Page 2, after line 7, insert the following:

"WHEREAS, Examining the adequacy of funding for public education from preschool through twelfth grade will require the state to focus both on the adequacy, quality, and equitability of inputs, as well as on monitoring the outcomes in public education, such as the graduation rate, narrowing the achievement gap, academic growth of minority, at-risk, English-language learning, special needs and gifted and talented students, and other measurable educational results; and";

after line 28, insert the following:

"WHEREAS, The success of the "Preschool to Postsecondary Education Alignment Act" and other education reforms depends in great part on teacher quality and continuing professional development, and, therefore, Colorado's finance policy should be designed with the goal of allowing Colorado, its schools, and its districts to attract, retain, and train a teaching corps second to none in the nation; and";

line 30, strike "that, to the extent possible," and substitute "that";

line 33, strike "skills;" and substitute "skills and to become life-long learners;";

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after line 33, insert the following:

"WHEREAS, Toward that goal, the "Preschool to Postsecondary Education Alignment Act" along with other education reforms enacted by the General Assembly, the potential for additional federal dollars under the "Race for the Top" grant program, the proceedings of the Governor's P-20 Coordinating Council, and the advent of other public and private education reform initiatives have placed Colorado in an historic position to create a new, lasting, and comprehensive vision for a twenty-first century education system; and

WHEREAS, The Colorado General Assembly, being duly elected and geographically diverse, is the proper locus of decision-making in developing such a clear, actionable vision for a twenty-first century public education system, designed with the best interest of students first and foremost, rather than budget savings or minimization; and";

after line 42, insert the following:

"WHEREAS, Implementing a new, reconfigured school finance act without adding significant new resources to fill such a funding gap, in addition to the larger gap created by the sunset of the extra one-percent requirement of Amendment 23 and the expiration of Referendum C, would require the legislature to pit various groups of children, including urban, rural, special needs, English-language learners, gifted and talented, and at-risk, against each other in a manner that is detrimental to all; and".

Page 3, line 1, before "will", insert "an actionable vision for a twenty-first century public education system and that";

after line 3, insert the following:

"WHEREAS, The General Assembly will need to know how much money is necessary to implement an actionable vision for a twenty-first century education, to continue educational reforms, and to fund a standards-based education system; and";

after line 35, insert the following:

"(d) The ways in which funding for public schools could be modified to ensure not only the equitable distribution of moneys, but also to ensure the funding necessary to meet the mandates and standards established by federal and state law;".

Reletter succeeding paragraphs accordingly.

Page 3, line 38, strike "who are ready";

after line 39, insert the following:

"(f) Ways in which the "Public School Finance Act of 1994" could be modified to improve Colorado schools' and districts' ability to attract, retain, mentor, induct, and train high-quality teachers and principals; and".

Reletter succeeding paragraphs accordingly.

Page 4, line 9, strike "at-risk" and substitute "and providing appropriate services and educational opportunities for at-risk, special needs, English-language learning, and gifted and talented";

line 13, strike the second "and";

after line 15, insert the following:

"(m) The consequences to students from both a geographic and demographic perspective of implementing a new school finance act under current budget conditions, without the addition of new revenues; and

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(n) How current reform efforts, both those already statutorily enacted and those proposed by various councils and public and private sources, could be synthesized into a new school finance act with other necessary supporting legislation to create an actionable vision for Colorado's twenty-first century public education system that could and would be enacted only upon the provision of new resources by the voters of the state of Colorado;"

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

YES	23	NO	10	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	E	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		

Amendment No. 2(L.003), by Senator Schwartz.

Amend revised joint resolution, page 4, after line 15, insert the following:

"(k) Methods to provide appropriate support and funding for regional service areas;"

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	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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 resolution, as amended, 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	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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 resolution was declared **passed**.

Co-sponsors added: King K., and Shaffer B.

On motion of Senator Shaffer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB09-1067, HB09-1342 were made Special Orders at 1:10 p.m.

Committee The hour of 1:10 p.m. having arrived, Senator Heath moved that the Senate resolve

of the Whole itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Heath was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

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

HB09-1067 by Representative(s) Pommer; also Senator(s) White--Concerning the establishment of an incentive for the donation of water rights to the Colorado water conservation board for use as instream flow rights.

Amendment No. 1, Agriculture & Natural Resources Committee Amendment.
(Printed in Senate Journal, April 29, page 1403-1404 and placed in members' bill files.)

Amendment No. 2(L.007), by Senator Isgar and White.

Amend the Agriculture and Natural Resources Committee Report, dated April 29, 2009, page 1, line 4, after the period, add "THE CREDIT SHALL NOT BE AVAILABLE FOR A WATER RIGHT THAT IS DECREED FOR IRRIGATION ON LAND FOR WHICH A CONSERVATION EASEMENT TAX CREDIT IS CLAIMED PURSUANT TO SECTION 39-22-522 UNLESS SUCH WATER RIGHT IS SPECIFICALLY EXCLUDED FROM THE TERMS OF SUCH CONSERVATION EASEMENT. THE BOARD SHALL APPROVE A CREDIT BY ISSUING TO THE PERSON A CREDIT CERTIFICATE ON OR BEFORE SEPTEMBER 1 OF THE TAX YEAR IN WHICH THE DONATION IS ACCEPTED."

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

HB09-1342 by Representative(s) Benefield and Kagan, Ferrandino, Fischer, Gagliardi, Green, Hullinghorst, Judd, Kerr A., Labuda, McCann, Merrifield, Middleton, Ryden, Scanlan, Todd; also Senator(s) Boyd and Williams, Bacon, Carroll M., Foster, Heath, Hudak, Morse, Newell, Romer, Schwartz, Shaffer B., Veiga--Concerning the elimination of the state sales and use tax exemption for cigarettes, and making an appropriation in connection therewith.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, April 30, page 1452 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 1, and placed in members' bill files.)

As amended, ordered revised 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 Heath, the Report of the Committee of the Whole was adopted on the following roll call vote:

YES	31	NO	2	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	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	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: HB09-1067 as amended, HB09-1342 as amended.

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 Friday, May 1 was laid over until Monday, May 4, retaining its place on the calendar.

- Special Orders: HB09-1204, HB09-1020
- General Orders -- Second Reading of Bills -- Consent Calendar: HB09-1345.
- General Orders -- Second Reading of Bills: HB09-1065, HB09-1319, HB09-1094, HB09-1349, HB09-1341.
- Consideration of Resolutions: SR09-015, SJR09-040, HJR09-1014, HJR09-1016, HJR09-1021, SJR09-050, SJR09-055, HJR09-1022, HJR09-1024, SJR09-057, SJR09-058.
- Consideration of Memorials: SJM09-003, SJM09-004, SJM09-005, SJM09-006, SJM09-009.
- Consideration of Governor's Appointments:
 - Members of the Pinnacol Assurance Board of Directors
 - Members of the Colorado School of Mines, Board of Trustees
 - Member of the Board of Trustees for the Colorado School for the Deaf and the Blind
 - Members of the Colorado Children's Trust Fund Board
 - Members of the CoverColorado Board of Directors
 - Members of the Colorado Water Conservation Board
 - Members of the State Board of Parole
 - Members of the Colorado Civil Rights Commission
 - Members of the Colorado Commission on Judicial Discipline
 - Members of the State Board of Nursing
 - Members of the Air Quality Control Commission
 - Members of the Colorado Health Facilities Authority Board of Directors
 - Members of the University of Colorado Hospital Authority Board of Directors
- Consideration of Conference Committee Reports: SB09-271, SB09-269, 279.
- Conference Committees to Report: SB09-256.

On motion of Senator Shaffer, the Senate adjourned until 10:00 a.m., Monday, May 4, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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