

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

97th Legislative Day

Monday, April 13, 2009

Prayer	By the chaplain, Rev. Bill Calhoun, Montview Blvd. Presbyterian Church, Denver.	11
Pledge	By Senator Romer.	13
Call to Order	By the President at 10:00 a.m.	15
Roll Call	Present--34 Absent--1, Tochtrop. Present later--1, Tochtrop.	18 19 20
Quorum	The President announced a quorum present.	22
Reading of Journal	On motion of Senator Carroll, reading of the Journal of Thursday, April 9, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.	24 25
	On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the Special Orders -- Second Reading of Bills Calendar (SB09-180, HB09-1180, HB09-1042, SB09-235) of April 13 was laid over to follow the General Orders -- Second Reading of Bills Calendar.	27 28 29 30

INTRODUCTION OF MEMORIALS

The following memorial was read by title:

SM09-002 by Senator(s) Tochtrop; --Memorializing former Senator Joan Johnson.

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

INTRODUCTION OF BILLS -- FIRST READING

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

HB09-1242	by Representative(s) Summers; also Senator(s) King K.--Concerning contributions to research institutions at Colorado institutions of higher education.	48 49
	Finance	50
	Appropriations	51
HB09-1246	by Representative(s) Peniston; also Senator(s) Morse--Concerning the evaluation of driving schools attended as a result of a court order resulting from a violation of a law regulating the operation of a motor vehicle, and making an appropriation in connection therewith.	53 54 55
	Transportation	56
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.	58 59
	Judiciary	60
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.	62 63 64
	Education	65
	Appropriations	66

HB09-1282 by Representative(s) Fischer; also Senator(s) Schwartz, Hodge--Concerning the recycling of certain electronic devices, and, in connection therewith, establishing a task force within the department of public health and environment to make recommendations regarding the implementation of electronic device recycling programs and making an appropriation.
Health and Human Services

HB09-1289 by Representative(s) Curry; also Senator(s) Isgar--Concerning the species conservation trust fund, and, in connection therewith, approving the species conservation eligibility list.
Agriculture and Natural Resources

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.
Education
Appropriations

HB09-1303 by Representative(s) Curry; also Senator(s) Isgar--Concerning the application of engineering criteria to increase efficiency in the administration of wells that withdraw ground water in conjunction with the mining of minerals, and, in connection therewith, integrating wells that withdraw ground water in conjunction with the mining of minerals into the prior appropriation system and extending the time schedule for well owners to correct deficiencies in permitting and operation.
Agriculture and Natural Resources

**THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR**

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

HB09-1295 by Representative(s) Todd and Massey, Carroll T., Benefield, Merrifield, Middleton, Casso, Frangas, Hullinghorst, Kerr A., Labuda, McGihon, Miklosi, Murray, Scanlan; also Senator(s) Heath, Bacon, King K., Veiga, Spence--Concerning authorizing Metropolitan state college of Denver to offer master's degree programs.

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

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

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

Co-sponsors added: Boyd, Carroll M., Foster, Gibbs, Groff, Hodge, Hudak, Newell, Schwartz, Shaffer B., Tochtrop and Williams.

HB09-1130 by Representative(s) Gardner B.; also Senator(s) Isgar--Concerning the collection of sales taxes by a county government.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	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**.

HB09-1213 by Representative(s) Gagliardi; also Senator(s) Schwartz--Concerning the creation of the housing development grant fund in the state treasury to be administered by the division of housing for purposes associated with increasing the supply of affordable housing in the state.

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

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

THIRD READING OF BILLS -- FINAL PASSAGE

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

SB09-093 by Senator(s) Williams, Heath, King K.; also Representative(s) Marostica, Middleton, Rice, Roberts--Concerning identity theft.

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

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

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

Co-sponsors added: Boyd, Brophy, Cadman, Foster, Gibbs, Groff, Kopp, Lundberg, Mitchell, Penry, Renfroe, Romer, Schultheis, Schwartz, Shaffer B. and Tochtrop.

HB09-1287 by Representative(s) McGihon; also Senator(s) Mitchell--Concerning changes to the "Colorado Probate Code".

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

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

SB09-223 by Senator(s) Boyd, Kester, White; also Representative(s) Kerr A. and Gardner B.-- Concerning revisions to the retail food establishment inspection process.

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

YES	25	NO	10	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	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, Foster, Groff and Heath.

SB09-245 by Senator(s) Sandoval; --Concerning changes to conform to portions of federal Public Law 110-351 relating to kinship.

Laid over until Tuesday, April 14, retaining its place on the calendar.

HB09-1001 by Representative(s) Rice, Balmer, Liston, McFadyen, Solano; also Senator(s) Heath, Mitchell, Scheffel, Schwartz, Veiga--Concerning the creation of an income tax credit to incentivize Colorado job growth.

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

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

HB09-1063 by Representative(s) Summers; also Senator(s) Penry--Concerning granting in-state student status to a child who moves to Colorado during the child's senior year of high school as the

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result of the child's legal guardian taking a job in the state.

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

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

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

Co-sponsors added: Bacon, Boyd, Gibbs, Groff, Heath, Hudak, Isgar, Kester, Mitchell, Newell, Schwartz, Shaffer B., Spence, Tapia, Tochtrop and Williams.

SB09-135 by Senator(s) Penry; --Concerning information collection regarding parole decisions.

Laid over until Tuesday, April 14, retaining its place on the calendar.

SB09-121 by Senator(s) White; also Representative(s) May--Concerning the sales and use tax exempt status of meals provided to employees of a business where prepared food is regularly sold.

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

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

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

Co-sponsors added: Bacon, Brophy, Cadman, Foster, Gibbs, Groff, Heath, Isgar, King K., Kopp, Lundberg, Newell, Sandoval, Shaffer B. and Spence.

SB09-089 by Senator(s) King K., Hudak, Kopp, Spence; also Representative(s) Middleton, Gardner B., Massey, Murray, Summers, Tipton--Concerning the state charter school institute, and making an appropriation in connection therewith.

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

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

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

Co-sponsors added: Gibbs, Groff, Lundberg, Mitchell, Newell, Romer, Scheffel, Schultheis and White.

SB09-281

by Senator(s) Shaffer B., Groff, Hodge, Keller, Morse, Romer, White, Tapia; also Representative(s) Weissmann--Concerning Pinnacol Assurance, and, in connection therewith, clarifying the operation of Pinnacol Assurance as a political subdivision of the state, requiring Pinnacol Assurance to pay a policyholder dividend, and putting in place measures for the general assembly to assess the operation of Colorado laws governing worker safety and injury compensation.

Senator Mitchell moved to lay over SB09-281 to follow SB09-262.

Less than a majority of all members elected to the Senate having voted in the affirmative, the motion to lay over **SB09-281** to follow SB09-262 was declared **lost** on the following roll call vote:

YES	15	NO	20	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	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		

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

YES	18	NO	15	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	*	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	N	White	Y
Gibbs	N	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	*	Mitchell	N	Schwartz	N		

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

* Abstaining from voting under Senate Rule 17(c) -- Senators Heath and Penry.

IMMEDIATE RECONSIDERATION OF SB09-281

SB09-281

by Senator(s) Shaffer B., Groff, Hodge, Keller, Morse, Romer, White, Tapia; also Representative(s) Weissmann--Concerning Pinnacol Assurance, and, in connection therewith, clarifying the operation of Pinnacol Assurance as a political subdivision of the state, requiring Pinnacol Assurance to pay a policyholder dividend, and putting in place measures for the general assembly to assess the operation of Colorado laws governing worker safety and injury compensation.

Having voted on the prevailing side, Senator Tochtrop moved for immediate reconsideration of the last Senate action, Third Reading of Bills--Final Passage, on SB09-281. The roll call was taken with the following result:

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

Less than a majority of all members elected to the Senate having voted in the affirmative, reconsideration was **lost**.

* Abstaining from voting under Senate Rule 17(c) -- Senators Heath and Penry.

SB09-273

by Senator(s) White, Keller, Tapia; also Representative(s) Marostica, Ferrandino, Pommer--
Concerning changes in the laws governing Pinnacol Assurance to allow the state to make
use of certain funds authorized by statute to be collected by Pinnacol Assurance, and, in
connection therewith, augmenting state revenues by requiring the transmittal of certain
surplus funds of Pinnacol Assurance to the state treasury, clarifying the laws governing
Pinnacol Assurance's funds, and making an appropriation.

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

YES	19	NO	14	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	*	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	N	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	*	Mitchell	N	Schwartz	N		

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

SB09-259

by Senator(s) Keller, Tapia, White; also Representative(s) Pommer, Ferrandino, Marostica--
Concerning the provision for payment of the expenses of the executive, legislative, and
judicial departments of the state of Colorado, and of its agencies and institutions, for and
during the fiscal year beginning July 1, 2009, except as otherwise noted.

On a substitute motion, Senator Brophy moved that **SB09-259** be referred to the
Committee on Appropriations. The motion **failed** by the following roll call vote:

YES	12	NO	22	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	N
Gibbs	N	Kopp	E	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

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

YES	22	NO	12	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	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**.

Senate in recess. Senate reconvened.

Call of the Senate.

Call raised.

THIRD READING OF BILLS -- FINAL PASSAGE -- con't

SB09-260 by Senator(s) White, Keller, Tapia; also Representative(s) Pommer, Ferrandino, Marostica--
Concerning the transfer in state fiscal years 2008-09 and 2009-10 of all moneys not
otherwise allocated from state public school lands to the state public school fund instead of
the permanent school fund, and making an appropriation in connection therewith.

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

YES	30	NO	3	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	E	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	E	Schwartz	Y		

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

SB09-261 by Senator(s) Tapia, Keller, White; also Representative(s) Ferrandino, Pommer, Marostica--
Concerning the use of moneys in the supplemental old age pension health and medical care
fund to pay for services received by certain persons in the state medicaid program, and
making an appropriation therefor.

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

YES	24	NO	9	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	E	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

SB09-262 by Senator(s) White, Keller, Tapia; also Representative(s) Marostica, Ferrandino, Pommer--
Concerning the funding source for state costs of the breast and cervical cancer prevention
and treatment program, 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	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	E	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

Co-sponsors added: Hudak and Tochtrop.

SB09-263 by Senator(s) White, Keller, Tapia; also Representative(s) Pommer, Ferrandino, Marostica--
Concerning payments to medicaid nursing facility providers, and making an appropriation in
connection therewith.

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

YES	27	NO	7	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	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	E	Schwartz	Y		

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

Co-sponsors added: Tochtrop

SB09-264 by Senator(s) Keller, Tapia, White; also Representative(s) Pommer, Ferrandino, Marostica--
Concerning the increased moneys received due to the federal "American Recovery and
Reinvestment Act of 2009", and making appropriations therefor.

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

YES	25	NO	9	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

SB09-265 by Senator(s) White, Keller, Tapia; also Representative(s) Pommer, Ferrandino, Marostica--
Concerning the timing of payments made under public medical assistance programs, and
making appropriations therefor.

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

Co-sponsors added: Boyd

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

SB09-267 by Senator(s) Tapia, Keller, White; also Representative(s) Ferrandino, Pommer, Marostica--
Concerning the percentage of costs that a county department of social services pays for a
child who is placed in a residential child care facility by the county department, and making
an appropriation in connection therewith.

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

YES	31	NO	3	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	N	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	E	Schwartz	Y		

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

Co-sponsors added: Hudak and Williams.

SB09-268 by Senator(s) Tapia, Keller, White; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning clarifying the appointment of state-paid professionals in cases involving children.

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

YES	31	NO	3	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	N	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	E	Schwartz	Y		

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

Co-sponsors added: Hudak and Williams.

SB09-269 by Senator(s) White, Keller, Tapia; also Representative(s) Ferrandino, Pommer, Marostica-- Concerning adjustment of the allocation of tobacco litigation settlement moneys received by the state during specified fiscal years, and, in connection therewith, requiring settlement moneys that are disputed payments and settlement moneys in excess of a specified amount to be credited to the general fund, requiring a portion of the moneys so credited to be transferred to the children's basic health plan trust and the nurse home visitor program fund, delaying mandated growth in the percentage of settlement moneys allocated for the Colorado nurse home visitor program by one fiscal year, and making appropriations.

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

SB09-270 by Senator(s) Tapia, Keller, White; also Representative(s) Marostica, Ferrandino, Pommer-- Concerning the crediting to the general fund of earnings generated during specified fiscal

years from the deposit and investment of cash funds that receive revenues from the constitutionally imposed taxes on cigarettes and tobacco products.

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	N	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

SB09-271 by Senator(s) Tapia, Keller, White; also Representative(s) Ferrandino, Pommer, Marostica-- Concerning the use of tobacco revenues generated under section 21 of article X of the state constitution in a state fiscal emergency, and making an appropriation therefor.

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

YES	21	NO	13	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	N	Shaffer B.	Y
Boyd	Y	Hudak	N	Newell	Y	Spence	N
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	N	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

SB09-272 by Senator(s) White, Keller, Tapia; also Representative(s) Marostica, Ferrandino, Pommer-- Concerning the Colorado high cost support mechanism, and, in connection therewith, transferring to the state treasurer moneys administered under the direction of the public utilities commission for the support of universal basic telephone service in high cost areas of the state.

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

SB09-274 by Senator(s) Keller, Tapia, White; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning the financing of the division of motor vehicles in the department of revenue, and, in connection therewith, authorizing appropriations from the highway users tax fund to the division of motor vehicles in the fiscal years 2008-09 and 2009-10, repealing the allocation of fees relating to driver's licenses and identification cards to the highway users

tax fund and crediting such fees to the licensing services cash fund, and modifying appropriations made to the division of motor vehicles in the fiscal year 2008-09 long appropriations bill.

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

YES	22	NO	12	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

Co-sponsors added: Williams

SB09-275 by Senator(s) Tapia, Keller, White; also Representative(s) Ferrandino, Pommer, Marostica-- Concerning the temporary elimination of the ability of any vendor to retain any amount of state sales tax revenues to compensate for the vendor's expenses incurred in the collection and remittance of the tax revenues to the state, 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	13	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

SB09-277 by Senator(s) Tapia, Keller, White; also Representative(s) Marostica, Ferrandino, Pommer-- Concerning the general fund reserve required for the 2009-10 state fiscal year.

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

YES	27	NO	8	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	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**.

IMMEDIATE RECONSIDERATION OF SB09-277

SB09-277 by Senator(s) Tapia, Keller, White; also Representative(s) Marostica, Ferrandino, Pommer-- Concerning the general fund reserve required for the 2009-10 state fiscal year.

Having voted on the prevailing side, Senator Shaffer moved for immediate reconsideration of the last Senate action, Third Reading of Bills--Final Passage, on SB09-277. The roll call was taken with the following result:

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

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE

SB09-277 by Senator(s) Tapia, Keller, White; also Representative(s) Marostica, Ferrandino, Pommer-- Concerning the general fund reserve required for the 2009-10 state fiscal year.

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

YES	26	NO	9	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	N	Spence	Y
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	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**.

SB09-276 by Senator(s) White, Keller, Tapia; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning the property tax exemptions for qualifying seniors and disabled veterans, and, in connection therewith, lowering for specified property tax years the maximum amount of actual value of the primary owner-occupied residence of a qualifying senior or a qualifying disabled veteran that is partly exempt from property taxation, and making an appropriation in connection therewith.

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

YES	19	NO	16	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	N
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	N	White	Y
Gibbs	N	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	N		

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

SB09-278 by Senator(s) Tapia, Keller, White; also Representative(s) Ferrandino, Pommer, Marostica-- Concerning the augmentation of the general fund during specified fiscal years with revenue that would otherwise be transferred to fund the capital construction needs of the state.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	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**.

SB09-279 by Senator(s) Tapia, Keller, White; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning the augmentation of the general fund through transfers of certain moneys.

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	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**.

SB09-280 by Senator(s) Keller, Tapia, White; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning funding for capital construction, and making supplemental appropriations in connection therewith.

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

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

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

RECONSIDERATION OF SB09-276

SB09-276 by Senator(s) White, Keller, Tapia; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning the property tax exemptions for qualifying seniors and disabled veterans, and, in connection therewith, lowering for specified property tax years the maximum amount of actual value of the primary owner-occupied residence of a qualifying senior or a qualifying disabled veteran that is partly exempt from property taxation, and making an appropriation in connection therewith.

Having voted on the prevailing side, Senator Spence moved for reconsideration of the last Senate action, Third Reading of Bills--Final Passage, on SB09-276. The roll call was

taken with the following result:

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

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE

SB09-276

by Senator(s) White, Keller, Tapia; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning the property tax exemptions for qualifying seniors and disabled veterans, and, in connection therewith, lowering for specified property tax years the maximum amount of actual value of the primary owner-occupied residence of a qualifying senior or a qualifying disabled veteran that is partly exempt from property taxation, and making an appropriation in connection therewith.

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	N
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	N	White	Y
Gibbs	N	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	N		

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

RECONSIDERATION OF SB09-269

SB09-269

by Senator(s) White, Keller, Tapia; also Representative(s) Ferrandino, Pommer, Marostica-- Concerning adjustment of the allocation of tobacco litigation settlement moneys received by the state during specified fiscal years, and, in connection therewith, requiring settlement moneys that are disputed payments and settlement moneys in excess of a specified amount to be credited to the general fund, requiring a portion of the moneys so credited to be transferred to the children's basic health plan trust and the nurse home visitor program fund, delaying mandated growth in the percentage of settlement moneys allocated for the Colorado nurse home visitor program by one fiscal year, and making appropriations.

Having voted on the prevailing side, Senator Shaffer moved for reconsideration of the last Senate action, Third Reading of Bills--Final Passage, on SB09-269. The roll call was taken with the following result:

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

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE

SB09-269

by Senator(s) White, Keller, Tapia; also Representative(s) Ferrandino, Pommer, Marostica--
Concerning adjustment of the allocation of tobacco litigation settlement moneys received by
the state during specified fiscal years, and, in connection therewith, requiring settlement
moneys that are disputed payments and settlement moneys in excess of a specified amount
to be credited to the general fund, requiring a portion of the moneys so credited to be
transferred to the children's basic health plan trust and the nurse home visitor program fund,
delaying mandated growth in the percentage of settlement moneys allocated for the
Colorado nurse home visitor program by one fiscal year, and making appropriations.

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	N	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	N	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	N		

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

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--SJR09-035.

CONSIDERATION OF RESOLUTIONS

SJR09-035

by Senator(s) White, Keller, Tapia; also Representative(s) Marostica, Ferrandino, Pommer--
Concerning the declaration of a state fiscal emergency pursuant to Section 21 (7) of Article X of the state constitution.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	N	Williams	Y
Harvey	N	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

COMMITTEE OF REFERENCE REPORTS

Health &
Human
Services

The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
MEDICAL SERVICES BOARD

effective July 2, 2008, for terms expiring July 1, 2012:

Linda M. Andre of Lakewood, Colorado, a resident of the 7th Congressional District, with knowledge of medical assistance programs, and a Democrat, appointed;

Mary Alice "Sally" Schaefer of Grand Junction, Colorado, a resident of the 3rd

Congressional District, with knowledge of medical assistance programs, and a Republican, reappointed;

Kathleen A. Chitty of Westminster, Colorado, a resident of the 2nd Congressional District, with knowledge of medical assistance programs, and a Republican, reappointed.

for a term expiring July 1, 2012:

Mary E. Young of Alamosa, Colorado, a Republican and resident of the 3rd Congressional District with experience in caring for medically underserved children, appointed.

for a term expiring July 1, 2010:

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

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON SB09-148

***** THIS REPORT AMENDS THE REREVISED BILL *****

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

Your first conference committee appointed on SB09-148, concerning revisions to the rules governing the safe interaction of bicycles with other vehicles on roadways, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 6, strike lines 24 through 27.

Page 7, strike lines 1 through 4.

Respectfully submitted,

Senate Committee: House Committee: Senator Brophy, Chair Representative Merrifield, Chair Senator Gibbs Representative A. Kerr Senator Heath Representative McNulty

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR09-036 by Senator(s) Bacon, Tapia; also Representative(s) Kefalas and Fischer, Marostica, Massey, McFadyen, Pace--Concerning recognition of the Colorado State University System.

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

INTRODUCTION OF BILLS -- FIRST READING

HB09-1010 The following bills were read by title and referred to the committees indicated: by Representative(s) Massey and McGihon; also Senator(s) Gibbs and Spence--Concerning

the promotion of Colorado as a location for film production activities, and making an appropriation therefor. 1
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State, Veterans & Military Affairs 3
Appropriations 4

HB09-1073 by Representative(s) Massey, Frangas, Kerr J., Riesberg; also Senator(s) Boyd and Kopp, 5
Morse--Concerning electronic prescriptions in the medical assistance program. 6
Health and Human Services 7
Appropriations 8
9

HB09-1094 by Representative(s) Levy, Fischer, Hullinghorst, Kefalas; also Senator(s) Bacon-- 10
Concerning wireless telephone prohibitions for drivers, and making an appropriation in 11
connection therewith. 12
State, Veterans & Military Affairs 13
14

HB09-1111 by Representative(s) Massey, Swalm; also Senator(s) Boyd and Schwartz--Concerning 15
measures to increase the availability of health resources in designated areas in Colorado, 16
and, in connection therewith, creating the primary care office in the prevention services 17
division in the department of public health and environment to maximize state and federal 18
programs that provide health resources, and making an appropriation. 19
Health and Human Services 20
Appropriations 21
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HB09-1137 by Representative(s) Judd; also Senator(s) Newell--Concerning intercepts, and, in 24
connection therewith, intercepting gambling winnings to pay outstanding 25
RESTITUTION, AND requiring the department of revenue to provide specified information 26
to state agencies in conjunction with intercepts of tax refunds, and making an appropriation. 27
State, Veterans & Military Affairs 28
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MESSAGE FROM THE GOVERNOR 30
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April 2, 2009 33
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To the Honorable 35
Colorado Senate 36
Colorado General Assembly 37
State Capitol Building 38
Denver, CO 80203 39
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Ladies and Gentlemen: 42
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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of 44
Colorado, I have the honor to designate, reappoint, and submit to your consideration, the 45
following: 46

**MEMBER OF THE 47
STATE BOARD OF 48
STOCK INSPECTION COMMISSIONERS 49**

effective May 1, 2009, for a term expiring May 1, 2013: 50
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Mark B. LeValley of Hotchkiss, Colorado, to represent the non-confinement cattle 52
industry, reappointed. 53
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Sincerely, 55
(signed) 56
Bill Ritter, Jr. 57
Governor 58
Rec'd: 4/3/09 59
Karen Goldman, Secretary of the Senate 60
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Committee on Agriculture & Natural Resources 62
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April 2, 2009 64
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To the Honorable 66
Colorado Senate 67
Colorado General Assembly 68
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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
AIR QUALITY CONTROL COMMISSION

for terms expiring January 31, 2012:

Robert A. Arnott of Greenwood Village, Colorado, a person with appropriate scientific and technical training or experience, and a Republican, reappointed;

Jon D. Slutsky of Wellington, Colorado, a person with appropriate agricultural training or experience, and a Republican, reappointed;

Dawn R. Meyers of Brighton, Colorado, a person with appropriate technical and industrial training or experience, and an Unaffiliated, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 4/3/09
Karen Goldman, Secretary of the Senate

Committee on Health & Human Services

April 2, 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
COLORADO CHILDREN'S TRUST FUND BOARD

for terms expiring November 7, 2011:

Lori A. Moriarty of Golden, Colorado, to serve as a parent, appointed;

Jesse F. Wolff of Englewood, Colorado, to fill a vacancy occasioned by the resignation of Theresa Rapstine of Denver, Colorado, and to serve as a representative with knowledge of child abuse prevention, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 4/3/09
Karen Goldman, Secretary of the Senate

Committee on Health & Human Services

March 19, 2009

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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 CIVIL RIGHTS COMMISSION

for terms expiring March 13, 2013:

Janelle R. Doughty of Marvel, Colorado, a Democrat and member of the community at large, appointed;

Eva Muniz Valdez of Pueblo, Colorado, a Democrat and member of the community at large, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 3/24/09
Karen Goldman, Secretary of the Senate

Committee on Judiciary

March 19, 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, reappoint and submit to your consideration the following:

MEMBERS OF THE
BOARD OF COMMISSIONERS OF STATE AND VETERANS NURSING HOMES

for a term expiring July 1, 2011:

Shelley K. Hitt of Centennial, Colorado, the state long-term care ombudsman; to fill the vacancy occasioned by the resignation of Jayla Sanchez-Warren of Golden, Colorado, appointed;

for terms expiring July 1, 2013:

Alexandra E. Hall of Denver, Colorado, a veteran, reappointed;

Patricia J. Kendall of Fruita, Colorado, who has expertise in nursing home operations and who has practical clinical experience in nursing homes, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 3/24/09
Karen Goldman, Secretary of the Senate

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Committee on State, Veterans, & Military Affairs

MESSAGE FROM THE GOVERNOR

April 9, 2009

To the Honorable Senate
Sixty-seventh General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

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

SB09-035 CONCERNING A PENALTY FOR A VIOLATION OF CERTAIN PROSCRIBED ACTS FOR GOVERNMENT OFFICIALS.

Approved April 9, 2009 at 3:50 p.m.

SB09-097 CONCERNING CLARIFYING CHANGES TO PROVISIONS PERTAINING TO INSTITUTIONAL PEACE OFFICERS.

Approved April 9, 2009 at 3:51 p.m.

SB09-114 CONCERNING THE CONTINUATION OF THE AUTHORITY OF THE DEPARTMENT OF AGRICULTURE TO REGULATE THE SALE OF AGRICULTURAL PRODUCTS, AND, IN CONNECTION THEREWITH, REGULATING FARM PRODUCTS AND COMMODITY WAREHOUSES.

Approved April 9, 2009 at 3:51 p.m.

SB09-147 CONCERNING THE AUTHORIZATION OF SUBSTITUTE WATER SUPPLY PLANS FOR THE REPLACEMENT OF OUT-OF-PRIORITY DEPLETIONS CAUSED BY HISTORIC DIVERSIONS FROM WELLS INCLUDED IN DECREED AUGMENTATION PLANS ENTERED BY THE WATER COURT FOR WATER DIVISION 1.

Approved April 9, 2009 at 3:35 p.m.

SB09-179 CONCERNING COMMUNICABLE DISEASE CONTROL.

Approved April 9, 2009 at 3:53 p.m.

Sincerely,

Bill Ritter, Jr.
Governor

RECONSIDERATION OF SJR09-035

SJR09-035 by Senator(s) White, Keller, Tapia; also Representative(s) Marostica, Ferrandino, Pommer-- Concerning the declaration of a state fiscal emergency pursuant to Section 21 (7) of Article X of the state constitution.

Having voted on the prevailing side, Senator Renfroe moved for reconsideration of the last Senate action, Consideration of Resolutions on SJR09-035. The roll call was taken with the following result:

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

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

Call of the Senate. Call raised.

CONSIDERATION OF RESOLUTIONS

SJR09-035 by Senator(s) White, Keller, Tapia; also Representative(s) Marostica, Ferrandino, Pommer-- Concerning the declaration of a state fiscal emergency pursuant to Section 21 (7) of Article X of the state constitution.

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	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	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

SENATE SERVICES REPORT

- Correctly Printed:** SB09-283 and 284; SR09-015.
- Correctly Engrossed:** SB09-089, 093, 121, 135, 223, 245, 259, 260, 261, 262, 263, 264, 265, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280 and 281
- Correctly Reengrossed:** SB09-252 and 254.
- Correctly Revised:** HB09-1001, 1063, 1130, 1213, 1287 and 1295.
- Correctly Rerevised:** HB09-1309.
- Correctly Enrolled:** SB09-119, 132, 175 and 230; SJR09-028, 030 and 033.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Monday, April 13 was laid over until Tuesday, April 14, retaining its place on the calendar.

- Special Orders--Second Reading of Bills: SB09-180, HB09-1180, HB09-1042, SB09-235.
- General Orders -- Second Reading of Bills: HB09-1250, HB09-1299, HB09-1170, SB09-163, SB09-239, SB09-226, SB09-130, SB09-045.
- Consideration of Resolutions: SJR09-032, SR09-015

Consideration of House Amendments to Senate Bills: SB09-171, SB09-098. 1
Consideration of Governor's Appointments: 2
Members of the Colorado Tourism Office Board of Directors 3
Conference Committees ro Report: HB09-1057, SB09-101, SB09-131,HB09-1281, 4
SB09-013. 5

On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Tuesday, April 14, 2009. 6
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Approved: 11
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Peter C. Groff 16
President of the Senate 17

Attest: 18
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Karen Goldman 24
Secretary of the Senate 25
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