

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

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17th Legislative Day

Friday, January 23, 2009

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Prayer By the chaplain, Rabbi Mitch Delcau, Congregation Temple Emanuel, Denver.

Pledge By Senator Cadman.

Call to Order By the President at 9:00 a.m.

Roll Call Present--30  
Excused--5, Boyd, Brophy, Kopp, Romer, Williams.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator King, reading of the Journal of January 22, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.

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**COMMITTEE OF REFERENCE REPORTS**

Judiciary After consideration on the merits, the Committee recommends that **SB09-059** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB09-047** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB09-038** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB09-007** be referred to the Committee of the Whole with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **SB09-043** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 20 through 23 and substitute the following:

"have two-year authority ~~which shall be utilized in collaboration with a community college and any area vocational school~~ ONLY FOR AN ASSOCIATES OF ARTS DEGREE IN AGRICULTURAL SCIENCE.".

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**MESSAGE FROM THE HOUSE**

January 22, 2009  
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1014, 1033, 1046, 1021.

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The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1072, amended as printed in House Journal, January 21, page 101.

The House has adopted and returns herewith SJR09-006.

The House has adopted and transmits herewith HJR09-1002, as printed in House Journal.

MESSAGE FROM THE REVISOR OF STATUTES

January 22, 2009

We herewith transmit:

Without comment, HB09-1014, 1021, 1033, and 1046.  
Without comment, as amended, HB09-1072.

Committee of the Whole

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

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

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

SB09-015

by Senator(s) Tochtrop, Brophy, Isgar, Schwartz; also Representative(s) Gardner C., Curry, Hodge, McKinley, White--Concerning removal of the White river drainage basin from the jurisdiction of water division 5 to water division 6.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE -- CONSENT CALENDAR

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

YES	30	NO	0	EXCUSED	5	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	E	Hudak	Y	Newell	Y	Spence	Y
Brophy	E	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	E	Scheffel	Y	Williams	E
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: SB09-015

Committee  
of the  
Whole

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

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**GENERAL 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:

**SB09-032**

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

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, January 15, page 68 and placed in members' bill files.)

Amendment No. 2(L.001), by Senator Groff.

Amend the Education Committee Report, dated January 14, 2009, page 1, strike line 1 and substitute:

"Amend printed bill, page 2, line 17, strike "be to:" and substitute "include, but not be limited to:".

Page 3, strike line 5 and substitute the following:

"(f) Identify innovative uses of existing school facilities in the state for the purpose of collaboration between elementary, secondary, and higher education institutions; and";

Reletter succeeding paragraph accordingly.

Page 4, line 13, strike "BE TO:" and substitute "INCLUDE, BUT NOT BE LIMITED TO:".

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

**SB09-001**

by Senator(s) Gibbs and Penry, Kopp; also Representative(s) Scanlan and King S.--Concerning the establishment of community wildfire protection plans by county governments.

Amendment No. 1, Local Government & Energy Committee Amendment.

(Printed in Senate Journal, January 16, page 75 and placed in members' bill files.)

Amendment No. 2(L.002), by Senators Penry and Gibbs.

Amend printed bill, page 3, line 18, after "DEVELOPMENTS," insert "THE EFFECT OF FIRE RATINGS AND COMBUSTIBILITY STANDARDS FOR BUILDING MATERIALS USED IN WILD LAND-URBAN INTERFACE AREAS,".

Page 7, after line 18, insert the following:

"(B) THE OPPORTUNITY TO STUDY THE EFFECT OF FIRE RATINGS AND COMBUSTIBILITY STANDARDS FOR BUILDING MATERIALS USED IN WILD LAND-URBAN INTERFACE AREAS;".

Reletter sub-subparagraphs accordingly.

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

**SB09-044**

by Senator(s) Boyd; also Representative(s) Hullinghorst--Concerning administrative procedures in relation to the department of human services.

Laid over until Monday, January 26, retaining its place on the calendar.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

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

YES	30	NO	0	EXCUSED	5	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	E	Hudak	Y	Newell	Y	Spence	Y
Brophy	E	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	E	Scheffel	Y	Williams	E
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Passed on Second Reading: SB09-032 as amended, SB09-001 as amended.  
Laid over until Monday, January 26: SB09-044.

**COMMITTEE OF REFERENCE REPORTS**

**Finance** After consideration on the merits, the Committee recommends that **SB09-017** be referred to the Committee of the Whole with favorable recommendation.

**Agriculture and Natural Resources** After consideration on the merits, the Committee recommends that **SB09-080** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 18, strike "UP TO THREE THOUSAND SQUARE FEET OF A" and substitute "THE";

line 19, before "CONNECTED", insert "SERVED BY, WHETHER OR NOT" and, strike "TO" and substitute "TO,".

Page 3, strike lines 20 and 21 and substitute the following:

"(IV) A PERSON USING OR LEGALLY ENTITLED TO USE A WELL PURSUANT TO THIS SECTION SHALL BE ALLOWED TO COLLECT ROOFTOP";

line 23, after "DWELLINGS", insert "THAT ARE OR WOULD BE";

line 24, strike "PERMIT." and substitute "PERMIT OR, IN THE ABSENCE OF A WELL PERMIT, THE WELL PERMIT TO WHICH THE PERSON WOULD BE LEGALLY ENTITLED, AS DETERMINED BY THE STATE ENGINEER.".

**INTRODUCTION OF RESOLUTIONS**

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

**SJR09-009** by Senator(s) Brophy; also Representative(s) Sonnenberg--Concerning the designation of "Colorado 4-H Day".

Laid over until January 26, retaining its place on the calendar.

**HJR09-1002** by Representative(s) Fischer; also Senator(s) Hodge--Concerning approval of water project revolving fund eligibility lists administered by the Colorado water resources and power development authority.  
Agriculture and Natural Resources

**INTRODUCTION OF BILLS -- FIRST READING**

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<b>SB09-097</b>	5
by Senator(s) Cadman; --Concerning clarifying changes to provisions pertaining to institutional peace officers.	6
Judiciary	7
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<b>SB09-098</b>	9
by Senator(s) Schwartz, Isgar, Brophy, Gibbs; also Representative(s) Vigil--Concerning blending diesel fuels after withdrawal at the rack.	10
Transportation	11
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<b>SB09-099</b>	13
by Senator(s) Morse; also Representative(s) Ferrandino--Concerning centralized databases to aid the delivery of state procurement services.	14
State, Veterans & Military Affairs	15
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<b>SB09-100</b>	17
by Senator(s) Newell, Mitchell, Carroll M., Foster, Heath, Hodge, Morse; also Representative(s) Frangas, Primavera, Rice--Concerning amending the definition of "noncustodial parent" in the "Colorado Works Program Act" to enable a noncustodial parent to receive employment assistance regardless of whether the noncustodial parent's child is receiving assistance under the Colorado works program.	18
Health and Human Services	19
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<b>SB09-101</b>	24
by Senator(s) White; also Representative(s) Levy--Concerning the requirement for the creation of an independent historic preservation commission by any city receiving moneys from the state historical fund for historic preservation purposes when the city is not a certified local government, and, in connection therewith, establishing the composition and operation of such a commission.	25
Local Government and Energy	26
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<b>SB09-102</b>	31
by Senator(s) Brophy; --Concerning the lack of employer-sponsored insurance as an eligibility requirement for public medical assistance.	32
State, Veterans & Military Affairs	33
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<b>SB09-103</b>	35
by Senator(s) Carroll M.; also Representative(s) Pommer--Concerning the designation of the practice of providing financial incentives to persons handling insurance claims for making determinations that adversely affect insureds as a deceptive act in the business of insurance.	36
Health and Human Services	37
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<b>SB09-104</b>	40
by Senator(s) Sandoval; also Representative(s) Gagliardi--Concerning the provision of verifiable documents to youth leaving foster care.	41
Local Government and Energy	42
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<b>SB09-105</b>	44
by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning removal of the statutory limit on the amount that may be raised in a single year by a special property tax levied by a board of county commissioners for the purpose of fighting specified types of fires in a county.	45
Local Government and Energy	46
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<b>SB09-106</b>	50
by Senator(s) Isgar, Penry, Brophy, Hodge; also Representative(s) Roberts--Concerning the continuously appropriated water supply reserve account, and, in connection therewith, extending the account, requiring the interbasin compact committee, in consultation with the Colorado water conservation board, to report annually on how moneys from the account were allocated, and conditioning grants to applicants required to adopt a water conservation plan.	51
Agriculture and Natural Resources	52
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<b>SB09-107</b>	58
by Senator(s) Kester; also Representative(s) Looper--Concerning the time during which a notarized bill of sale will exempt a vehicle that is at least twenty-five years old from being required to have a bonded title.	59
Transportation	60
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<b>HB09-1014</b>	63
by Representative(s) Judd; also Senator(s) Isgar--Concerning the provision of additional resources to the division of real estate to provide oversight of conservation easements for which a state income tax credit is claimed.	64
Business, Labor and Technology	65
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<b>HB09-1021</b>	68
by Representative(s) Solano; also Senator(s) Boyd--Concerning the extension of the study of the treatment of persons with mental illness who are involved in the criminal and juvenile	69

justice systems.  
Judiciary

**HB09-1027** by Representative(s) Rice, Fischer, Levy, Marostica, McFadyen, Merrifield, Primavera; also  
Senator(s) Gibbs, Williams--Concerning the duty of drivers to yield the right-of-way to  
transit buses entering traffic.  
Transportation

**HB09-1030** by Representative(s) Labuda, Benefield, Gardner B., King S., Liston, Peniston, Rice,  
Riesberg; also Senator(s) Tochtrop, Morse, Williams--Concerning firefighter and police  
officer pension plan compliance with requirements set forth in the internal revenue code.  
Business, Labor and Technology

**HB09-1033** by Representative(s) Schafer S., Merrifield, Todd, Benefield; also Senator(s) Spence,  
Williams--Concerning the regulation of flight schools.  
Education

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

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

**HB09-1072** by Representative(s) Middleton; also Senator(s) Hudak--Concerning modifications to  
statutory provisions addressing the governance of library districts.  
Local Government and Energy

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**COMMITTEE OF REFERENCE REPORTS**

Finance After consideration on the merits, the Committee recommends that **SB09-042** be amended  
as follows, and as so amended, be referred to the Committee on Appropriations with  
favorable recommendation.

Amend printed bill, page 3, line 6, after the period, add "THE PROVISIONS  
OF THIS PARAGRAPH (b) SHALL APPLY TO APPLICATIONS FOR EXEMPTION  
FILED ON OR AFTER JANUARY 1, 2009, OR THAT ARE PENDING ON THAT  
DATE."

Page 5, line 10, before "PUBLIC", insert "LOCAL";

line 12, after the period, add "IN NO EVENT SHALL THE STATE BOARD  
AUTHORIZE AN EXEMPTION TO BE EFFECTIVE MORE THAN THREE YEARS  
PRIOR TO THE YEAR IN WHICH THE APPLICATION WAS FILED."

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**CONSIDERATION OF RESOLUTIONS**

**SJR09-008** by Senator(s) Veiga, Penry; also Representative(s) Bradford--Concerning the recognition of  
Doug Phillips' contributions to the Colorado legal system and the development of  
Colorado's wine industry.

Laid over until Thursday, February 12, retaining its place on the calendar.

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Senate in recess. Senate reconvened.

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**INTRODUCTION OF BILLS -- FIRST READING**

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

**SB09-108** by Senator(s) Gibbs; also Representative(s) Rice--Concerning the improvement of the transportation system of the state, and, in connection therewith, providing additional sources of funding for transportation and modifying the transportation planning process.  
Transportation

**MESSAGE FROM THE GOVERNOR**

January 7, 2009

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

Ladies and Gentlemen:

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

MEMBER OF THE  
COLORADO COMMISSION ON THE AGING

for a term expiring July 1, 2012:

Alice Langley of Denver, Colorado, to serve as a Republican from the First Congressional District, appointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 1/13/09  
Chris McGowne, Reading Clerk

Committee on Health & Human Services

January 7, 2009

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

Ladies and Gentlemen:

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

MEMBER OF THE  
BOARD OF REAL ESTATE APPRAISERS

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

Robert J. Bleiberg of Grand Junction, Colorado, to fill the vacancy occasioned by the resignation of Zachary D. Urban of Wheat Ridge, Colorado, and to serve as a member of

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the public, appointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 1/13/09  
Chris McGowne, Reading Clerk

Committee on Business, Labor, & Technology

January 7, 2009

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

Ladies and Gentlemen:

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

MEMBERS OF THE  
BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE

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

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

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

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

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

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 1/16/09  
Karen Goldman, Secretary of the Senate

Committee on Education

January 7, 2009

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

Ladies and Gentlemen:

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

MEMBERS OF THE  
COLLEGEINVEST BOARD OF DIRECTORS

effective eight o'clock a.m. on January 7, 2009 for terms expiring July 31, 2011:

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Ashley J. Burt of Gunnison, Colorado, appointed; 1  
 Katie S. Kramer of Arvada, Colorado, appointed; 2  
 effective eight o'clock a.m. on January 7, 2009 for terms expiring July 31, 2012: 3  
 Patty S. Fontneau of Centennial, Colorado, reappointed; 4  
 Richard E. Martinez of Centennial, Colorado, reappointed; 5  
 Jean C. Jones of Denver, Colorado, appointed. 6  
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Sincerely, 12  
 (signed) 13  
 Bill Ritter, Jr. 14  
 Governor 15  
 Rec'd: 1/16/09 16  
 Karen Goldman, Secretary of the Senate 17  
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Committee on Education 20  
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 January 16, 2009 22  
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To the Honorable Colorado Senate 24  
 Colorado General Assembly 25  
 State Capitol Building 26  
 Denver, CO 80203 27  
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Ladies and Gentlemen: 29  
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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of 31  
 Colorado, I have the honor to designate, appoint and submit to your consideration, the 32  
 following: 33  
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**CORRECTED** 35  
**MEMBER OF THE** 36  
**COLORADO TOURISM OFFICE BOARD OF DIRECTORS** 37  
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for a term expiring June 1, 2012: 39  
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James E. Durr of Eckert, Colorado, a resident of a small community and a small business 42  
 owner with experience in the tourism-related retail industry, to fill the vacancy occasioned 43  
 by the resignation of Dana K. Abrahamson of Georgetown, Colorado, appointed. 44  
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Sincerely, 46  
 (signed) 47  
 Bill Ritter, Jr. 48  
 Governor 49  
 Rec'd: 1/22/09 50  
 Karen Goldman, Secretary of the Senate 51  
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Committee on State, Veterans, & Military Affairs 53  
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On motion of Senator Shaffer, the Senate adjourned until 10:00 a.m., January 26, 2009.

Approved:

Peter C. Groff  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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