

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

24th Legislative Day Friday, January 30, 2009

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Prayer	By the chaplain, Rev. John Thompson, Park Hill United Methodist Church.	11
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Pledge	By Senator Heath	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present--31	18
	Absent--2, King, Romer.	19
	Excused--2, Cadman, Williams.	20
	Present later--3, King, Romer, Williams.	21
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Quorum	The President announced a quorum present.	23
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Reading of Journal	On motion of Senator Foster, reading of the Journal of Thursday, January 29, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.	25
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 Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

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MESSAGE FROM THE REVISOR OF STATUTES

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Education	After consideration on the merits, the Committee recommends that SB09-033 be referred to the Committee of the Whole with favorable recommendation.	65

Education	After consideration on the merits, the Committee recommends that SB09-052 be referred to the Committee on <u>Finance</u> with favorable recommendation.	1 2
Local Government and Energy	After consideration on the merits, the Committee recommends that SB09-039 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	3 4 5 6
	Amend printed bill, page 3, line 10, after the period, add "A COOPERATIVE ELECTRIC ASSOCIATION SHALL NOT APPLY A GRADUATED RATE TO CONSUMERS THAT HAVE SINGLE METERS THAT RECORD ENERGY CONSUMPTION FOR COMBINED RESIDENTIAL AND AGRICULTURAL USES.".	7 8 9 10 11
Local Government and Energy	After consideration on the merits, the Committee recommends that SB09-022 be amended as follows, and as so amended, be referred to the Committee on <u>Finance</u> with favorable recommendation.	12 13 14 15 16
	Amend printed bill, page 2, strike lines 7 and 8 and substitute the following:	17 18 19 20
	"of royalties and other payments for the depletion or extraction of a natural resource on said lands, other than royalties and other payments allocated";	21 22 23 24
	line 17, strike "PAYMENTS" and substitute "ROYALTIES AND OTHER PAYMENTS FOR THE DEPLETION OR EXTRACTION OF A NATURAL RESOURCE ON SAID LANDS, OTHER THAN ROYALTIES AND OTHER PAYMENTS".	25 26 27 28
	Page 3, strike lines 8 through 14 and substitute the following:	29 30
	"36-1-122. Land use planning. (1) FOR PURPOSES OF LAND USE PLANNING OR LAND ENTITLEMENT PURPOSES, the state board of land commissioners may cause any portion of the state or school lands to be INCORPORATED, ANNEXED, OR OTHERWISE INCLUDED WITHIN A COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT ENTITY AND laid out in lots and blocks or other tracts by a recorded plat. to be sold at public auction or exchanged. ";	31 32 33 34 35 36 37 38 39
	line 16, strike "INCORPORATION, ANNEXATION, OR" and substitute "LAND USE PLANNING OR LAND ENTITLEMENT PURPOSES";	40 41 42
	line 17, strike "INCLUSION";	43
	line 21, strike "PURPOSES" and substitute "PURPOSES. THE";	44
	strike line 22;	45 46
	strike line 25 and substitute the following:	47 48
	"ACCOMPLISH THEIR PURPOSES.".	49 50
	Page 4, line 4, strike "OR";	51 52
	line 5, strike "OTHER GOVERNMENT ENTITIES".	53 54
Trans- portation	After consideration on the merits, the Committee recommends that SB09-014 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	55 56 57 58 59 60 61
Trans- portation	After consideration on the merits, the Committee recommends that SB09-072 be postponed indefinitely.	62 63 64
Trans- portation	After consideration on the merits, the Committee recommends that SB09-002 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	65 66 67
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INTRODUCTION OF RESOLUTIONS

SR09-009 by Senator(s) Foster, Brophy, Bacon, Boyd, Cadman, Carroll M., Gibbs, Harvey, Heath, Hodge, Hudak, Keller, Kester, King K., Lundberg, Mitchell, Morse, Penry, Renfroe, Romer, Sandoval, Scheffel, Schwartz, Spence, Tapia, Tochtrop, Veiga, Groff, Schultheis, Shaffer B.; --Concerning the strong expression of support for the state of Israel in its battle against recent terrorist attacks and reaffirming the strong support of the Colorado Senate for the Israeli-Palestinian peace process.

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

COMMITTEE OF REFERENCE REPORTS

Education Date: January 29, 2009

Mr. President:

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

MEMBERS OF THE
BOARD OF TRUSTEES OF METROPOLITAN STATE COLLEGE OF DENVER

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

William H. Hanzlik of Englewood, Colorado, a Republican, appointed;

Adele F. Phelan of Denver, Colorado, a Democrat, reappointed.

Education After consideration on the merits, the Committee recommends that **SB09-057** 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 "DIRECT" and substitute "ENCOURAGE".

Page 3, line 21, strike "SEARCH AND" and substitute "REVIEW";

line 22, strike "AGGREGATE".

Page 4, strike line 11 and substitute the following:

"(1) EACH LOCAL EDUCATION";

line 12, strike "SHALL" and substitute "IS STRONGLY ENCOURAGED TO";

strike lines 17 through 24 and substitute the following:

"(2) EACH LOCAL EDUCATION PROVIDER THAT CREATES A WEB SITE OR POSTS INFORMATION TO A WEB SITE PURSUANT TO THE PROVISIONS OF THIS PART 3 IS ENCOURAGED TO PROVIDE THE INFORMATION, TO THE EXTENT PRACTICABLE, IN A STRUCTURED FORMAT THAT MAY BE DOWNLOADED, TO UPDATE THE INFORMATION MONTHLY, TO ARCHIVE THE INFORMATION SO THAT IT REMAINS ACCESSIBLE AND SEARCHABLE FOR A MINIMUM OF FIVE YEARS, AND TO INCLUDE A METHOD BY WHICH A USER OF THE WEB SITE MAY PROVIDE FEEDBACK CONCERNING THE ORGANIZATION AND UTILITY OF THE WEB SITE.

(3) (a) A LOCAL EDUCATION PROVIDER THAT IMPLEMENTS THE PROVISIONS OF THIS PART 3 IS ENCOURAGED TO PROVIDE THE FOLLOWING INFORMATION TO THE DEPARTMENT OF EDUCATION:

(I) THE METHOD USED TO CREATE A WEB SITE OR TO POST INFORMATION TO A WEB SITE;

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(II) CONTACT INFORMATION CONCERNING THE VENDOR USED BY A LOCAL EDUCATION PROVIDER, IF ANY;

(III) THE METHOD AND COST OF THE IMPLEMENTATION OF THE PROVISIONS OF THIS PART 3; AND

(IV) ANY OTHER INFORMATION THAT MAY BE USEFUL TO ANOTHER LOCAL EDUCATION PROVIDER IN IMPLEMENTING THE PROVISIONS OF THIS PART 3.

(b) UPON REQUEST, THE DEPARTMENT OF EDUCATION SHALL PROVIDE ANY INFORMATION RECEIVED FROM A LOCAL EDUCATION PROVIDER PURSUANT TO THIS SUBSECTION (3) TO A MEMBER OF THE GENERAL ASSEMBLY OR TO THE PUBLIC."

Page 1, line 101, after "CONCERNING", insert "THE CREATION OF A VOLUNTARY PILOT PROGRAM FOR".

Committee of the Whole

On motion of Senator Isgar, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Isgar 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 bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB09-059

by Senator(s) Schwartz, Brophy, Mitchell, Shaffer B., Veiga; also Representative(s) Gardner B., Labuda, Levy, McGihon, Roberts--Concerning the enactment of Colorado Revised Statutes 2008 as the positive and statutory law of the state of Colorado.

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

SB09-047

by Senator(s) Newell; also Representative(s) Roberts--Concerning the oversight of crime victim services, and, in connection therewith, creating the crime victim services advisory board and repealing the victims compensation and assistance coordinating committee and the victims assistance and law enforcement advisory board.

Upon request of Senator Newell, **SB09-047** was removed from the Consent Calendar of January 30 and placed at the end of the General Orders -- Second Reading of Bills calendar of Friday, January 30 .

SB09-017

by Senator(s) Tochtrop, Morse; also Representative(s) Riesberg, Benefield, Labuda, Peniston, Rice--Concerning firefighter and police officer disability and survivor benefits.

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 Shaffer, the Report of the Committee of the Whole was adopted on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	E	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
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		

Passed on Second Reading: SB09-059, SB09-017

Laid over to the end of the General Orders -- Second Reading of Bills calendar of January 30: SB09-047.

Committee
of the
Whole

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

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:

SB09-064 by Senator(s) King K., Romer, Bacon, Groff, Heath, Hudak, Kopp, Spence, Williams; also Representative(s) Massey, Merrifield, Baumgardner, Benefield, Gardner B., Middleton, Murray, Peniston, Priola, Scanlan, Schafer S., Solano, Summers, Todd--Concerning building inspections relating to utilities.

Laid over until Monday, February 2, retaining its place on the calendar.

SB09-038 by Senator(s) Hudak, Boyd, Morse, Shaffer B.; also Representative(s) Marostica--Concerning technical changes to judicial fees.

Declared **LOST** on Second Reading.

(For further action, see Amendments to the Report of the Committee of the Whole.)

SB09-007 by Senator(s) Veiga; also Representative(s) Riesberg--Concerning making certain duties related to the involuntary commitment process for substance abusers solely the authority of a licensed physician.

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

SB09-043 by Senator(s) Isgar, Kester, Tapia; also Representative(s) Roberts, Massey, McFadyen, Pace, Tipton--Concerning the merger of Pueblo community college and San Juan basin area vocational school, and, in connection therewith, clarifying the two-year authority of Fort Lewis college and making an appropriation.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, January 23, page 91 and placed in members' bill files.)

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

SB09-080 by Senator(s) Isgar, Romer, White; also Representative(s) Looper--Concerning limited exemptions for water collected from certain residential rooftops.

Amendment No. 1, Agriculture & Natural Resources Committee Amendment.
(Printed in Senate Journal, January 23, page 94 and placed in members' bill files.)

As amended, laid over until Monday, February 2, retaining its place on the calendar.

SB09-084 by Senator(s) Scheffel; also Representative(s) Scanlan--Concerning documents related to the role of the office of the secretary of state as filing office for secured transactions.

Declared **LOST** on Second Reading.

(For further action, see Amendments to the Report of the Committee of the Whole.)

SB09-040 by Senator(s) Hodge; also Representative(s) Soper--Concerning the regulation of manufactured homes.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, January 29, page 112-115 and placed in members' bill files.)

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

SB09-050 by Senator(s) Scheffel; also Representative(s) Murray--Concerning a requirement that at least one member of the limited gaming control commission be a resident of a locality in which limited gaming takes place.

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

(Printed in Senate Journal, January 28, page 123 and placed in members' bill files.)

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

SB09-047 by Senator(s) Newell; also Representative(s) Roberts--Concerning the oversight of crime victim services, and, in connection therewith, creating the crime victim services advisory board and repealing the victims compensation and assistance coordinating committee and the victims assistance and law enforcement advisory board.

Amendment No. 3(L.003), by Senator Newell.

Amend printed bill, page 3, line 5, strike "ATTORNEY OR" and substitute "ATTORNEY,";

line 6, strike "ATTORNEY;" and substitute "ATTORNEY, OR A CHIEF DEPUTY DISTRICT ATTORNEY;"

after line 25, insert the following:

"(b) THE EXECUTIVE DIRECTOR MAY CONSIDER GEOGRAPHIC DIVERSITY WHEN MAKING APPOINTMENTS TO THE ADVISORY BOARD."

Reletter succeeding paragraphs accordingly.

Declared **LOST** on Second Reading.

(For further action, see Amendments to the Report of the Committee of the Whole.)

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB09-038 by Senator(s) Hudak, Boyd, Morse, Shaffer B.; also Representative(s) Marostica--Concerning technical changes to judicial fees.

Senator Hudak moved to amend the Report of the Committee of the Whole to show that SB09-038 did pass.

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A majority of all members elected to the Senate having voted in the affirmative, the amendment to the Report of the Committee of the Whole was declared **PASSED** on 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	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	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		

SB09-084 by Senator(s) Scheffel; also Representative(s) Scanlan--Concerning documents related to the role of the office of the secretary of state as filing office for secured transactions.

Senator Scheffel moved to amend the Report of the Committee of the Whole to show that SB09-084, did pass.

A majority of all members elected to the Senate having voted in the affirmative, the amendment to the Report of the Committee of the Whole was declared **PASSED** on 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	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	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		

SB09-047 by Senator(s) Newell; also Representative(s) Roberts--Concerning the oversight of crime victim services, and, in connection therewith, creating the crime victim services advisory board and repealing the victims compensation and assistance coordinating committee and the victims assistance and law enforcement advisory board.

Senator Newell moved to amend the Report of the Committee of the Whole to show that SB09-047, as amended, did pass.

A majority of all members elected to the Senate having voted in the affirmative, the amendment to the Report of the Committee of the Whole was declared **PASSED** on 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	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Isgar, the Report of the Committee of the Whole was adopted on 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	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	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		

Passed on Second Reading: SB09-007, SB09-043 as amended, SB09-040, SB09-050 as amended, SB09-038, SB09-084, SB09-047 as amended.
Laid over until Monday, February 2: SB09-064, SB09-080 as amended.

CONSIDERATION OF RESOLUTIONS

SR09-008 by Senator(s) Newell; --Concerning A Season for Nonviolence.

Laid over until Monday, February 2, retaining its place on the calendar.

SENATE SERVICES REPORT

Correctly Revised: HJR09-1005.
Correctly Enrolled: SJR09-006 and 009.

COMMITTEE OF REFERENCE REPORTS

Health & Human Services

After consideration on the merits, the Committee recommends that **SB09-055** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 2, line 21, strike the second "and" and, after "(II),", add "and (2) (d) (I),".

Page 3, after line 21, insert the following:

"(d) A family resource center may also provide services, including, but not limited to, the following:

(I) Additional educational programs, such as mentoring programs for students in elementary, junior, and senior high schools; ADULT EDUCATION AND FAMILY literacy programs; and educational programs that link families with local schools and alternative educational programs, including links with boards of cooperative services;".

Health & Human Services

After consideration on the merits, the Committee recommends that **SB09-079** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute the following:

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"SECTION 1. The introductory portions to 19-5-304 (1) (b) and (1) (b) (I), Colorado Revised Statutes, are amended, and the said 19-5-304 (1) (b) (I) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

19-5-304. Confidential intermediaries - confidential intermediary services. (1) (b) Once a person is included on such THE list OF CONFIDENTIAL INTERMEDIARIES, he or she shall be:

(I) Authorized to inspect confidential relinquishment and adoption records, and post-adoption records, upon AND DEPENDENCY AND NEGLECT RECORDS, INCLUDING BUT NOT LIMITED TO COURT FILES, WITHIN FORTY-FIVE DAYS AFTER A motion to the court IS FILED by the following persons:

(G) A FORMER FOSTER CHILD WHO MAY OR MAY NOT HAVE BEEN ADOPTED, WHO IS EIGHTEEN YEARS OF AGE OR OLDER, AND WHO IS SEARCHING FOR A BIRTH SIBLING WHO IS ALSO EIGHTEEN YEARS OF AGE OR OLDER, WHO MAY OR MAY NOT HAVE BEEN ADOPTED, AND WHO MAY OR MAY NOT HAVE BEEN IN THE FOSTER CARE SYSTEM;

SECTION 2. 25-2-113.5 (1) and (6), Colorado Revised Statutes, are amended, and the said 25-2-113.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

25-2-113.5. Limited access to information upon consent of all parties - voluntary adoption registry. (1) Adoption is based upon the legal termination of parental rights and responsibilities of birth parents and the creation of the legal relationship of parent and child between an adoptee and his OR HER adoptive parents. Under current laws and the social premises underlying adoption, the general assembly has been charged with the duty to preserve the right to privacy and confidentiality of birth parents whose children were adopted, the adoptees, and the adoptive parents. The general assembly recognizes, however, that some adults who were adopted as children, THEIR SIBLINGS WHO MAY OR MAY NOT HAVE BEEN ADOPTED, and some birth parents whose children were surrendered for adoption have a strong desire to obtain information about each other. The purpose of this section is to set up a voluntary adoption registry where qualified persons may register their willingness to the release of information to each other and to provide for the disclosure of such information.

(5.5) THE REGISTRAR SHALL MAINTAIN A CONFIDENTIAL LIST OF FORMER FOSTER CHILDREN WHO MAY OR MAY NOT HAVE BEEN ADOPTED, WHO ARE EIGHTEEN YEARS OF AGE OR OLDER, WHO HAVE PRESENTED A CONSENT REGARDING THE RELEASE OF IDENTIFYING INFORMATION ABOUT THEMSELVES AND WHO ARE SEARCHING FOR A SIBLING WHO IS ALSO EIGHTEEN YEARS OF AGE OR OLDER, WHO MAY OR MAY NOT HAVE BEEN ADOPTED, AND WHO MAY OR MAY NOT HAVE BEEN IN THE FOSTER CARE SYSTEM. ANY CONSENT BY SUCH SIBLING SHALL BE ACCOMPANIED BY THE SIBLING'S DESIRED METHOD OF NOTIFICATION IN THE EVENT THAT A MATCH OCCURS. HOWEVER, THE STATE SHALL NOT INCUR COSTS OF NOTIFICATION IN EXCESS OF THAT PART OF THE FEE CHARGED TO THE APPLICANT FOR THE PURPOSE OF NOTIFICATION. A SIBLING MAY REVISE HIS OR HER CONSENT WITH RESPECT TO CHANGE OF ADDRESS OR METHOD OF NOTIFICATION. ANY NAME AND ACCOMPANYING INFORMATION SHALL BE REMOVED FROM THE LIST UPON THE VERIFIED WRITTEN REQUEST OF THE LISTED SIBLING. THE REGISTRAR SHALL MAINTAIN A CLOSED RECORD OF THE LIST AND ACCOMPANYING INFORMATION EXCEPT AS PROVIDED FOR PURSUANT TO THIS SECTION.

(6) The registrar shall regularly review the lists provided for in subsections (3), (4), and (5), AND (5.5) of this section and any other nonsealed administrative files or records within his OR HER office to determine if there is a match. If it appears that a match has occurred, then and only then is the registrar authorized to proceed to confirm the match through recourse to sealed documents on file in the office of the registrar. When a match is confirmed, the registrar shall notify each party, by his OR HER designated method only, prior to an exchange of identifying

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information. Nothing in this section shall be construed to allow any state or local governmental department, agency, or institution, or any employee thereof, to solicit any consent for the release of identifying information.

SECTION 3. 25-2-113.5 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

(2) As used in this section, unless the context otherwise requires:

(g.5) "SIBLING" SHALL HAVE THE SAME MEANING AS "BIOLOGICAL SIBLING", SECTION 19-1-103 (14), C.R.S.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that **SB09-116** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that **SB09-106** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 5, line 3, strike "six" and substitute "~~six~~ TEN".

Date: January 29, 2009

Mr. President:

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY

for terms expiring October 1, 2011:

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

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

for a term expiring October 1, 2012:

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

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR09-1006

by Representative(s) McFadyen, Massey, Pace, Vigil; also Senator(s) Tapia, Kester-- Concerning the U.S.S. Pueblo.

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On motion of Senator Shaffer, the resolution was **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	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	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, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Tochtrop, Veiga, White and Williams.

HJR09-1007 by Representative(s) Todd and Marostica, Balmer, Benefield, Carroll T., Casso, Gagliardi, Gardner B., Kerr A., Labuda, Lambert, Looper, May, McCann, Middleton, Miklosi, Peniston, Primavera, Priola, Rice, Riesberg, Ryden, Scanlan, Solano, Tipton, Waller, Weissmann; also Senator(s) Shaffer B.--Concerning recognition of Military, Veterans, and MIA/POW Appreciation Day.

On motion of Senator Shaffer, the resolution was **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	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	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, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Spence, Tapia, Tochtrop, Veiga, White and Williams.

HJR09-1008 by Representative(s) Apuan; also Senator(s) Schwartz--Concerning recognition of military personnel from Colorado who are serving in Operation Iraqi Freedom and Operation Enduring Freedom and honoring those who have died while serving their country in Iraq and Afghanistan.

On motion of Senator Shaffer, the resolution was **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	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	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, Newell, Penry, Renfroe,

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

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: **HJR09-1005**

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **SB09-108** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 14, line 24, strike "SUBPARAGRAPH (IV)" and substitute "SUBPARAGRAPHS (IV) AND (V)".

Page 16, after line 8, insert the following:

"(V) THE AMOUNT OF THE ROAD SAFETY SURCHARGE IMPOSED PURSUANT TO THIS PARAGRAPH (a) SHALL BE ONE-HALF OF THE AMOUNT SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) FOR ANY VEHICLE THAT IS A TRUCK OR TRUCK TRACTOR THAT IS OWNED BY A FARMER OR RANCHER AND IS USED COMMERCIALY ONLY:

(A) TO TRANSPORT TO MARKET OR PLACE OF STORAGE RAW AGRICULTURAL PRODUCTS ACTUALLY PRODUCED OR LIVESTOCK ACTUALLY RAISED BY THE FARMER OR RANCHER IN FARMING OR RANCHING OPERATIONS; OR

(B) TO TRANSPORT COMMODITIES OR LIVESTOCK PURCHASED BY THE FARMER OR RANCHER FOR PERSONAL USE IN THE FARMER'S OR RANCHER'S FARMING OR RANCHING OPERATIONS."

Renumber succeeding subparagraph accordingly.

Page 27, line 8, strike "AND (VI)" and substitute "(VI), AND (VII)".

Page 29, after line 6, insert the following:

"(VII) THE AMOUNT OF ANY BRIDGE SAFETY SURCHARGE IMPOSED PURSUANT TO THIS PARAGRAPH (g) SHALL BE ONE-HALF OF THE AMOUNT OF THE SURCHARGE IMPOSED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) FOR ANY VEHICLE THAT IS A TRUCK OR TRUCK TRACTOR THAT IS OWNED BY A FARMER OR RANCHER AND IS USED COMMERCIALY ONLY:

(A) TO TRANSPORT TO MARKET OR PLACE OF STORAGE RAW AGRICULTURAL PRODUCTS ACTUALLY PRODUCED OR LIVESTOCK ACTUALLY RAISED BY THE FARMER OR RANCHER IN FARMING OR RANCHING OPERATIONS; OR

(B) TO TRANSPORT COMMODITIES OR LIVESTOCK PURCHASED BY THE FARMER OR RANCHER FOR PERSONAL USE IN THE FARMER'S OR RANCHER'S FARMING OR RANCHING OPERATIONS."

Renumber succeeding subparagraph accordingly.

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On motion of Senator Shaffer, the Senate adjourned until 10:00 a.m., Monday, February 2, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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