

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

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84th Legislative Day Tuesday, March 31, 2009

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Prayer By the chaplain, Rev. Dwight Blackstock, Presbyterian Church, Denver. 10-11

Pledge By Senator Newell. 12-13

Call to Order By the President at 9:00 a.m. 14-15

Roll Call Present--32 16-17  
 Excused--3, Cadman, Harvey, Romer. 18-19  
 Present later--1, Romer. 20-21

Quorum The President announced a quorum present. 22-23

Reading of Journal On motion of Senator King, reading of the Journal of Monday, March 30, 2009, was dispensed with and the Journal was approved as corrected by the Secretary. 24-25

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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 (SB0-180, HB09-1180, HB09-1042, SB09-235) of Tuesday, March 31, was laid over until Wednesday, April 1, retaining its place on the calendar. 26-32

**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: 33-39

**SB09-037** by Senator(s) Kopp; also Representative(s) McNulty--Concerning funding for certain workers' compensation funds. 40-42

The question being "Shall the bill pass?", the roll call was taken with the following result: 43-44

YES	32	NO	0	EXCUSED	3	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	E	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	E	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. 56-58

Co-sponsors added: Brophy, Gibbs, Groff, Kester, King K., Lundberg, Mitchell, Newell, Penry, Renfroe, Sandoval, Scheffel, Schultheis and Williams. 59-61

**HB09-1217** by Representative(s) Murray; also Senator(s) Scheffel--Concerning the creation of local improvement districts for the purpose of improving public utilities. 62-64

Laid over until Wednesday, April 1, retaining its place on the calendar. 65-66

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On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills -- Consent Calendar (SB09-248, SB09-251, HB09-1296, HB09-1248) of Tuesday, March 31, was laid over until Wednesday, April 1, retaining its place on the calendar.

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On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills Calendar (SB09-249, HB09-1250, HB09-1299) of Tuesday, March 31, was laid over until Wednesday, April 1, retaining its place on the calendar.

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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--SR09-013.

**CONSIDERATION OF RESOLUTIONS**

**SR09-013** by Senator(s) Penry; --Concerning changes to the membership of certain Senate Committees of Reference.

Amendment No. 1(L.001), by Senator Penry.

Amend printed resolution, page 1, line 5, strike "Penry" and substitute "Brophy".

The amendment was declared adopted on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	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	E	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	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	E	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Consideration of Resolutions Calendar (SJR09-030, SB09-032, SJR09-033, SJR09-034) of Tuesday, March 31, was laid over until Wednesday, April 1, retaining its place on the calendar.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of House Amendments to Senate Bills Calendar (SB09-080, SB09-050, SB09-062, SB09-150, SB09-101, SB09-039, SB09-165, SB09-107, SB09-005, SB09-129, SB09-169, SB09-013, SB09-168, SB09-042, SB09-131, SB09-237, SB09-231, SB09-051, SB09-078, SB09-148) of Tuesday, March 31, was laid over until Wednesday, April 1, retaining its place on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

**SB09-208** by Senator(s) Tapia, Keller, White; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning the augmentation of the general fund through transfers of certain moneys in the 2008-09 fiscal year.

Senator Keller moved for the adoption of the First Report of the First Conference Committee on **SBB09-208**, as printed in Senate Journal, March 16, page 743. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	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	E	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	23	NO	10	EXCUSED	2	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	E	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	E	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, as amended, was declared **repassed**.

**SB09-210** by Senator(s) Tapia, Keller, White; also Representative(s) Ferrandino, Pommer, Marostica-- Concerning transfers for health programs from the tobacco litigation funds, and, in connection therewith, making modifications to appropriations.

Senator Keller moved for the adoption of the First Report of the First Conference Committee on **SB08-210**, as printed in Senate Journal, March 23, pages 818-819. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	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	E	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	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	E	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, as amended, was declared **repassed**.

**SENATE SERVICES REPORT**

- Correctly Printed:** SB09-256; SJR09-034; SR01-013.
- Correctly Engrossed:** SB09-037; SJR09-028 and 029.
- Correctly Reengrossed:** SB09-003, 090, 118, 167 and 230.
- Correctly Rerevised:** HB09-1281.
- Correctly Enrolled:** SB09-038, 048, 069, 100, 112 and 139. SJR09-023, 024, 025 and 027; SM09-001.

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 Tuesday, March 31 was laid over until Wednesday, April 1, retaining its place on the calendar.

Conference Committees to Report: HB09-1153, HB09-1162, HB09-1057.

On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Wednesday, April 1, 2009.

Approved:

Peter C. Groff  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate