

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

---

120th Legislative Day Wednesday, May 6, 2009

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- Prayer 11  
By the chaplain, Garrett Streussel, Lutheran Church of the Resurrection, Lakewood. 12
- Pledge 13  
By Senator Hodge. 14
- Call to Order 15  
By the President at 10:00 a.m. 16
- Roll Call 17  
Present--34 18  
Excused--1, Mitchell. 19  
Present later--1, Mitchell. 20
- Quorum 21  
The President announced a quorum present. 22
- Reading of Journal 23  
On motion of Senator Newell, reading of the Journal of Tuesday, May 5, 2009, was 24  
dispensed with and the Journal was approved as corrected by the Secretary. 25

**SENATE SERVICES REPORT**

- Correctly Engrossed: SJM09-003. 26
- Correctly Revised: HB09-1321, 1331, 1335, 1336, 1337, 1351, 1357, 1363 and 1366; 27  
HJR09-1014 and 1021. 28
- Correctly Rerevised: HB09-1010, 1020, 1065, 1073, 1081, 1094, 1105, 1126, 1137, 1157, 29  
1204, 1246, 1274, 1280, 1288, 1319, 1333, 1334, 1341, 1343, 1345, 1346, 1347, 1349, 30  
1353, 1359, 1360, 1364, 1365, 1367; HCR09-1003. 31
- Correctly Enrolled: SB09-067, 160 and 162; SJM09-002; SJR09-039, 042, 045, 046 and 32  
053. 33

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON HB09-1342**

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**THIS REPORT AMENDS THE  
REREVISED BILL**  
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To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on HB09-1342, concerning the  
elimination of the state sales and use tax exemption for cigarettes, and making an  
appropriation in connection therewith, has met and reports that it has agreed upon the  
following:

1. That the House accede to the Senate amendments made to the bill, as the  
amendments appear in the rerevised bill.

2. That, under the authority granted the committee to consider matters not at issue  
between the two houses, the following amendments be recommended:

Amend rerevised bill, page 2, after line 14, insert the following:

"(c) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR ANY

LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF THE STATE THAT LEVIES A SALES OR USE TAX BASED ON THE SALES OR USE TAX LEVIED BY THE STATE PURSUANT TO THIS ARTICLE, THE SALE OR STORAGE, USE, OR CONSUMPTION OF CIGARETTES AFTER JUNE 30, 2009, AND BEFORE JULY 1, 2011, SHALL BE EXEMPT FROM THE SALES OR USE TAX OF SUCH LOCAL GOVERNMENT OR POLITICAL SUBDIVISION.

**SECTION 2.** 29-1-204.5 (3) (f.1) (I), Colorado Revised Statutes, is amended to read:

**29-1-204.5. Establishment of multijurisdictional housing authorities.** (3) The general powers of such authority shall include the following powers:

(f.1) (I) Subject to the provisions of subsection (7.5) of this section, to levy, in all of the area within the boundaries of the authority, a sales or use tax, or both, at a rate not to exceed one percent, upon every transaction or other incident with respect to which a sales or use tax is levied by the state, EXCLUDING THE SALE OR USE OF CIGARETTES. The tax imposed pursuant to this paragraph (f.1) is in addition to any other sales or use tax imposed pursuant to law. The executive director of the department of revenue shall collect, administer, and enforce the sales or use tax, to the extent feasible, in the manner provided in section 29-2-106. However, the executive director shall not begin the collection, administration, and enforcement of a sales and use tax until such time as the financial officer of the authority and the executive director have agreed on all necessary matters pursuant to subparagraph (III) of paragraph (e) of subsection (2) of this section. The executive director shall begin the collection, administration, and enforcement of a sales and use tax on a date mutually agreeable to the department of revenue and the authority."

Renumber succeeding sections accordingly.

Page 5, line 2, after "SALE", insert "OR USE";

line 19, after "SALE", insert "OR USE".

Page 6, line 6, after "SALE", insert "OR USE";

line 23, after "SALE", insert "OR USE".

Page 10, after line 10, insert the following:

**SECTION 16.** 43-4-605 (1) (j) (II), Colorado Revised Statutes, is amended to read:

**43-4-605. Powers of the authority - inclusion or exclusion of property - determination of regional transportation system alignment - fund created.**

(1) (j) (II) A sales or use tax, or both, levied pursuant to subparagraph (I) of this paragraph (j) shall not be levied on the sale of tangible personal property:

(A) Delivered by a retailer or a retailer's agent or to a common carrier for delivery to a destination outside the authority; or

(B) Upon which specific ownership tax has been paid or is payable if the purchaser resides outside the boundaries of the authority or the purchaser's principal place of business is outside the boundaries of the authority and if the personal property is registered or required to be registered outside the boundaries of the authority; OR

(C) WHERE SUCH TANGIBLE PERSONAL PROPERTY IS A CIGARETTE."Renumber succeeding sections accordingly.

Page 10, line 26, after "sold", insert "or used".

Respectfully submitted,

House Committee:  
(signed)  
Representative Benefield, Chair  
Representative Kagan  
Representative Marostica

Senate Committee:  
(signed)  
Senator Boyd, Chair  
Senator Williams  
Senator White

FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON HB09-1274

\*\*\*\*\*  
THIS REPORT AMENDS THE  
REENGROSSED BILL  
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To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on HB09-1274, concerning capital crimes, and making an appropriation in connection therewith, has met and reports that it has agreed upon the following:

That the Senate recede from its amendments made to the bill, as the amendments appear in the rerevised bill, and that the following amendments be substituted therefor:

Amend reengrossed bill, page 19, after line 17, insert the following:

"SECTION 22. Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**17-1-166. Report on repeal of death penalty - repeal.** (1) BY JANUARY 1, 2011, THE DEPARTMENT OF CORRECTIONS SHALL REPORT TO THE JOINT BUDGET COMMITTEE REGARDING ANY ADDITIONAL RISKS ENCOUNTERED BY THE DEPARTMENT AND ITS EMPLOYEES WITH THE ENACTMENT OF HOUSE BILL 09-1274 IN 2009 AND ANY ADDITIONAL RESOURCES REQUIRED BY THE ENACTMENT OF HOUSE BILL 09-1274.

(2) THIS SECTION SHALL BE REPEALED, EFFECTIVE JULY 1, 2011.

SECTION 23. 24-33.5-425, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**24-33.5-425. Cold case homicide team.** (4) THE ASSISTANCE PROVIDED TO LOCAL LAW ENFORCEMENT AGENCIES PURSUANT TO SUBSECTION (3) OF THIS SECTION BY THE TEAM MAY INCLUDE GRANTS, SUPPORT SERVICES, FUNDS TO PAY FOR COSTS OF INVESTIGATION AND OTHER COSTS NECESSARY, AND APPROPRIATIONS FOR THE INVESTIGATION OF COLD CASE HOMICIDES. THE TEAM MAY ALSO DIVERT UP TO FIFTY PERCENT OF THE FUNDS PROVIDED TO IT FOR ASSISTANCE TO THE OFFENDER IDENTIFICATION UNIT FOR ENHANCEMENT OF POST-CONVICTION DNA COLLECTION AND ANALYSIS."

Renumber succeeding sections accordingly.

Page 20, strike line 2 and substitute the following:

"of one million six hundred fourteen thousand dollars (\$1,614,000)";

line 3, strike "\$833,376".

Respectfully submitted,

House Committee: Senate Committee:  
(signed) (signed)  
Representative Weissmann, Chair Senator Carroll, Chair  
Representative Miklosi Senator Bacon

THIRD READING OF BILLS -- FINAL PASSAGE

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

**HB09-1363** by Representative(s) Ferrandino; also Senator(s) Veiga--Concerning the authority for the unemployment compensation section of the division of employment and training in the department of labor and employment to operate as an enterprise for purposes of section 20 of article X of the state constitution.

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

YES	21	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	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	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Boyd, Gibbs, Hodge, Tochtrop and Williams.

**HB09-1321** by Representative(s) Levy, Carroll T., Green, Benefield, Court, Ferrandino, Hullinghorst, Kerr A., Looper, McCann, McFadyen, McGihon, McKinley, Merrifield, Miklosi, Pace, Pommer, Ryden, Scanlan, Todd, Vigil, Weissmann; also Senator(s) Carroll M., Bacon, Boyd, Foster, Heath, Morse, Romer--Concerning the placement of a juvenile who is awaiting trial in district court.

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

YES	32	NO	3	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	N	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: Groff, Hodge, Hudak, Newell, Schwartz, Shaffer B. and Williams.

**HB09-1337** by Representative(s) Todd and Murray; also Senator(s) Williams and Carroll M., Cadman--Concerning changes to certain ballot processing deadlines contained in the state election code.

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	Y	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill

was declared **passed**.

Co-sponsors added: Kester, Spence and White.

**HB09-1336** by Representative(s) Todd and Murray; also Senator(s) Williams and Carroll M., Cadman--  
Concerning the implementation of specific recommendations of the state election reform  
commission.

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

YES	32	NO	3	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	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Kester and Spence.

**HB09-1335** by Representative(s) Todd and Murray; also Senator(s) Williams and Carroll M., Cadman--  
Concerning requirements for voting equipment.

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	N	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	N	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Kester and Spence.

Senator Carroll requested that her name be removed as co-prime sponsor on HB09-1335.

**HB09-1351** by Representative(s) Pommer and Ferrandino, Marostica; also Senator(s) Carroll M.--  
Concerning an increase in the amount of time an inmate may have deducted from the  
inmate's sentence, and making an appropriation in connection therewith.

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

YES	24	NO	11	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.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Boyd, Groff, Hodge, Hudak, Morse, Sandoval and Williams.

**HB09-1331** by Representative(s) Gagliardi; also Senator(s) Boyd--Concerning incentives for efficient motor vehicles, and making an appropriation in connection therewith.

The question being "Shall the bill 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.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Brophy, Groff, Heath, Hudak, King K., Kopp, Newell, Penry, Romer, Schwartz, Shaffer B., Tochtrop and White.

**HB09-1357** by Representative(s) Vigil; also Senator(s) Schwartz--Concerning a requirement that campaign finance reports required to be filed with the county clerk and recorder be filed instead with the secretary of state, and making an appropriation therefor.

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, Heath, Hudak, Penry, Romer, Shaffer B., Spence and Williams.

**HB09-1366** by Representative(s) Pommer; also Senator(s) Romer--Concerning the elimination of the state income tax modification for qualifying Colorado capital gains.

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

YES	21	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	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	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Bacon and Williams.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bills.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**SB09-110** by Senator(s) Morse, Carroll M., Hudak; also Representative(s) Levy--Concerning the continuation of the regulation of civil rights issues.

Senator Morse moved that the Senate concur in House amendments to **SB09-110**, as printed in House Journal, May 4, page 1706.

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

YES	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		

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
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	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 **passed**.

**SB09-241** by Senator(s) Morse; also Representative(s) King S. and Tipton--Concerning DNA testing of adults arrested for a felony, and making an appropriation therefor.

Senator Morse moved that the Senate not concur in House amendments to **SB09-241**, as printed in House Journal, May 4, pages 1706-1707, and that a conference committee be appointed.

On a substitute motion, Senator Carroll moved that the Senate adhere to its position on **SB09-241**. The motion was declared **lost** by the following roll call vote:

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

Senator Morse moved that the Senate not concur in House amendments to **SB09-241**, as printed in House Journal, May 4, pages 1706-1707, and that a conference committee be appointed.

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

YES	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.	N	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The President appointed Senators Morse, Chair, Newell, and Penry as Senate Conferees on the First Conference Committee on **SB09-241**.

Senator Morse moved that the Senate Conferees on the First Conference Committee on SB09-241 be granted permission to go beyond the scope of the differences between the two houses.

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

**SB09-247** by Senator(s) Tochtrop; also Representative(s) Pace--Concerning the expansion of benefits for unemployed workers in Colorado, and making an appropriation in connection therewith.

Senator Tochtrop moved that the Senate concur in House amendments to **SB09-247**, as printed in House Journal, May 4, pages 1707-1708.

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

YES	23	NO	12	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	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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



YES	21	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	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	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

**SB09-297**

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

Senator Sandoval moved that the Senate concur in House amendments to **SB09-297**, as printed in House Journal, May 4, page 1738.

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

YES	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		

The question being "Shall the bill, as amended, 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	N
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	N	Schwartz	Y		

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

Co-sponsors added: Boyd and Williams.

**SB09-290**

by Senator(s) Bacon, Kopp, Schwartz; also Representative(s) Riesberg, McFadyen, Sonnenberg--Concerning flexibility for capital construction projects.

Senator Bacon moved that the Senate concur in House amendments to **SB09-290**, as printed

in House Journal, May 4, page 1738.

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

YES	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		

The question being "Shall the bill, as amended, 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, as amended, was declared **passed**.

Co-sponsors added: Hodge, Shaffer B. and Tapia.

**SB09-085**

by Senator(s) Scheffel and Williams, Mitchell; also Representative(s) Rice and Priola, Lambert, McNulty--Concerning the creation of a legislative task force to study a property tax exemption for business personal property.

Senator Scheffel moved that the Senate concur in House amendments to **SB09-085**, as printed in House Journal, May 4, pages 1738-1739.

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

YES	32	NO	3	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	N	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	N	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

YES	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	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Cadman, Schwartz and Tapia.

**SB09-292** by Senator(s) Brophy, Mitchell, Morse, Schwartz, Shaffer B., Veiga; also Representative(s) Labuda, Gardner B., Kagan, Levy, Roberts--Concerning the revision of statutes in the Colorado Revised Statutes, as amended, and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.

Senator Brophy moved that the Senate concur in House amendments to **SB09-292**, as printed in House Journal, May 4, page 1739.

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

YES	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		

The question being "Shall the bill, as amended, 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, as amended, was declared **passed**.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE RESOLUTIONS**

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

Senator Shaffer B. moved that the Senate concur in House amendments to **SJR09-044**, as printed in House Journal, May 5.

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

YES	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		

The question being "Shall the resolution, as amended, 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	Y	Spence	Y
Brophy	N	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	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 resolution, as amended, was declared **passed**.

Co-sponsors added: Hodge

**SJR09-056** by Senator(s) Romer; also Representative(s) Middleton--Concerning continuing Colorado's significant advances in education reform through the use of federal "Race to the Top" moneys.

Senator Romer moved that the Senate concur in House amendments to **SJR09-056**, as printed in House Journal, May 5.

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

YES	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		

The question being "Shall the resolution, as amended, 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	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	Y	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 resolution, as amended, was declared **passed**.

### CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

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

Senator Sandoval moved for the adoption of the First Report of the First Conference Committee on **SB0-226**, as printed in Senate Journal, May 5, pages 1568-1571. The motion was **adopted** by the following roll call vote:

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		

The question being "Shall the bill, as amended, 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	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	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, as amended, was declared **repassed**.

Co-sponsors added: Lundberg, Spence and Williams.

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

Senator Sandoval moved for the adoption of the First Report of the First Conference Committee on **SB09-245**, as printed in Senate Journal, May 5, pages 1567-1568. The motion was adopted by the following roll call vote:

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	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	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

YES	24	NO	11	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	N	Schwartz	Y		

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

Co-sponsors added: Keller and Williams.

**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.

Senator Schwartz moved for the adoption of the First Report of the First Conference Committee on **HB09-1282**, as printed in Senate Journal, May 5, page 1572. The motion was **adopted** by the following roll call vote:

YES	23	NO	12	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	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

YES	21	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	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	N
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Hudak, Sandoval and Williams.

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

Senators Boyd and Schwartz moved for the adoption of the First Report of the First Conference Committee on **HB09-1111**, as printed in Senate Journal, May 5, pages 1571-1572. The motion was **adopted** by the following roll call vote:

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		

The question being "Shall the bill, as amended, 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	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	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, as amended, was declared **repassed**.

Co-sponsors added: Kester and Newell.

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

Senators Boyd and Williams moved for the adoption of the First Report of the First Conference Committee on **HB09-1342**, as printed in Senate Journal, May 5, pages 1589-1591. The motion was **adopted** by the following roll call vote:

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		

The question being "Shall the bill, as amended, 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	N
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	N	Schwartz	Y		

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

FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON HB09-1137

\*\*\*\*\*  
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 HB09-1137, concerning intercepts, and, in connection therewith, intercepting gambling winnings to pay outstanding restitution, and requiring the department of revenue to provide specified information to state agencies in conjunction with intercepts of tax refunds, has met and reports that it has agreed upon the following:

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

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

Page 4, strike line 1 and substitute the following:

"(c.5) (I) FOR ALLOCATION DURING THE STATE FISCAL YEARS 2010-11 AND 2011-12, BASED ON RECOMMENDATIONS FROM THE ADVISORY BOARD, TO THE GAMBLING PAYMENT INTERCEPT CASH FUND CREATED IN SECTION 24-35-605.5, FOR USE BY THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 24-35-605.5 (2) (a); EXCEPT THAT MONEYS SHALL NOT BE ALLOCATED FOR SUCH PURPOSE UNLESS ALL OTHER PERMISSIBLE DISTRIBUTIONS AND ALLOCATIONS HAVE BEEN MADE FROM THE FUND.

(II) THIS PARAGRAPH (c.5) IS REPEALED, EFFECTIVE JULY 1, 2012."

Renumber succeeding sections accordingly.

Page 8, line 18, strike "(3)" and substitute "(3), ANY ALLOCATIONS MADE TO THE FUND PURSUANT TO SECTION 24-33.5-506 (1) (c.5) (I), ANY OTHER MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY,";

line 20, strike "AND THE JUDICIAL DEPARTMENT ARE" and substitute "IS";

line 24, after the period, add "THE STATE TREASURER SHALL ALSO CREDIT TO THE FUND ANY MONEYS THAT ARE ALLOCATED THERETO PURSUANT TO

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SECTION 24-33.5-506 (1) (c.5) (I)."

Page 9, line 3, after the period, add "AS SOON AS THERE ARE SUFFICIENT MONEYS IN THE FUND, THE DEPARTMENT OF REVENUE SHALL EXPAND THE PROGRAM FOR SUCH PURPOSE."

Respectfully submitted,

House Committee:  
(signed)  
Representative Judd, Chair  
Representative Levy  
Representative Bradford

Senate Committee:  
(signed)  
Senator Newell, Chair  
Senator Morse  
Senator Harvey

FIRST MAJORITY REPORT OF FIRST CONFERENCE COMMITTEE  
ON HB09-1163

\*\*\*\*\*  
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 HB09-1163, concerning crimes in which the victim is a child, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 6, strike lines 7 through 27.

Strike pages 7 through 10.

Page 11, strike lines 1 through 7.

Renumber succeeding sections accordingly.

Respectfully submitted,

House Committee:  
(signed)  
Representative Levy  
Representative A. Kerr

SenateCommittee:  
(signed)  
Senator Veiga, Chair  
Senator Romer

FIRST MINORITY REPORT OF FIRST CONFERENCE  
COMMITTEE ON HB09-1163

\*\*\*\*\*  
THIS REPORT AMENDS THE  
REREVISED BILL  
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To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on HB09-1163, concerning crimes in which the victim is a child, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 9, strike lines 26 and 27 and substitute the following:

"(4) IT SHALL NOT BE AN OFFENSE PURSUANT TO THIS SECTION IF:"

Page 10, line 18, strike "AFFIRMATIVE DEFENSES" and substitute "EXCEPTIONS", and strike "OR" and substitute "AND".

Page 11, after line 1, insert the following:

"(7) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO IMPOSE CRIMINAL OR CIVIL LIABILITY ON:

(a) A CABLE OPERATOR OR A MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTOR, AS THOSE TERMS ARE DEFINED IN 47 U.S.C. SEC. 522;

(b) A TELECOMMUNICATIONS SERVICE, AS THAT TERM IS DEFINED IN 47 U.S.C. SEC. 153 (46), INCLUDING ANY TELECOMMUNICATIONS EQUIPMENT, AS THAT TERM IS DEFINED UNDER 47 U.S.C. SEC. 153 (45), USED TO PROVIDE TELECOMMUNICATIONS SERVICE. FOR PURPOSES OF THIS SECTION, A TELECOMMUNICATIONS SERVICE INCLUDES A SERVICE THAT IS OFFERED FOR FREE TO THE GENERAL PUBLIC.

(c) A MOBILE SERVICE, AS THAT TERM IS DEFINED IN 47 CFR 20.3; OR

(d) AN INTERACTIVE COMPUTER SERVICE, AS THAT TERM IS DEFINED IN 47 U.S.C. SEC. 230 (f) (2), FOR CONTENT PROVIDED BY ANOTHER PERSON."

Respectfully submitted,

House Committee: Senate Committee:
(signed) (signed)
Representative C. Gardner, Chair Senator Harvey, Chair

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB09-1157

\*\*\*\*\*
THIS REPORT ADOPTS THE REREVISED BILL
\*\*\*\*\*

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

Your first conference committee appointed on HB09-1157, concerning the designation of N-benzylpiperazine as a schedule I controlled substance, has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill and that the rerevised bill be adopted without change.

Respectfully submitted,

House Committee: Senate Committee:

(signed)  
 Representative Waller, Chair  
 Representative Pommer

(signed)  
 Senator Kopp, Chair  
 Senator Newell  
 Senator Hodge

**MESSAGE FROM THE HOUSE**

May 6, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes SB09-285, amended on Third Reading as printed in House Journal May 6.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB09-295, amended as printed in House Journal, May 4, pages 1718-1736, and amended on Third Reading as printed in House Journal, May 6.  
 SB09-286, amended as printed in House Journal, May 4, pages 1736-1738, and amended on Third Reading as printed in House Journal, May 6.

The House has voted to concur in the Senate amendments to HB089-1246 and has repassed the bills as so amended.

The Speaker has appointed Representatives King, chairman, Pace, and Levy, as House conferees on the First Conference Committee 241.

The House has failed to pass SJM09-010, the memorial is returned herewith.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

**HB09-1137** by Representative(s) Judd; also Senator(s) Newell--Concerning intercepts, and, in connection therewith, intercepting gambling winnings to pay outstanding restitution, and requiring the department of revenue to provide specified information to state agencies in conjunction with intercepts of tax refunds, and making an appropriation.

Senator Newell moved for the adoption of the First Report of the First Conference Committee on **HB09-1137**, as printed in Senate Journal, May 6. The motion was **adopted** by the following roll call vote:

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		

The question being "Shall the bill, as amended, 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	N
Brophy	N	Isgar	Y	Penry	N	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	Y	Lundberg	N	Schultheis	Y	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

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

Senator Romer moved to reject the First Report of the First Conference Committee on **HB09-1163**, that the Conference Committee on be dissolved, that the Senate Conferees be discharged, and that a Second Conference Committee be formed. The motion was **adopted** on the following roll call vote:

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		

The President appointed Senators Veiga, Chair, Romer, and Harvey, as Senate Conferees on the Second Conference Committee on **HB09-1163**.

**HB09-1157** by Representative(s) Waller, Baumgardner, Bradford, King S., Liston, Stephens; also Senator(s) Kopp, King K., Scheffel--Concerning the designation of N-benzylpiperazine as a schedule I controlled substance.

Senator Kopp moved for the adoption of the First Report of the First Conference Committee on **HB09-1157**, as printed in Senate Journal, May 6. The motion was **adopted** by the following roll call vote:

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

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	N	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	N	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

May 6, 2009

The House has voted to concur in the Senate amendments to HB089-1321, 1351, 1331, 1366, and has repassed the bills as so amended.

The Speaker has appointed Representatives C. Gardner, chairman, Levy, and A. Kerr as House conferees on the Second Conference Committee on HB09-1163.

MESSAGE FROM THE REVISOR OF STATUTES

May 6, 2009

We herewith transmit:

Without comment, as amended, SB09-285, 286, and 295.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB09-1205, 1313, 1339; SJM09-003; SJR09-034, 040, 047 and 054; SR09-015; SB09-022, 025, 076, 088, 106, 178, 243, 248, 249, 252, 254, 258 and 275.

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, HJR09-1028.

CONSIDERATION OF RESOLUTIONS

HJR09-1028 by Representative(s) Benefield, Court, Massey, Vaad; also Senator(s) Shaffer B., Groff, Penry--Concerning the retention of officers and employees of the First Regular Session of the Sixty-seventh General Assembly.

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

Table with 4 columns: YES (35), NO (0), EXCUSED (0), ABSENT (0). Rows list names of representatives and senators such as Bacon, Hodge, Morse, Shaffer B., etc.

Co-sponsors added: Boyd, Gibbs, Heath, Hodge, Hudak, Schwartz, Spence, Tochtrop and Williams.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

**HB09-1274** by Representative(s) Weissmann; also Senator(s) Carroll M., Groff--Concerning capital crimes, and making an appropriation in connection therewith.

Senator Carroll moved for the adoption of the First Report of the First Conference Committee on **HB09-1274**, as printed in Senate Journal, May 6. The motion was **adopted** by the following roll call vote:

YES	21	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	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	N
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

YES	17	NO	18	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	N	Morse	N	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	N	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	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

**FIRST REPORT OF SECOND CONFERENCE COMMITTEE  
ON HB09-1163**

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

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

Your second conference committee appointed on HB09-1163, concerning crimes in which the victim is a child, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 6, strike lines 7 through 27.

Strike pages 7 through 10.

Page 11, strike lines 1 through 7.

Re-number succeeding sections accordingly.

Respectfully submitted,

House Committee:  
(signed)  
Representative A. Kerr  
Representative Levy

Senate Committee:  
(signed)  
Senator Veiga, Chair  
Senator Romer

FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON HB09-1094

\*\*\*\*\*  
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 HB09-1094,  
concerning wireless telephone prohibitions for drivers, and making an  
appropriation in connection therewith, has met and reports that it has  
agreed upon the following:

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

Amend rerevised bill, page 3, line 9, strike "EIGHTEEN" and substitute  
"UNDER EIGHTEEN";

line 10, strike "OR YOUNGER";

line 11, strike "FOR THE PURPOSE OF ENGAGING IN TEXT MESSAGING";

line 12, strike "OR OTHER FORMS OF MANUAL DATA ENTRY OR  
TRANSMISSION";

line 13, strike "vehicle" and substitute "vehicle.";

line 14, strike "WHILE THE VEHICLE IS IN";

strike line 15;

after line 18, insert the following:

"(3) A PERSON EIGHTEEN YEARS OF AGE OR OLDER SHALL NOT USE  
A WIRELESS TELEPHONE FOR THE PURPOSE OF ENGAGING IN TEXT  
MESSAGING OR OTHER SIMILAR FORMS OF MANUAL DATA ENTRY OR  
TRANSMISSION WHILE OPERATING A MOTOR VEHICLE.".

Renumber succeeding subsections accordingly.

Page 3, line 19, after "(2)", insert "OR (3)";

line 24, after "(2)", insert "OR (3)";

line 27, after "(2)", insert "OR (3)".

Page 4, strike lines 4 through 8.

Renumber succeeding subsections accordingly.

Page 5, line 21, strike "(4)" and substitute "(5)";

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line 22, strike "(4)" and substitute "(5)";

strike lines 24 through 27.

Page 6, strike lines 1 through 23.

Re-number succeeding sections accordingly.

Page 1, line 101, strike "DRIVERS, AND" and substitute "DRIVERS.";

strike line 102.

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 2, line 19, strike ""HANDS-FREE ACCESSORY" MEANS A" and substitute ""OPERATING A MOTOR VEHICLE" MEANS DRIVING A MOTOR VEHICLE ON A PUBLIC HIGHWAY, BUT "OPERATING A MOTOR VEHICLE" SHALL NOT MEAN MAINTAINING THE INSTRUMENTS OF CONTROL WHILE THE MOTOR VEHICLE IS AT REST IN A SHOULDER LANE OR LAWFULLY PARKED.";

strike lines 20 through 26.

Re-letter succeeding paragraphs accordingly.

Page 3, line 3, after "OTHER", insert "SIMILAR".

Page 4, strike lines 9 through 14 and substitute the following:

~~"(4)~~ (5) (a) An operator of a motor vehicle shall not be cited for a violation of subsection (2) of this section unless ~~such operator was stopped by~~ THE OPERATOR WAS UNDER EIGHTEEN YEARS OF AGE AND a law enforcement officer ~~for an alleged violation of articles 1 to 4 of this title other than a violation of this section~~ SAW THE OPERATOR USE, AS DEFINED IN PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION, A WIRELESS TELEPHONE.

(b) AN OPERATOR OF A MOTOR VEHICLE SHALL NOT BE CITED FOR A VIOLATION OF SUBSECTION (3) OF THIS SECTION UNLESS THE OPERATOR WAS EIGHTEEN YEARS OF AGE OR OLDER AND A LAW ENFORCEMENT OFFICER SAW THE OPERATOR USE A WIRELESS TELEPHONE FOR THE PURPOSE OF ENGAGING IN TEXT MESSAGING OR OTHER SIMILAR FORMS OF MANUAL DATA ENTRY OR TRANSMISSION."

Respectfully submitted,

House Committee:  
(signed)  
Representative Levy, Chair  
Representative Fischer  
Representative McNulty

Senate Committee:  
(signed)  
Senator Bacon, Chair  
Senator Foster  
Senator Kester

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FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON SB09-241

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THIS REPORT AMENDS THE  
REENGROSSED BILL  
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To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on SB09-241,  
concerning DNA testing of adults arrested for a felony, and making an  
appropriation therefor, has met and reports that it has agreed upon the  
following:

1. That the House recede from its amendments made to the bill,  
as the amendments appear in the rerevised bill, and that the following  
amendments be substituted therefor:

Amend reengrossed bill, page 2, line 25, strike "SEPTEMBER 1, 2009," and  
substitute "SEPTEMBER 30, 2010,".

Page 3, line 7, strike "SEPTEMBER 1, 2009," and substitute "SEPTEMBER  
30, 2010,";

line 8, strike "SEPTEMBER 1, 2009," and substitute "SEPTEMBER 30,  
2010,";

line 13, strike "SEPTEMBER 1, 2009," and substitute "SEPTEMBER 30,  
2010,";

line 22, strike "(2)" and substitute "(2) (a)".

Page 4, strike lines 19 through 24.

Page 5, line 7, strike "SYSTEM AND" and substitute "SYSTEM AFTER  
RECEIVING CONFIRMATION FROM THE ARRESTING OR CHARGING AGENCY  
THAT THE ADULT WAS CHARGED WITH A FELONY. IF THE COLORADO  
BUREAU OF INVESTIGATION DOES NOT RECEIVE CONFIRMATION OF A  
FELONY CHARGE WITHIN A YEAR AFTER RECEIVING THE SAMPLE FOR  
TESTING, THE COLORADO BUREAU OF INVESTIGATION SHALL DESTROY THE  
BIOLOGICAL SAMPLE AND ANY RESULTS FROM THE TESTING OF THE  
SAMPLE. THE COLORADO BUREAU OF INVESTIGATION";

strike lines 11 through 27 and substitute the following:

**"16-23-105. Expungement.** (1) EXCEPT AS PROVIDED IN  
SUBSECTION (7) OF THIS SECTION, A PERSON WHOSE BIOLOGICAL  
SUBSTANCE SAMPLE IS COLLECTED PURSUANT TO SECTION 16-23-103  
QUALIFIES FOR EXPUNGEMENT IF:

(a) IN THE CASE OF A SAMPLE COLLECTED BASED UPON THE FILING  
OF A CHARGE OR BASED UPON A FINAL COURT ORDER, EACH FELONY  
CHARGE STEMMING FROM THE CHARGES HAS, BY FINAL COURT ORDER,  
BEEN DISMISSED, RESULTED IN AN ACQUITTAL, OR RESULTED IN A  
CONVICTION FOR AN OFFENSE OTHER THAN A FELONY OFFENSE DESCRIBED  
IN TITLE 18, C.R.S.;

(b) IN THE CASE OF A SAMPLE COLLECTED BASED UPON AN ARREST:

(I) A FELONY CHARGE WAS NOT FILED WITHIN NINETY DAYS AFTER  
THE ARREST; OR

(II) EACH FELONY CHARGE STEMMING FROM THE ARREST HAS, BY  
FINAL COURT ORDER, BEEN DISMISSED, RESULTED IN AN ACQUITTAL, OR

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RESULTED IN A CONVICTION FOR AN OFFENSE OTHER THAN A FELONY OFFENSE.

(2) A PERSON WHO QUALIFIES FOR EXPUNGEMENT UNDER SUBSECTION (1) OF THIS SECTION MAY SUBMIT A WRITTEN REQUEST FOR EXPUNGEMENT TO THE COLORADO BUREAU OF INVESTIGATION. THE REQUEST SHALL INCLUDE THE ITEMS LISTED IN THIS SUBSECTION (2) AND MAY INCLUDE ANY ADDITIONAL INFORMATION THAT MAY ASSIST THE BUREAU IN LOCATING THE RECORDS OF ARREST OR CHARGES OR THE BIOLOGICAL SUBSTANCE SAMPLE OR TESTING RESULTS. THE FOLLOWING INFORMATION SHALL BE INCLUDED IN THE SUBMITTED REQUEST:

(a) THE PERSON'S NAME, DATE OF BIRTH, AND MAILING ADDRESS;

(b) THE NAME OF THE AGENCY THAT COLLECTED THE BIOLOGICAL SUBSTANCE SAMPLE;

(c) THE DATE OF ARREST OR OTHER DATE WHEN THE SAMPLE WAS TAKEN;

(d) WHETHER ANY CHARGES WERE FILED STEMMING FROM THE ARREST FOR WHICH A BIOLOGICAL SUBSTANCE SAMPLE WAS COLLECTED, THE IDENTITY OF THE COURT, AND THE CASE NUMBER OF EACH CASE IN WHICH CHARGES WERE FILED; AND

(e) A DECLARATION THAT, TO THE BEST OF THE PERSON'S KNOWLEDGE, HE OR SHE QUALIFIES FOR EXPUNGEMENT.

(3) UPON RECEIPT OF A REQUEST SATISFYING THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION, THE COLORADO BUREAU OF INVESTIGATION SHALL PROMPTLY SUBMIT A WRITTEN INQUIRY TO THE DISTRICT ATTORNEY IN THE JURISDICTION IN WHICH THE PERSON'S BIOLOGICAL SUBSTANCE SAMPLE WAS COLLECTED CONCERNING THE OUTCOME OF THE ARREST OR CHARGES.

(4) WITHIN NINETY DAYS AFTER RECEIVING THE REQUEST SUBMITTED PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE COLORADO BUREAU OF INVESTIGATION SHALL DESTROY THE BIOLOGICAL SUBSTANCE SAMPLE COLLECTED PURSUANT TO SECTION 16-23-103 AND EXPUNGE THE RESULTS OF THE TESTING OF THE SAMPLE FROM THE FEDERAL COMBINED DNA INDEX SYSTEM AND ANY STATE INDEX SYSTEM, UNLESS THE BUREAU RECEIVES WRITTEN NOTIFICATION FROM THE APPLICABLE DISTRICT ATTORNEY THAT THE PERSON DOES NOT QUALIFY FOR EXPUNGEMENT AND THE REASONS THAT THE PERSON DOES NOT QUALIFY.

(5) WITHIN THIRTY DAYS AFTER RECEIVING A NOTICE FROM A DISTRICT ATTORNEY PURSUANT TO SUBSECTION (4) OF THIS SECTION, OR AT THE END OF THE NINETY-DAY PERIOD IDENTIFIED IN SUBSECTION (4) OF THIS SECTION, WHICHEVER IS EARLIER, THE COLORADO BUREAU OF INVESTIGATION SHALL SEND NOTIFICATION BY FIRST CLASS MAIL TO THE PERSON ARRESTED OR CHARGED, EITHER STATING THAT THE BUREAU HAS DESTROYED THE BIOLOGICAL SUBSTANCE SAMPLE AND EXPUNGED THE RESULTS OF THE TESTING OF THE SAMPLE OR STATING WHY THE BUREAU HAS NOT DESTROYED THE SAMPLE AND EXPUNGED THE TEST RESULTS.

(6) A DATA BANK OR DATABASE MATCH SHALL NOT BE ADMITTED AS EVIDENCE AGAINST A PERSON IN A CRIMINAL PROSECUTION AND SHALL NOT BE USED AS A BASIS TO IDENTIFY A PERSON IF THE MATCH IS:

(a) DERIVED FROM A BIOLOGICAL SUBSTANCE SAMPLE THAT IS REQUIRED TO BE DESTROYED OR EXPUNGED PURSUANT TO THIS SECTION; AND

(b) OBTAINED AFTER THE REQUIRED DATE OF DESTRUCTION OR EXPUNGEMENT.

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(7) THIS SECTION SHALL NOT APPLY IF THE PERSON HAS BEEN ARRESTED FOR, CHARGED WITH, OR CONVICTED OF SOME OTHER OFFENSE ON THE BASIS OF WHICH A BIOLOGICAL SUBSTANCE SAMPLE WAS OR COULD HAVE BEEN COLLECTED UNDER STATE STATUTE.

(8) FOR PURPOSES OF THIS SECTION, A COURT ORDER SHALL NOT BE DEEMED FINAL IF TIME REMAINS FOR AN APPEAL OR APPLICATION FOR DISCRETIONARY REVIEW WITH RESPECT TO THE ORDER."

Strike page 6.

Page 7, strike lines 1 through 24.

Page 9, line 8, strike "FIVE DOLLARS" and substitute "TWO DOLLARS AND FIFTY CENTS";

line 19, strike "FIVE DOLLARS" and substitute "TWO DOLLARS AND FIFTY CENTS";

line 27, strike "FIVE DOLLARS" and substitute "TWO DOLLARS AND FIFTY CENTS".

Page 10, line 7, strike "FIVE DOLLARS" and substitute "TWO DOLLARS AND FIFTY CENTS";

line 15, strike "FIVE DOLLARS" and substitute "TWO DOLLARS AND FIFTY CENTS";

line 23, strike "FIVE DOLLARS" and substitute "TWO DOLLARS AND FIFTY CENTS".

Page 11, line 11, strike "THROUGH" and substitute "TO".

Page 15, line 23, strike "to THROUGH" and substitute "to".

Page 16, after line 27, insert the following:

**SECTION 10.** 18-1-412, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**18-1-412. Procedure for application for DNA testing - appointment of counsel.** (9) UPON MOTION OF THE DEFENDANT OR HIS OR HER COUNSEL, THE COURT SHALL ORDER A DATABASE SEARCH BY A LAW ENFORCEMENT AGENCY IF THE COURT DETERMINES THAT A REASONABLE PROBABILITY EXISTS THAT THE DATABASE SEARCH WILL PRODUCE EXCULPATORY OR MITIGATING EVIDENCE RELEVANT TO A CLAIM OF WRONGFUL CONVICTION OR SENTENCING. DNA PROFILES MUST MEET CURRENT NATIONAL DNA DATABASE INDEX SYSTEM ELIGIBILITY STANDARDS AND CONFORM TO CURRENT FEDERAL BUREAU OF INVESTIGATION QUALITY ASSURANCE STANDARDS IN ORDER TO BE ELIGIBLE FOR SEARCH AGAINST THE STATE INDEX SYSTEM."

Renumber succeeding sections accordingly.

Page 17, line 9, strike "12" and substitute "14".

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Page 4, after line 1, insert the following:

"(b) WHEN AN ACTION OCCURS THAT QUALIFIES AN ADULT FOR EXPUNGEMENT PURSUANT TO SECTION 16-23-105 (1), THE COURT OR DISTRICT ATTORNEY SHALL ADVISE THE ADULT THAT THE ADULT MAY MAKE A REQUEST TO THE COLORADO BUREAU OF INVESTIGATION TO HAVE THE BIOLOGICAL SUBSTANCE SAMPLE COLLECTED PURSUANT TO SECTION

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16-23-103 DESTROYED AND RESULTS OF THE TESTING OF THE SAMPLE EXPUNGED FROM THE FEDERAL COMBINED DNA INDEX SYSTEM AND ANY STATE INDEX SYSTEM PURSUANT TO THE PROCESS DESCRIBED IN SECTION 16-23-105.";

Page 8, after line 18, insert the following:

"SECTION 4. 24-33.5-104.5 (3), Colorado Revised Statutes, is amended to read:

**24-33.5-104.5. Powers of executive director - DNA evidence issues - working group.** (3) (a) After completing the report required in subsection (2) of this section, the working group shall convene to make recommendations to the general assembly for legislation addressing the issues of DNA evidence retention and storage. The recommendations shall include, but need not be limited to, standardized timelines for retention of reasonable and relevant DNA evidence, provision of storage facilities, and best practices for evidence collection and storage. The working group shall make its recommendations by December 1, 2010.

(b) THE WORKING GROUP SHALL CONVENE TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE APPROPRIATENESS AND IMPLEMENTATION OF SENATE BILL 09-241. PRIOR TO JANUARY 12, 2010, THE WORKING GROUP SHALL PROVIDE A REPORT TO THE GENERAL ASSEMBLY REGARDING ITS DISCUSSION AND RECOMMENDATIONS REGARDING THE APPROPRIATENESS AND IMPLEMENTATION OF SENATE BILL 09-241. THE REPORT MAY INCLUDE BOTH A MAJORITY AND MINORITY REPORT."

Renumber succeeding sections accordingly.

Page 17, line 8, strike "implementation" and substitute "preparation for implementation and implementation".

Respectfully submitted,

Senate Committee:

House Committee:

Senator Morse, Chair  
Senator Newell  
Senator Penry

Representative King, Chair  
Representative Pace  
Representative Levy

**MESSAGE FROM THE HOUSE**

May 6, 2009

The House has voted to concur in the Senate amendments to HB089-1321, 1351, 1331, 1366, and has repassed the bills as so amended.

The Speaker has appointed Representatives C. Gardner, chairman, Levy, and A. Kerr as House conferees on the Second Conference Committee on HB09-1163.

The House has adopted the First Report of the First Conference Committee on HB09-1111, as printed in House Journal, May 6, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB09-1137, as printed in House Journal, May 6, and has repassed the bill as amended.

The House has voted to grant the House conferees on the First Conference Committee on SB09-241 to consider matters not at issue between the two houses.

The House has adopted the First Report of the First Conference Committee

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on HB09-1157, as printed in House Journal, May 6, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB09-1282, as printed in House Journal, May 6, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB09-1342, as printed in House Journal, May 6, and has repassed the bill as amended.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

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

Senator Romer moved for the adoption of the First Report of the Second Conference Committee on **HB09-1163**, as printed in Senate Journal, May 6.

On a substitute motion, Senator Harvey moved to reject the Second Conference Committee report and adhere to the senate position. The motion was declared **lost** by the following roll call vote.

YES	17	NO	18	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	Y	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	Y
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	Y		

Senator Romer moved for the adoption of the First Report of the Second Conference Committee on **HB09-1163**, as printed in Senate Journal, May 6. The motion was declared **passed** by the following roll call vote.

YES	20	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	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	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	N
Heath	Y	Mitchell	N	Schwartz	Y		

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

YES	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, as amended, was declared **repassed**.

Co-sponsors added: Cadman, Heath, Hodge, Hudak and Schwartz.

**HB09-1094** by Representative(s) Levy, Fischer, Hullinghorst, Kefalas; also Senator(s) Bacon-- Concerning wireless telephone prohibitions for drivers, and making an appropriation in connection therewith.

Senators Bacon moved for the adoption of the First Report of the First Conference Committee on **HB09-1094**, as printed in Senate Journal, May 6. The motion was **adopted** by the following roll call vote:

YES	25	NO	10	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	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	N	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

YES	23	NO	12	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	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Romer

**IMMEDIATE RECONSIDERATION OF HB09-1094**

**HB09-1094** by Representative(s) Levy, Fischer, Hullinghorst, Kefalas; also Senator(s) Bacon-- Concerning wireless telephone prohibitions for drivers, and making an appropriation in connection therewith.

Having voted on the prevailing side, Senator Carroll moved for immediate reconsideration of the last Senate action, Repassage of HB09-1094. 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.

### REPASSAGE OF HB09-1094

**HB09-1094** by Representative(s) Levy, Fischer, Hullinghorst, Kefalas; also Senator(s) Bacon-- Concerning wireless telephone prohibitions for drivers, 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	N	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.	N	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

### CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

**SB09-285** by Senator(s) Heath, Mitchell, Schwartz, Foster, Gibbs, Groff, Isgar, King K., Newell, Romer, Spence, Tapia, Veiga, White, Williams; also Representative(s) Summers and Solano, McFadyen, Rice--Concerning the inclusion of career and technical education program providers among the institutions of higher education that are permitted to offer concurrent enrollment opportunities to high school students.

Senator Heath moved that the Senate concur in House amendments to **SB09-285**, as printed in House Journal, May 6.

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

YES	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		

The question being "Shall the bill, as amended, 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, as amended, was declared **passed**.

Co-sponsors added: Hudak

**SB09-286**

by Senator(s) Morse and Carroll M., Bacon, Boyd, Foster, Groff, Heath, Hodge, Hudak, Isgar, Newell, Romer, Shaffer B., Tapia, Tochtrop, Veiga, Williams; also Representative(s) Levy and Merrifield, Ferrandino, Kagan, Miklosi, Pommer, Pace, Benefield, Carroll T., Court, Fischer, Green, Hullinghorst, Judd, Kerr A., Labuda, McFadyen, Middleton, Rice, Ryden, Schafer S., Solano, Todd--Concerning criminal law, and, in connection therewith, changing the provisions related to legal representation of indigent defendants for certain misdemeanor cases; changing the offense level or sentencing options for select nonviolent offenses, property offenses, and drug offenses; changing the presumptive sentencing ranges for certain felony offenses; repealing certain extraordinary risk sentencing provisions; making changes to the habitual offender statute; and allowing for certain sentencing time credits for certain offenders.

Senator Morse moved that the Senate concur in House amendments to **SB09-286**, as printed in House Journal, May 6.

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

YES	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		

The question being "Shall the bill, as amended, 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, as amended, was declared **passed**.

**SB09-295** by Senator(s) Boyd, Groff, Heath, Hodge, Kopp, Romer, Schwartz, Tochtrop, Williams; also Representative(s) May and Middleton, Merrifield--Concerning accessibility at state-supported institutions of higher education.

Senator Boyd moved that the Senate concur in House amendments to **SB09-295**, as printed in House Journal, May 6.

On a substitute motion, Senator Schwartz moved that the Senate adhere to its position on **SB09-295**. The motion was declared adopted on the following roll call vote:

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

**CONSIDERATION OF RESOLUTIONS -- CONSENT CALENDAR**

**HJR09-1022** by Representative(s) Frangas, Acree, Ferrandino, Gagliardi, Gerou, Green, Kerr J., Labuda, Looper, Pace, Primavera, Soper, Swalm, Todd; also Senator(s) Sandoval, Bacon, Heath, Tochtrop--Concerning the creation of a task force to study ways to maintain safety and quality of life for consumers utilizing home care placement agencies.

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

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		

**HJR09-1024** by Representative(s) Sonnenberg; also Senator(s) Hodge--Concerning the actions of other states in subjecting Colorado-based interstate motor carriers to an unreasonable income tax.

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

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		

Co-sponsors added: Brophy, Carroll M., Kopp, Penry and Tochtrop.

**SJR09-059** by Senator(s) Schwartz; also Representative(s) Merrifield--Concerning the designation of "Graduate and Professional Student Appreciation Month".

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

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		

**HJR09-1023** by Representative(s) Gardner B.; also Senator(s) Morse--Concerning the Ground-based Midcourse Defense System.

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

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		

Co-sponsors added: Brophy, Kopp and Renfroe.

**HJR09-1027** by Representative(s) King S.; also Senator(s) Morse--Concerning declaring the week of May 10-16, 2009, as Police Week and May 15, 2009, as Peace Officers' Memorial Day.

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

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		

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Groff, Harvey, Heath, Hodge, Hudak, Isgar, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Tapia, Tochtrop, Veiga, White and Williams.

**SR09-017** by Senator(s) Groff; --Concerning the approval by the Senate of the appointment by the Senate President of the honorable Dan Grossman as the Senate's appointment to the independent ethics commission created in article XXIX of the state constitution.

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

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		

Co-sponsors added: Cadman, Newell and Williams.

**HJR09-1025** by Representative(s) Schafer S., Apuan, Benefield, Massey, Murray, Priola; also Senator(s) Bacon--Concerning the creation of an interim committee to study ways to improve the safety of school communities.

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

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		

Co-sponsors added: Gibbs, Groff, Heath and Williams.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

On motion of Senator Tochtrop, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE  
PINNACOL ASSURANCE BOARD OF DIRECTORS

for terms expiring January 1, 2013:

Paul P. Pettinger of Fort Collins, Colorado, an employee of an employer whose liability is insured by Pinnacol, appointed;

Robert John "R.J." Jolly of Kit Carson, Colorado, a farmer or employer whose liability is insured by Pinnacol, reappointed.

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		

On motion of Senator Tochtrop, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE  
STATE BOARD OF HEALTH

for terms expiring March 1, 2013:

Dr. Philip S. Mehler of Denver, Colorado, a resident of the 1<sup>st</sup> Congressional District and a Republican, appointed;

Kindra K. Mulch of Burlington, Colorado, a resident of the 4<sup>th</sup> Congressional District and a Democrat, reappointed;

Hon. Joelle Riddle of Durango, Colorado, a resident of the 3<sup>rd</sup> Congressional District and a Democrat, reappointed;

Glenn H. Schlabs of Colorado Springs, Colorado, a resident of the 5<sup>th</sup> Congressional District and a Democrat, reappointed;

Joan W. Sowinski of Centennial, Colorado, a resident of the 6<sup>th</sup> Congressional District and a Republican, appointed.

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		

On motion of Senator Hudak, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE  
ADVISORY COMMITTEE ON  
GOVERNMENTAL ACCOUNTING

effective May 18, 2009, for a term expiring May 18, 2013:

Carol L. Block of Fort Collins, Colorado, a finance officer representing county government, reappointed.

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		

**CONSIDERATION OF RESOLUTIONS**

**SJR09-050** by Senator(s) Keller; also Representative(s) Ferrandino--Concerning an amendment to the Joint Rules of the Senate and the House of Representatives to require members of the General Assembly to each attend five Joint Budget Committee meetings in the November or December prior to the convening of the General Assembly at the next regular session.

On motion of Senator Keller, the resolution was **lost** by the following roll call vote:

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

**HJR09-1017** by Representative(s) Riesberg and Roberts, Acree, Apuan, Benefield, Casso, Gagliardi, Gerou, Green, Hullinghorst, Kerr J., Massey, McCann, McKinley, Merrifield, Peniston, Primavera, Solano, Todd, Vaad, Gardner B., Gardner C., Liston, Looper, Scanlan, Sonnenberg, Summers, Swalm, Tipton, Vigil, Waller; also Senator(s) Williams, Boyd, Carroll M., Hodge, Isgar, Kester, Morse, Newell, Penry, Shaffer B., Tochtrop--Concerning the creation of an interim committee to study hospice and palliative care in Colorado.

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

YES	29	NO	6	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	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

Co-sponsors added: Foster, Gibbs, Groff, Keller, Romer and White.

**MESSAGE FROM THE HOUSE**

The House has adopted the First Report of the First Conference Committee on SB09-241, as printed in House Journal, May 6, and has repassed the bill as so amended. The bill is returned herewith.

**SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS**

The President has signed: SJR09-055, 057 and 058.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

**SB09-241** by Senator(s) Morse; also Representative(s) King S. and Tipton--Concerning DNA testing of adults arrested for a felony, and making an appropriation therefor.

Senator Morse moved for the adoption of the First Report of the First Conference Committee on **SB0-241**, as printed in Senate Journal, May 6. The motion was **adopted** by the following roll call vote:

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		

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

YES	29	NO	6	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.	N	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

### CONSIDERATION OF RESOLUTIONS

**HJR09-1018** by Representative(s) Frangas; also Senator(s) Carroll M.--Concerning citizens' freedom of speech rights.

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

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		

**HJR09-1026** by Representative(s) Acree, Todd, Kerr J.; also Senator(s) Newell--Concerning the creation of an interim committee to address the home- and community-based services waivers waiting list for children with developmental disabilities.

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

Amend engrossed joint resolution, page 2, line 36, strike "seven" and substitute "eight";

line 39, strike "one member" and substitute "two members".

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

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		

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

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		

**CONSIDERATION OF MEMORIALS**

**SJM09-006** by Senator(s) Lundberg; also Representative(s) Gardner C.--Memorializing Congress to end the practice of earmarking federal funds provided to states.

On motion of Senator Lundberg, the memorial was **adopted** by the following roll call vote:

YES	26	NO	9	EXCUSED	0	ABSENT	0
Bacon		N Hodge		N Morse		N Shaffer B.	Y
Boyd		N Hudak		Y Newell		N Spence	Y
Brophy		Y Isgar		Y Penry		Y Tapia	N
Cadman		Y Keller		Y Renfroe		Y Tochtrop	Y
Carroll M.		Y Kester		Y Romer		Y Veiga	Y
Foster		N King K.		Y Sandoval		Y White	Y
Gibbs		Y Kopp		Y Scheffel		Y Williams	Y
Harvey		Y Lundberg		Y Schultheis		Y President	N
Heath		N Mitchell		Y Schwartz		Y	

**MESSAGE FROM THE HOUSE**

May 6, 2009

The House has adopted the First Report of the First Conference Committee on HB09-1094, as printed in House Journal, May 6, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB09-1163, as printed in House Journal, May 6, and has repassed the bill as amended.

The House has voted to concur in the Senate amendments to HJR09-1026 and has repassed the resolution as so amended.

The House has adopted and transmits herewith HJR09-1029. Pursuant to the resolution, the Speaker has appointed Representatives Primavera, chairman, Stephens, and Court.

**INTRODUCTION AND CONSIDERATION OF RESOLUTIONS**

**HJR09-1029** by Representative(s) Weissmann and Kerr A., Carroll T., May; also Senator(s) Shaffer B., Groff, Penry--Concerning the adjournment sine die of the First Regular Session of the Sixty-seventh General Assembly.

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

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	



Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath, Hodge, Hudak, Isgar, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Spence, Tapia, Tochtrop, Veiga, White and Williams.

Senate in recess. Senate reconvened.

**DELIVERY TO THE GOVERNOR**

To the Governor for signature on Wednesday, May 6, 2009, at 11:30 a.m.: SB09-022, 025, 076, 088, 106, 178, 243, 248, 249, 252, 254, 258 and 275.

**DELIVERY TO THE GOVERNOR**

To the Governor for signature on Wednesday, May 7, 2009, at 1:40 p.m.: SB09-067.

**TRIBUTES**

Honoring:

- Rangeview High School - - Senator Carroll
- Rear Admiral Michelle Howard - - Senator Carroll
- The Senior Hub;s RSVP Volunteers - - Senator Penry
- John Mendoza Jr. - - Senator Penry
- Broderick Kirk - - Senator Penry
- Suzanne Kubec - - Senator Tochtrop
- Paula Manzanares - - Senator Tochtrop
- Compassion International - - Senator Schultheis
- The Fruita Monument High School Knowledge Bowl Team - - Senator Penry
- The Grand Junction High School Knowledge Bowl Team - - Senator Penry

On motion of Senator Shaffer, and with the unanimous consent of those elected to the Senate having voted in the affirmative, the First Regular Session of the Sixty-seventh General Assembly adjourned *sine die* at 7:09 p.m., May 6, 2009.

Approved:

Peter C. Groff  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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