

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

34th Legislative Day Monday, February 9, 2009

- Prayer 11
By the chaplain, Father Lou Christopulos, St. Catherine Greek Orthodox Church, Denver. 12
- Pledge 13
By Senator Boyd. 14
- Call to Order 15
By the President at 10:00 a.m. 16
- Roll Call 17
Present--32 18
Absent--2, Mitchell, White. 19
Excused--1, Kester. 20
Present later--2, Mitchell, White. 21
- Quorum 22
The President announced a quorum present. 23
- Reading of Journal 24
On motion of Senator Shaffer, reading of the Journal of Friday, February 6, 2009, was dispensed with and the Journal was approved as corrected by the Secretary. 25

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

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

SB09-014 by Senator(s) Williams, Gibbs, Renfroe, Spence; also Representative(s) Sonnenberg, Fischer, Levy, Marostica, McFadyen, McNulty, Merrifield, Primavera, Rice, Vaad--
 Concerning allowing vehicles with deficient splash guards to remain in service for the limited time necessary to replace the splash guards.

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

YES	33	NO	0	EXCUSED	1	ABSENT	1
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	E	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	A	Schwartz	Y		

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

SB09-055 by Senator(s) Isgar, Keller, Kester, White; also Representative(s) Judd, Roberts--
 Concerning the family resource center program.

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

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YES	33	NO	0	EXCUSED	1	ABSENT	1
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	E	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	A	Schwartz	Y		

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

Co-sponsors added: Carroll M., Gibbs, Groff, Heath, Hodge, Newell, Schwartz, Tapia and Williams.

SB09-116 by Senator(s) Hodge, Isgar, Schwartz; also Representative(s) Looper--Concerning continuation of the "Colorado Seed Act".

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

YES	33	NO	0	EXCUSED	1	ABSENT	1
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	E	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	A	Schwartz	Y		

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

SB09-096 by Senator(s) Bacon, Penry, Schwartz; also Representative(s) Sonnenberg, McFadyen, Riesberg--Concerning the exemption of certain capital construction projects funded with federal moneys from certain contract requirements.

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

YES	33	NO	0	EXCUSED	1	ABSENT	1
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	E	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	A	Schwartz	Y		

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

Co-sponsors added: Gibbs, Heath and Tapia.

SB09-112 by Senator(s) Kopp, Bacon, Groff, Heath, Hudak, King K., Romer, Spence; also Representative(s) Scanlan--Concerning the repeal of the on-line learning advisory board.

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

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YES	33	NO	0	EXCUSED	1	ABSENT	1
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	E	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	A	Schwartz	Y		

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

Co-sponsors added: Gibbs and Williams.

THIRD READING OF BILLS -- FINAL PASSAGE

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

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

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

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

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

Co-sponsors added: Boyd, Cadman, Foster, Gibbs, Groff, Harvey, Heath, Hodge, King K., Kopp, Schultheis, Schwartz, Shaffer B. and Tapia.

SB09-033 by Senator(s) Sandoval; --Concerning expanding the list of students who qualify to receive a free lunch in Colorado to include children in public school early childhood education programs who are eligible to receive a reduced-cost lunch under the federal "National School Lunch Act".

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

YES	27	NO	7	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	E	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Bacon, Boyd, Carroll M., Foster, Gibbs, Groff, Heath, Hudak, Isgar, Morse, Newell, Shaffer B., Tochtrop, Veiga and Williams.

SB09-039 by Senator(s) Schwartz; also Representative(s) Curry--Concerning the discretionary authority of cooperative electric associations to establish reasonable graduated rates for

increased energy consumption by residential customers.

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

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

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

Co-sponsors added: Boyd, Carroll M., Foster, Isgar, Veiga, White and Williams.

SB09-140 by Senator(s) Bacon; --Concerning a requirement that public trustees serve at the pleasure of the governor.

Laid over until Tuesday, February 10, retaining its place on the calendar.

SB09-086 by Senator(s) Tapia, Hudak, Keller, King K., Kopp, Romer, Spence, White, Bacon, Brophy, Groff, Isgar, Kester, Newell, Penry, Schwartz, Tochtrop; also Representative(s) Marostica, Acree, Baumgardner, Benefield, Ferrandino, Kerr A., Massey, Murray, Pommer, Roberts, Stephens, Summers, Todd, Curry, Fischer, Gardner B., Gardner C., Kefalas, Looper, Middleton, Pace, Sonnenberg--Concerning the creation of an online university to be known as Colorado state university - global campus.

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

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

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

Co-sponsors added: Cadman, Foster, Hodge, Lundberg, Mitchell, Morse, Renfroe and Williams.

SB09-079 by Senator(s) Newell, Boyd; also Representative(s) Acree and Kefalas, Primavera-- Concerning improving the well-being of children in the foster care system by improving the ability of birth siblings to maintain long-term connections.

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

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

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

Co-sponsors added: Bacon, Carroll M., Foster, Groff, Hodge, King K., Lundberg, Morse, Sandoval, Schultheis, Shaffer B., Spence, Tochtrop, White and Williams.

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

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

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

SB09-097 by Senator(s) Cadman; --Concerning clarifying changes to provisions pertaining to institutional peace officers.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 5, page 182 and placed in members' bill files.)

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

SB09-034 by Senator(s) Kester; also Representative(s) Todd--Concerning the security level designation for the Centennial correctional facility.

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

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

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

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

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-097 as amended, SB09-034.

Committee of the Whole

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

SB09-035

by Senator(s) Renfroe; also Representative(s) Sonnenberg--Concerning a penalty for a violation of certain proscribed acts for government officials.

Laid over until Tuesday, February 10, retaining its place on the calendar.

SB09-078

by Senator(s) Newell; also Representative(s) Rice--Concerning the abandonment of portions of the state highway system to local jurisdictions.

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

Amend printed bill, page 2, line 4, after "(1)", insert "(a)";

after line 23, insert the following:

"(b) WHEN THE DEPARTMENT OF TRANSPORTATION MAKES A PAYMENT TO A COUNTY OR MUNICIPALITY AS COMPENSATION FOR THE TRANSFER OF OWNERSHIP TO THE COUNTY OR MUNICIPALITY OF ALL OR A PORTION OF A STATE HIGHWAY ABANDONED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE COUNTY OR MUNICIPALITY SHALL CREDIT THE PAYMENT TO A SPECIAL FUND TO BE USED ONLY FOR TRANSPORTATION-RELATED EXPENDITURES.

(c) FOR PURPOSES OF THIS SUBSECTION (1), ALL OR A PORTION OF A STATE HIGHWAY SHALL BE CONSIDERED TO FUNCTION AS PART OF THE STATE HIGHWAY SYSTEM, AND SHALL NOT BE DETERMINED BY THE TRANSPORTATION COMMISSION TO NO LONGER FUNCTION AS A PART OF THE STATE HIGHWAY SYSTEM, IF THE STATE HIGHWAY OR PORTION OF A STATE HIGHWAY:

(I) CONNECTS DIFFERENT COMMUNITIES OR REGIONS OF THE STATE;

(II) PROVIDES CONNECTIONS TO OTHER STATE HIGHWAYS;

(III) CONNECTS CENTERS OF COMMERCE, INDUSTRY, AGRICULTURE, MINERAL WEALTH, OR RECREATION TO FACILITATE THE MOBILITY AND MOVEMENT OF FREIGHT AND GOODS; OR

(IV) MAINTAINS THE CONTINUITY OF THE STATE HIGHWAY SYSTEM BY JOINING OTHER STATE ROUTES AT BOTH ENDS OR JOINING ARTERIAL ROUTES IN OTHER STATES."

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

SB09-064

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

Laid over until Tuesday, February 10, retaining its place on the calendar.

SB09-036

by Senator(s) Gibbs; --Concerning theft of sound recordings, and making an appropriation in connection therewith.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, February 5, page 181-182 and placed in members' bill files.)

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

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SB09-054 by Senator(s) Scheffel; also Representative(s) Kerr A.--Concerning an increase in the civil penalties recoverable by the state under statutes related to fair trade.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, February 5, page 182-183 and placed in members' bill files.)

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

SB09-070 by Senator(s) Foster; also Representative(s) Acree--Concerning clarifications to workers' compensation procedures.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, February 5, page 183-184 and placed in members' bill files.)

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

SB09-057 by Senator(s) Harvey, Kopp; also Representative(s) Stephens--Concerning searchable budget database web sites containing public education financial information, and, in connection therewith, enacting the "Public School Financial Transparency Act".

Laid over until Tuesday, February 10, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

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

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-078 as amended, SB09-036 as amended, SB09-054 as amended, SB09-070 as amended.

Laid over until Tuesday, February 10: SB09-035, SB09-064, SB09-057.

CONSIDERATION OF RESOLUTIONS

HJR09-1009 by Representative(s) Weissmann, May; also Senator(s) Shaffer B.--Concerning authorization for adjournment for more than three days during the 2009 regular session of the general assembly.

Laid over until Tuesday, February 10, retaining its place on the calendar.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

**MEMBER OF THE
BOARD OF REAL ESTATE APPRAISERS**

effective July 2, 2008, for a term expiring July 1, 2011:

Robin B. Anderson of Denver, Colorado to serve as a licensed or certified appraiser, appointed;

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

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

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

IMMEDIATE RECONSIDERATION OF SB09-033

SB09-033 by Senator(s) Sandoval; also Representative(s) Solano--Concerning expanding the list of students who qualify to receive a free lunch in Colorado to include children in public school early childhood education programs who are eligible to receive a reduced-cost lunch under the federal "National School Lunch Act".

Having voted on the prevailing side, Senator Sandoval moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB09-033. A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE

SB09-033 by Senator(s) Sandoval; also Representative(s) Solano--Concerning expanding the list of students who qualify to receive a free lunch in Colorado to include children in public school early childhood education programs who are eligible to receive a reduced-cost lunch under the federal "National School Lunch Act".

The roll call was taken with the following result:

YES	28	NO	6	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	E	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

MESSAGE FROM THE HOUSE

February 9, 2009

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1174, 1008.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1088, amended as printed in House Journal, February 6, page 270.
 HB09-1103, amended as printed in House Journal, February 6, page 271.
 HB09-1151, amended as printed in House Journal, February 6, page 271.
 HB09-1162, amended as printed in House Journal, February 6, page 271.
 HB09-1118, amended as printed in House Journal, February 6, page 272.
 HB09-1092, amended as printed in House Journal, February 6, page 272.

HB09-1057, amended as printed in House Journal, February 6, page 272.

SENATE SERVICES REPORT

Correctly Printed: SB09-172; SJM09-001.

Correctly Engrossed: SB09-014, 033, 039, 055, 079, 080, 086, 096, 112, 116 and 140.

Correctly Revised: HJR09-1004.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Local Government and Energy

After consideration on the merits, the Committee recommends that SB09-031 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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

"SECTION 1. Article 48.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-48.5-111. Clean technology discovery evaluation grant program - clean technology research - definitions - evaluation - fund - repeal. (1) Legislative declaration. (a) THE GENERAL ASSEMBLY FINDS THAT:

(I) ADDITIONAL RESOURCES ARE NEEDED TO ASSIST IN IMPROVING AND ACCELERATING THE EVALUATION PROCESS FOR CLEAN TECHNOLOGY RESEARCH DISCOVERIES TO DETERMINE THE BEST DISPOSITION OF THESE DISCOVERIES;

(II) THE PROCESS OF ADVANCING CLEAN TECHNOLOGY RESEARCH DISCOVERIES TOWARD COMMERCIALIZATION NEEDS TO BE ACCELERATED TO SUPPORT THE DEVELOPMENT OF NEW CLEAN TECHNOLOGY PRODUCTS AND SERVICES IN COLORADO;

(III) THE DEVELOPMENT OF PRODUCTS AND SERVICES FROM CLEAN TECHNOLOGY RESEARCH DISCOVERIES THAT ORIGINATE IN COLORADO'S RESEARCH INSTITUTIONS WILL CREATE NEW CLEAN TECHNOLOGY COMPANIES AND ADDITIONAL PRIMARY JOBS IN COLORADO; AND

(IV) THE STATE SHOULD DEDICATE RESOURCES TO SUPPORT PARTNERSHIP EFFORTS BETWEEN THE CLEAN TECHNOLOGY INDUSTRY AND RESEARCH INSTITUTIONS TO BUILD INFRASTRUCTURE THAT SUPPORTS THE COMMERCIALIZATION OF CLEAN TECHNOLOGY PRODUCTS AND SERVICES.

(b) THE GENERAL ASSEMBLY, THEREFORE, DECLARES THAT IT IS IN THE BEST INTEREST OF THE STATE'S ECONOMIC GROWTH TO DEDICATE FINANCIAL RESOURCES TO FACILITATE THE DEVELOPMENT OF NEW CLEAN TECHNOLOGY RESEARCH DISCOVERIES IN COLORADO AND PROMOTE COLORADO-BASED CLEAN TECHNOLOGY.

(2) Definitions. AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CLEAN TECHNOLOGY COMPANY" MEANS A COMPANY THAT IS LOCATED IN COLORADO AND PRODUCES OR DEVELOPS ONE OR MORE CLEAN TECHNOLOGY PRODUCTS OR SERVICES.

(b) "CLEAN TECHNOLOGY PRODUCTS OR SERVICES" MEANS:

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(I) RENEWABLE ENERGY GENERATION TECHNOLOGIES, INCLUDING BUT NOT LIMITED TO SOLAR, WIND, BIOFUEL, AND GEOTHERMAL ENERGY-GENERATION TECHNOLOGIES;

(II) PRODUCTS AND TECHNOLOGIES USED IN RENEWABLE ENERGY DEPLOYMENT AND GENERATION ON A COMMERCIAL SCALE;

(III) PRODUCTS AND TECHNOLOGIES THAT ENHANCE THE EFFICIENT STORAGE, DISTRIBUTION, AND CONSUMPTION OF ENERGY; OR

(IV) PRODUCTS AND TECHNOLOGIES THAT MITIGATE HUMAN IMPACT ON THE ENVIRONMENT, INCLUDING BUT NOT LIMITED TO PRODUCTS AND TECHNOLOGIES THAT FACILITATE THE MANAGEMENT OF GREENHOUSE GASES, WATER, AND WASTE.

(c) "CLEAN TECHNOLOGY RESEARCH" MEANS BASIC OR APPLIED RESEARCH THAT LEADS TO THE DEVELOPMENT OF CLEAN TECHNOLOGY PRODUCTS OR SERVICES.

(d) "DIRECTOR" MEANS THE DIRECTOR OF THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT CREATED IN SECTION 24-48.5-101.

(e) "EARLY-STAGE CLEAN TECHNOLOGY COMPANY" MEANS A CLEAN TECHNOLOGY COMPANY THAT:

(I) HAS RECEIVED LESS THAN FIVE MILLION DOLLARS FROM GRANTS AND THIRD-PARTY INVESTORS;

(II) EMPLOYS FIFTY OR FEWER PERSONS; AND

(III) HAS ITS HEADQUARTERS LOCATED IN COLORADO.

(f) "FUND" MEANS THE CLEAN TECHNOLOGY DISCOVERY EVALUATION CASH FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

(g) "OFFICE OF TECHNOLOGY TRANSFER" MEANS AN OFFICE THAT IS AFFILIATED WITH A RESEARCH INSTITUTION AND THAT IS RESPONSIBLE FOR TECHNOLOGY TRANSFER AND THAT ARRANGES FOR THE SALE OR LICENSURE OF A CLEAN TECHNOLOGY RESEARCH PROJECT TO A PRIVATE ENTITY.

(h) "PROGRAM" MEANS THE CLEAN TECHNOLOGY DISCOVERY EVALUATION GRANT PROGRAM CREATED IN SUBSECTION (3) OF THIS SECTION.

(i) "RESEARCH INSTITUTION" MEANS A PUBLIC OR PRIVATE, NONPROFIT INSTITUTION OF HIGHER EDUCATION LOCATED AND OPERATING IN COLORADO.

(3) **Program.** (a) THERE IS HEREBY CREATED IN THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT THE CLEAN TECHNOLOGY DISCOVERY EVALUATION GRANT PROGRAM FOR THE PURPOSE OF IMPROVING AND EXPANDING THE DEVELOPMENT OF CLEAN TECHNOLOGY DISCOVERIES WITH THE INTENT OF ACCELERATING THE DEVELOPMENT OF NEW CLEAN TECHNOLOGY PRODUCTS AND SERVICES. THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT SHALL ADMINISTER THE PROGRAM. THE DIRECTOR SHALL CONSULT WITH A COLORADO-BASED CLEAN TECHNOLOGY INDUSTRY ASSOCIATION IN IMPLEMENTING THE PROGRAM, WHICH IMPLEMENTATION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, REVIEWING PROGRAM GRANT APPLICATIONS AND MONITORING AND EVALUATING THE GRANTEES AND THE CLEAN TECHNOLOGY RESEARCH PROJECTS.

(b) THE PROGRAM SHALL PROVIDE GRANTS TO OFFICES OF TECHNOLOGY TRANSFER, EARLY-STAGE CLEAN TECHNOLOGY COMPANIES, AND PRIVATE ENTITIES. THE GRANTS SHALL BE PAID FROM MONEYS APPROPRIATED TO THE FUND. THE GRANTS SHALL BE PROVIDED IN AMOUNTS OF:

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(I) NO MORE THAN FIFTY THOUSAND DOLLARS FOR EACH OFFICE OF TECHNOLOGY TRANSFER THAT IS AWARDED A GRANT FOR A RESEARCH PROJECT; AND

(II) NO MORE THAN ONE HUNDRED FIFTY THOUSAND DOLLARS FOR EACH EARLY-STAGE CLEAN TECHNOLOGY COMPANY THAT IS AWARDED A GRANT. THE TOTAL SUM OF MONEYS AWARDED AS GRANTS FROM THE PROGRAM TO AN EARLY-STAGE CLEAN TECHNOLOGY COMPANY SHALL NOT EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS.

(c) IN PROVIDING GRANTS TO OFFICES OF TECHNOLOGY TRANSFER AND EARLY-STAGE CLEAN TECHNOLOGY COMPANIES PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3), THE PROGRAM SHALL PROVIDE THE GRANTS AS FOLLOWS:

(I) AT LEAST TWENTY-FIVE PERCENT OF THE MONEYS CREDITED TO THE FUND SHALL BE USED TO PROVIDE GRANTS TO OFFICES OF TECHNOLOGY TRANSFER FOR CLEAN TECHNOLOGY RESEARCH PROJECTS.

(II) AT LEAST TWENTY-FIVE PERCENT OF THE MONEYS CREDITED TO THE FUND SHALL BE USED TO PROVIDE GRANTS TO EARLY-STAGE CLEAN TECHNOLOGY COMPANIES.

(d) THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT MAY USE ANY MONEYS TRANSFERRED TO THE FUND THAT ARE NOT USED TO PROVIDE GRANTS AS DESCRIBED IN PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (3) TO SUPPORT PARTNERSHIP EFFORTS BETWEEN THE CLEAN TECHNOLOGY INDUSTRY AND RESEARCH INSTITUTIONS TO BUILD AND MAINTAIN INFRASTRUCTURE THAT SUPPORTS THE COMMERCIALIZATION OF CLEAN TECHNOLOGY PRODUCTS OR SERVICES, WHICH INFRASTRUCTURE MAY INCLUDE, BUT NEED NOT BE LIMITED TO, THE COLORADO RENEWABLE ENERGY AUTHORITY CREATED IN SECTION 24-47.5-101. IF THE COLORADO RENEWABLE ENERGY AUTHORITY RECEIVES MONEYS FROM THE FUND, THE AUTHORITY SHALL INCLUDE IN ITS RESEARCH EFFORTS AT LEAST ONE RESEARCH PROJECT THAT IS DEVOTED TO THE DEVELOPMENT OF TECHNOLOGY OR DEVICES THAT PROMOTE THE INNOVATIVE USE OR DISPOSAL OF RECYCLED WASTE TIRES.

(e) IN APPLYING FOR A GRANT UNDER THE PROGRAM FOR A CLEAN TECHNOLOGY RESEARCH PROJECT, AN OFFICE OF TECHNOLOGY TRANSFER SHALL SUBMIT TO THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT ALL OF THE FOLLOWING:

(I) A DESCRIPTION OF A CLEAN TECHNOLOGY RESEARCH PROJECT THAT IS LIKELY TO LEAD TO COMMERCIALIZATION OF ONE OR MORE CLEAN TECHNOLOGY PRODUCTS OR SERVICES;

(II) EVIDENCE OF A DEDICATED, MATCHING SOURCE OF MONEYS THAT IS AT LEAST EQUAL TO THE AMOUNT APPLIED FOR UNDER THE PROGRAM; AND

(III) AN ANALYSIS DEMONSTRATING THAT THE SCOPE OF THE PROJECT FOR WHICH THE OFFICE OF TECHNOLOGY TRANSFER IS APPLYING FOR A GRANT IS SUFFICIENT TO DETERMINE THE MOST PRODUCTIVE DISPOSITION OF THE CLEAN TECHNOLOGY PRODUCTS OR SERVICES THAT RESULTS FROM THE PROJECT.

(f) IN APPLYING FOR A GRANT FROM THE PROGRAM FOR A COMMERCIALIZATION PURPOSE THAT IS DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (c) OF THIS SUBSECTION (3), AN EARLY-STAGE CLEAN TECHNOLOGY COMPANY SHALL SUBMIT TO THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT ALL OF THE FOLLOWING:

(I) AN ANALYSIS DEMONSTRATING THAT THE SCOPE OF THE PROJECT FOR WHICH THE EARLY-STAGE CLEAN TECHNOLOGY COMPANY IS APPLYING FOR A GRANT IS SUFFICIENT TO ENHANCE THE COMMERCIALIZATION OF ONE OR MORE CLEAN TECHNOLOGY PRODUCTS OR SERVICES; AND

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(II) EVIDENCE OF A DEDICATED, MATCHING SOURCE OF MONEYS THAT IS AT LEAST EQUAL TO THE AMOUNT APPLIED FOR UNDER THE PROGRAM, WHICH SOURCE CONSISTS ENTIRELY OF OTHER GRANTS OR CONTRIBUTIONS FROM THIRD-PARTY INVESTORS.

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(g) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DIRECTOR SHALL AWARD THE GRANTS.

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(h) A GRANT RECIPIENT SHALL USE A GRANT AWARDED UNDER THE PROGRAM ONLY TO ADVANCE A NEW RESEARCH DISCOVERY TOWARD COMMERCIALIZATION AND NOT TO SUPPORT BASIC RESEARCH.

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(i) UPON COMPLETION OF THE RESEARCH SCOPE OF A CLEAN TECHNOLOGY RESEARCH PROJECT FOR WHICH A GRANT RECIPIENT HAS RECEIVED A GRANT AWARDED UNDER THE PROGRAM, THE OFFICE OF TECHNOLOGY TRANSFER SHALL RETURN ANY UNUSED GRANT MONEYS TO THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT. THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT SHALL TRANSFER THE MONEYS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

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(4) **Policies - reporting.** (a) ON OR BEFORE SEPTEMBER 1, 2009, THE DIRECTOR SHALL ESTABLISH POLICIES FOR THE PROGRAM THAT INCLUDE, BUT NEED NOT BE LIMITED TO:

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(I) THE PROCEDURES AND TIMELINES BY WHICH AN OFFICE OF TECHNOLOGY TRANSFER OR AN EARLY-STAGE CLEAN TECHNOLOGY COMPANY MAY APPLY FOR A GRANT;

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(II) CRITERIA FOR DETERMINING THE GRANT AMOUNTS; AND

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(III) A REPORTING REQUIREMENT FOR GRANT RECIPIENTS THAT REQUIRES, AT A MINIMUM, EACH OFFICE OF TECHNOLOGY TRANSFER THAT RECEIVES A GRANT UNDER THE PROGRAM OR ITS DESIGNEE TO PRESENT ITS CLEAN TECHNOLOGY RESEARCH PROJECT TO ELEMENTARY AND SECONDARY SCHOOL SCIENCE TEACHERS WHO ARE EMPLOYED IN THE GEOGRAPHIC REGION IN WHICH THE CLEAN TECHNOLOGY PRODUCTS OR SERVICES ARE BEING DEVELOPED.

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(b) ON OR BEFORE APRIL 15, 2010, AND ON OR BEFORE APRIL 15 EACH YEAR THEREAFTER, THE DIRECTOR SHALL SUBMIT A REPORT TO THE BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, SUMMARIZING THE CLEAN TECHNOLOGY RESEARCH PROJECTS AND DESCRIBING THE EARLY-STAGE CLEAN TECHNOLOGY COMPANIES THAT RECEIVED FUNDING UNDER THE PROGRAM IN THE PRECEDING YEAR. AT A MINIMUM, THE REPORT SHALL SPECIFY THE FOLLOWING INFORMATION:

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(I) THE AMOUNT OF FUNDING DISTRIBUTED TO EACH CLEAN TECHNOLOGY RESEARCH PROJECT AND EARLY-STAGE CLEAN TECHNOLOGY COMPANY FROM THE PROGRAM AND A DESCRIPTION OF EACH CLEAN TECHNOLOGY RESEARCH PROJECT AND EARLY-STAGE CLEAN TECHNOLOGY COMPANY;

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(II) THE MANNER IN WHICH EACH CLEAN TECHNOLOGY RESEARCH PROJECT AND EARLY-STAGE CLEAN TECHNOLOGY COMPANY APPLIED THE FUNDING RECEIVED FROM THE PROGRAM; AND

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(III) THE RESULTS ACHIEVED BY EACH CLEAN TECHNOLOGY RESEARCH PROJECT AND EARLY-STAGE CLEAN TECHNOLOGY COMPANY, INCLUDING BUT NOT LIMITED TO:

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(A) IDENTIFIABLE MONETARY RETURNS TO THE GRANT RECIPIENT AND OTHER PARTIES SINCE THE RECEIPT OF THE GRANT; AND

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(B) THE NUMBER OF JOBS THAT HAVE DIRECTLY AND INDIRECTLY RESULTED FROM THE RESEARCH PROJECT.

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(5) **Fund.** (a) THERE IS HEREBY CREATED IN THE STATE

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TREASURY THE CLEAN TECHNOLOGY DISCOVERY EVALUATION CASH FUND THAT SHALL CONSIST OF MONEYS THAT ARE CREDITED TO THE FUND FROM MONEYS COLLECTED FROM THE WASTE TIRE RECYCLING FEE PURSUANT TO SECTION 25-17-202 (1) (a) (V), C.R.S. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THE PROGRAM. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

(b) THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT MAY USE UP TO FIVE PERCENT OF THE MONEYS ANNUALLY APPROPRIATED FROM THE FUND FOR THE ACTUAL COSTS INCURRED IN ADMINISTERING THE PROGRAM.

(6) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.

SECTION 2. 25-17-202 (1) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

25-17-202. Waste tire recycling development fee - cash fund created - definition - repeal. (1) (a) (V) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (V), AN ADDITIONAL FEE OF ONE DOLLAR AND SEVENTY-FIVE CENTS SHALL BE COLLECTED ON ANY WASTE MOTOR VEHICLE TIRE FOR ANY PASSENGER VEHICLE, INCLUDING ANY TRUCK WEIGHING LESS THAN FIFTEEN THOUSAND POUNDS. IN ADDITION, THE FEE IMPOSED BY THIS SUBPARAGRAPH (V) SHALL BE COLLECTED ON ANY TRUCK TIRES, INCLUDING TIRES ON TRUCK TRACTORS, TRAILERS, AND SEMITRAILERS WEIGHING MORE THAN FIFTEEN THOUSAND POUNDS; EXCEPT THAT NO FEE SHALL BE COLLECTED FOR TIRES THAT ARE RECAPPED OR OTHERWISE REPROCESSED FOR USE. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION, THE STATE TREASURER SHALL CREDIT THE MONEYS COLLECTED FROM THE FEE IMPOSED BY THIS SUBPARAGRAPH (V) TO THE CLEAN TECHNOLOGY DISCOVERY EVALUATION CASH FUND CREATED IN SECTION 24-48.5-111 (5), C.R.S.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

MESSAGE FROM THE REVISOR OF STATUTES

February 9, 2009

Message From Revisor of Statutes

We herewith transmit:

Without comment, HB09-1008 and 1174.

Without comment, as amended, HB09-1057, 1088, 1092, 1103, 1118, 1151, and 1162.

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INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SR09-010 by Senator(s) Shaffer B., Groff, Penry; --Concerning changes to membership of certain Senate Committees of Reference.

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

INTRODUCTION OF BILLS -- FIRST READING

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

SB09-173 by Senator(s) Veiga; also Representative(s) Rice--Concerning the economic development of large-scale regional tourism projects to be partially financed with a portion of state sales tax revenue above an existing base amount.
Business, Labor and Technology

SB09-174 by Senator(s) Kester, Isgar, Spence, Tochtrop, White; --Concerning pari-mutuel racing.
Agriculture and Natural Resources

SB09-175 by Senator(s) Sandoval; also Representative(s) Pommer--Concerning the issuance of group special license plates.
Transportation

SB09-176 by Senator(s) Spence; --Concerning charter school participation in school district bond elections.
Education

SB09-177 by Senator(s) Schwartz; also Representative(s) Vigil--Concerning the valuation of new solar energy facilities for the purpose of property taxation.
Local Government and Energy

On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Tuesday, February 10, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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