

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

28th Legislative Day

Tuesday, February 3, 2009

Prayer	By the chaplain, Rev. Dwight Blackstock, Presbyterian Church, Denver.	10
Pledge	By Senator Hudak.	11
Call to Order	By the President at 9:00 a.m.	12
Roll Call	Present--34 Absent--1, Romer. Present later--1, Romer.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Carroll, reading of the Journal of Monday, February 2, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.	15

COMMITTEE OF REFERENCE REPORTS

Appropriations	After consideration on the merits, the Committee recommends that SB09-108 be referred to the Committee of the Whole with favorable recommendation.	16
----------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------	----

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR09-010	by Senator(s) Williams, Boyd, Carroll M., Foster, Hodge, Hudak, Sandoval, Schwartz, Spence, Tochtrop, Veiga; also Representative(s) Todd, Acree, Benefield, Bradford, Court, Curry, Gagliardi, Gerou, Green, Hullinghorst, Labuda, Levy, Looper, McCann, McFadyen, McGihon, Middleton, Murray, Nikkel, Peniston, Primavera, Roberts, Ryden, Scanlan, Schafer S., Solano, Stephens--Concerning the designation of February 2009 as "American Heart Month", and, in connection therewith, declaring February 6 to be "National Wear Red Day".	17
------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----

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

INTRODUCTION OF BILLS -- FIRST READING

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

SB09-163	by Senator(s) Hudak and King K.; also Representative(s) Middleton and Massey-- Concerning the education accountability system. Education	18
SB09-164	by Senator(s) Newell, Bacon, Carroll M., Foster, Heath, Hodge, Keller, Morse, Shaffer B., Williams; also Representative(s) McGihon and Miklosi, Frangas, Gagliardi, Kefalas, Ryden--Concerning requiring certain persons serving in the state child welfare system to demonstrate the necessary competencies to perform their job responsibilities. Health and Human Services	19
SB09-165	by Senator(s) Isgar and Penry; also Representative(s) Curry and Gardner C., Fischer-- Concerning the funding of grants to small communities for water quality-related capital projects through allocation of a portion of revenues that would otherwise be credited to the severance tax trust fund.	20

Agriculture and Natural Resources

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that SB09-140 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 5, after "TRUSTEE", insert "WHO HAS BEEN APPOINTED BY THE GOVERNOR".

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that SB09-025 be referred to the Committee on Appropriations with favorable recommendation.

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:

SB09-041 by Senator(s) Romer; also Representative(s) Vigil--Concerning the administration of the "Private Activity Bond Ceiling Allocation Act".

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

Table with 8 columns: YES, NO, EXCUSED, ABSENT and 10 rows of member names and their votes.

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

SB09-065 by Senator(s) Schultheis, Isgar; also Representative(s) McNulty, Kerr J., Primavera--Concerning the audit requirements for the public safety communications trust fund.

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

Table with 8 columns: YES, NO, EXCUSED, ABSENT and 10 rows of member names and their votes.

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

SB09-060 by Senator(s) Tochtrop; --Concerning clarifications to the law regarding testing illegal drug laboratories for methamphetamine.

Laid over until Wednesday, February 4, retaining its place on the calendar.

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

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.

Laid over until Wednesday, February 4, retaining its place on the calendar.

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

Laid over until Wednesday, February 4, retaining its place on the calendar.

SB09-016 by Senator(s) Kopp and Penry, Gibbs, Schwartz; also Representative(s) King S. and Scanlan, Lundberg--Concerning measures to encourage the restoration of forest areas affected by bark beetle infestation.

Laid over until Wednesday, February 4, retaining its place on the calendar.

GENERAL ORDERS -- SECOND READING OF BILLS

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 Wednesday, February 4, retaining its place on the calendar.

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

Laid over until Wednesday, February 4, retaining its place on the calendar.

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 Wednesday, February 4, retaining its place on the calendar.

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".

Laid over until Wednesday, February 4, retaining its place on the calendar.

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.

Laid over until Wednesday, February 4, retaining its place on the calendar.

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 Wednesday, February 4, retaining its place on the calendar.

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.

Laid over until Wednesday, February 4, retaining its place on the calendar.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

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

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

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

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

YES	34	NO	0	EXCUSED	0	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	Y	Romer	A	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 Isgar, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY

for terms expiring October 1, 2011:

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

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

for a term expiring October 1, 2012:

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

YES	34	NO	0	EXCUSED	0	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	Y	Romer	A	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		

SENATE SERVICES REPORT

Correctly Printed: SB09-158, 159, 160, 161 and 162.

Correctly Engrossed: SB09-041, 060 and 065; SR09-008 and 009.

Correctly Reengrossed: SB09-007, 017, 038, 040, 043, 047, 050, 059 and 084.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

February 3, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1078, 1099, 1007, 1056, 1005, 1041, 1083.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
 HB09-1082, amended as printed in House Journal, February 2, pages 206-207 .
 HB09-1161, amended as printed in House Journal, February 2, page 207 .
 HB09-1052, amended as printed in House Journal, February 2, page 207 .
 HB09-1091, amended as printed in House Journal, February 2, page 207.
 HB09-1101, amended as printed in House Journal, February 2, pages 207-208 .
 HB09-1024, amended as printed in House Journal, February 2, page 209.
 HB09-1079, amended as printed in House Journal, February 2, page 208.
 HB09-1148, amended as printed in House Journal, February 2, pages 208-209 .
 HB09-1045, amended as printed in House Journal, February 2, page 209.

The House has adopted and transmits herewith HJR09-1004, as printed in House Journal.

MESSAGE FROM THE REVISOR OF STATUTES

February 3, 2009

We herewith transmit:

Without comment, HB09-1005, 1007, 1041, 1056, 1078, 1083, and 1099.
 Without comment, as amended, HB09-1024, 1045, 1052, 1079, 1082, 1091, 1101, 1148,
 and 1161.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB09-166** by Senator(s) Carroll M.; also Representative(s) Pace--Concerning the creation of the "Prescription Drug Ethics Act", and, in connection therewith, prohibiting prescription drug manufacturers from providing economic benefits to health care providers, requiring greater transparency regarding marketing and advertising for pharmaceuticals, prohibiting persons with a financial interest in a pharmaceutical manufacturer from being involved in the purchase of prescription drugs, and prohibiting the use of patient prescription drug information for marketing purposes.
 Business, Labor and Technology
- SB09-167** by Senator(s) Boyd, Newell, Tochtrop; also Representative(s) Kefalas--Concerning the continuation of the state board of chiropractic examiners, and, in connection therewith, increasing insurance requirements, adjusting the board's disciplinary authority, authorizing animal chiropractic, and modifying the scope of practice.
 Health and Human Services
- SB09-168** by Senator(s) Tochtrop; also Representative(s) Soper--Concerning workers' compensation procedures.
 Business, Labor and Technology
- SB09-169** by Senator(s) Tochtrop; also Representative(s) Riesberg--Concerning the continuation of the board of examiners of nursing home administrators.
 Health and Human Services
- SB09-170** by Senator(s) Romer, Bacon, Sandoval, Tapia; --Concerning nondiscrimination in determining the amount paid for higher education.
 Education
- HB09-1012** by Representative(s) Rice and Stephens, Curry, Massey, Swalm; also Senator(s) Mitchell and Newell--Concerning incentives provided by health insurance carriers to encourage voluntary participation in programs to promote health.
 Health and Human Services

- HB09-1025** by Representative(s) Riesberg, Frangas, Green, Massey; also Senator(s) Boyd, Kopp, Morse--Concerning requirements for individuals who collect data on hospital-acquired infection rates.
Health and Human Services
- HB09-1034** by Representative(s) Liston; also Senator(s) Gibbs--Concerning authorization for a regional transportation authority to impose property tax.
Finance
- HB09-1037** by Representative(s) Tipton; also Senator(s) Isgar--Concerning the reclassification of Montrose county for county court purposes.
Local Government and Energy
- HB09-1044** by Representative(s) Roberts; also Senator(s) Morse--Concerning expungement of records relating to a criminal matter for which a juvenile is sentenced as a juvenile after being charged by the direct filing of charges in a district court.
Judiciary
- HB09-1089** by Representative(s) Primavera; also Senator(s) Spence--Concerning the filing requirements for liens that secure a debt upon a vehicle.
Transportation
- HB09-1102** by Representative(s) Acree, Kerr J., Ryden; also Senator(s) Scheffel, Newell--Concerning the study of the portability of health insurance after a policyholder is separated from employment.
Health and Human Services
- HB09-1122** by Representative(s) Roberts, Levy, Merrifield; also Senator(s) Morse--Concerning increasing the age of persons eligible for sentencing to the youthful offender system.
Judiciary

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SR09-008 and 009.
The President has signed: HJR09-1006, 1007, 1008.

On motion of Senator Tochtrop, the Senate adjourned until 9:00 a.m., Wednesday, February 4, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56