

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

63rd Legislative Day

Tuesday, March 10, 2009

Prayer	By the chaplain, Fr. Lou Christopulos, St. Catherine Greek Orthodox Church, Denver.	11
Pledge	By Senator Hodge.	13
Call to Order	By the President at 9:00 a.m.	15
Roll Call	Present--31 Absent--2, Romer, Williams. Excused--2, Keller, Scheffel. Present later--3, Romer, Scheffel, Williams.	18 19 20 21
Quorum	The President announced a quorum present.	23
Reading of Journal	On motion of Senator Isgar, reading of the Journal of Monday, March 9, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.	25 26

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB09-1171 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	32 33 34
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Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB09-1085 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	35 36 37
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Amend reengrossed bill, page 6, line 20, strike "MANUFACTURED HOME";
strike lines 21 and 22 and substitute the following:
"24-32-3302, C.R.S."

Page 37, after line 10, insert the following:

"(3) FOR THE 2009-2010 FISCAL YEAR, THE DIVISION IS AUTHORIZED TO EXPEND UP TO ONE HUNDRED TWELVE THOUSAND DOLLARS OR SUCH OTHER AMOUNT AS MAY BE APPROPRIATED BY THE GENERAL ASSEMBLY FROM THE MORTGAGE LOAN ORIGINATOR LICENSING CASH FUND FOR PURPOSES OF PAYING THE DEVELOPMENT COSTS ASSESSED BY THE CONFERENCE OF STATE BANK SUPERVISORS, OR ITS SUCCESSOR ORGANIZATION, FOR PARTICIPATING IN THE NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY. HOWEVER, THE DIRECTOR SHALL USE HIS OR HER DISCRETION IN DETERMINING WHETHER EXPENDITURE OF THESE MONEYS IS NECESSARY FOR COMPLIANCE WITH THE FEDERAL "SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT OF 2008" OR PARTICIPATION IN THE NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY."

Page 52, line 8, strike "ninety";

strike line 9 and substitute the following:

"two hundred two thousand six hundred thirty-six dollars (\$202,636) and 1.0 FTE, or so".

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Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB09-234** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 21, strike "JUNE 15, 2010," and substitute "DECEMBER 31, 2009,".

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR09-020 by Senator(s) Penry, White, Gibbs, Isgar, Schwartz; also Representative(s) Baumgardner, Bradford, Curry, King S., Roberts, Tipton--Concerning John R. Fetcher.

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

INTRODUCTION OF MEMORIALS

The following memorial was read by title:

SM09-001 by Senator(s) Renfroe; --Memorializing former Senator James Kadlecek.

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

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.

CONSIDERATION OF RESOLUTIONS

SJR09-017 by Senator(s) Boyd; also Representative(s) Primavera--Concerning recognition of the importance of raising public awareness of deep-vein thrombosis, and, in connection therewith, recognizing March 2009 as Deep-vein Thrombosis Awareness Month and April 30, 2009, as Deep-vein Thrombosis Awareness Day in Colorado.

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

YES	32	NO	0	EXCUSED	2	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	E	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	E	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

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**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:

HB09-1168 by Representative(s) Riesberg, McFadyen, Sonnenberg; also Senator(s) Schwartz, Bacon, Penry--Concerning the timing of reports to the capital development committee.

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

YES	32	NO	0	EXCUSED	2	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	E	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	E	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**.

HB09-1083 by Representative(s) McFadyen, Pace; also Senator(s) Tapia, Penry--Concerning the authority of the state to enter into lease-purchase agreements for commercial space for the department of personnel in Pueblo county, Colorado.

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

YES	32	NO	0	EXCUSED	2	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	E	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	E	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**.

HB09-1054 by Representative(s) Looper, Balmer, Rice, Stephens, Todd; also Senator(s) Morse, King K.--Concerning eligibility for unemployment insurance benefits for an individual who leaves employment to relocate to a new place of residence after the individual's active duty military spouse is killed in combat.

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

YES	32	NO	0	EXCUSED	2	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	E	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	E	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, Brophy, Cadman, Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Isgar, Kester, Kopp, Lundberg, Mitchell, Newell, Penry, Renfroe, Schultheis, Schwartz, Shaffer B., Spence, Tochtrop 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:

SB09-228 by Senator(s) Morse, Bacon, Boyd, Foster, Groff, Heath, Hodge, Hudak, Isgar, Keller, Newell, Romer, Schwartz, Shaffer B., Tapia, Tochtrop, Veiga, Williams; also Representative(s) Marostica and Court, Ferrandino, Frangas, Green, Hullinghorst, McCann, McGihon, Merrifield, Miklosi, Pace, Pommer, Todd, Weissmann--Concerning an increase in the flexibility of the general assembly to determine the appropriate use of state revenues.

Laid over until Wednesday, March 11, retaining its place on the calendar.

HB09-1079 by Representative(s) Vaad, Marostica; also Senator(s) Renfroe--Concerning annexing adjacent municipalities to existing junior college districts.

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

YES	28	NO	5	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	E	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	E	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: Williams

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.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	E	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	E	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, Brophy, Gibbs, Groff, Heath, Kester, King K., Kopp, Lundberg, Morse, Penry, Sandoval, Schultheis, Schwartz, Shaffer B., Spence, Tapia, White and Williams.

HB09-1108 by Representative(s) Kerr A.; also Senator(s) Boyd--Concerning the failure of an employer's bank to honor an employee's paycheck upon presentment.

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

YES	23	NO	11	EXCUSED	1	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	E	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	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: Carroll M., Heath, Hudak and Tochtrop.

HB09-1058 by Representative(s) Marostica; also Senator(s) Morse--Concerning the final disposition of the remains of veterans of the armed forces that have been abandoned.

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	E	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, Brophy, Cadman, Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Isgar, Kester, King K., Kopp, Lundberg, Mitchell, Newell, Sandoval, Scheffel, Schwartz, Shaffer B., Spence, Tapia, Tochtrop, Veiga, White and Williams.

HB09-1103 by Representative(s) Riesberg; also Senator(s) Newell--Concerning presumptive eligibility under the medical assistance program for persons in need of long-term care.

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

YES	30	NO	4	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	N	Keller	E	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	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, Hodge, Hudak, Isgar, Morse, Sandoval, Schwartz, Shaffer B., Tochtrop and Williams.

HB09-1181 by Representative(s) McCann; also Senator(s) Foster--Concerning the right of a victim to make a statement at a community corrections hearing.

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	E	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: Boyd, Groff, Newell and Williams.

SB09-231

by Senator(s) Penry; also Representative(s) Solano and Bradford, King S., Tipton-- Concerning the continuation of the state methamphetamine task force.

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	E	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: Boyd, Brophy, Cadman, Gibbs, Groff, Heath, Hodge, Hudak, Isgar, Kester, King K., Kopp, Lundberg, Mitchell, Newell, Renfroe, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Tapia, Tochtrop, White and Williams.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills -- Consent Calendar (HB09-1198, HB09-1189, HB09-1185, HB09-1197, HB09-1203) of March 10 was laid over until Wednesday, March 11, retaining its place on the calendar.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills Calendar (HB09-1027, HB09-1272, HB09-1059, SB09-170, HB09-1099, HB09-1182, SB09-128, SB09-174, SB09-144, SB09-161, SB09-056, SB09-178) of March 10 was laid over until Wednesday, March 11, retaining its place on the calendar.

MESSAGE FROM THE GOVERNOR

March 9, 2009

To the Honorable Senate
Sixty-seventh General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, I, Barbara O'Brien, serving in the capacity of the Governor of the State of Colorado as specified in Article IV, Section 13 (5) of the Colorado Constitution, have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

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SB09-040 CONCERNING THE REGULATION OF MANUFACTURED HOMES.

Approved March 9, 2009 at 1:37 p.m.

SB09-204 CONCERNING CHANGES TO THE DESIGNATION OF FUNDS CONSTITUTING THE STATE EMERGENCY RESERVE FOR STATE FISCAL YEAR 2008-09.

Approved March 9, 2009 at 1:39 p.m.

Sincerely,

Barbara O'Brien
Lieutenant Governor

SENATE RECEDE ON SB09-217

SB09-217 by Senator(s) White, Keller, Tapia; also Representative(s) Ferrandino, Pommer, Marostica-- Concerning the reduction of moneys transferred to certain funds from the portion of limited gaming fund moneys that would otherwise be transferred to the general fund after the transfer to the local government limited gaming impact fund.

Senator White moved that the Senate recede from its position on SB09-217, that the Conference Committee be dissolved, that the Senate Conferees be discharged and that the Senate concur in House amendments. The motion was declared **adopted** by the following roll call vote:

YES	22	NO	12	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	N	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	N	Penry	N	Tapia	Y
Cadman	N	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	N	Mitchell	Y	Schwartz	Y		

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

YES	30	NO	4	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	N	Keller	E	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, as amended, was declared **repassed**.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

MEMBER OF THE
JUVENILE PAROLE BOARD

for a term expiring at the pleasure of the Governor:

Mary Beth Buescher of Grand Junction, Colorado, to fill the vacancy occasioned by the resignation of Paul W. Nelson of Grand Junction, Colorado, and to serve as a public member who is not employed by state government, 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	E	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 Boyd, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE COLORADO COMMISSION ON THE AGING

for a term expiring July 1, 2012:

Alice Langley of Denver, Colorado, to serve as a Republican from the First Congressional District, 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	E	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 Sandoval, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE SECURITIES BOARD

for terms expiring July 1, 2011:

Paul E. Washington of Boulder, Colorado, a member of the public at large, appointed;

Herrick K. Lidstone, Jr. of Centennial, Colorado, who is licensed by the state supreme court to practice law in the state of Colorado and who is conversant in securities law, reappointed.

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	E	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 Bacon, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
BOARD OF GOVERNORS OF THE
COLORADO STATE UNIVERSITY SYSTEM

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

Marguerite Salazar of Alamosa, Colorado, a resident of southern Colorado and a Democrat, 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	E	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 Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF TRUSTEES FOR MESA STATE COLLEGE

for terms expiring December 31, 2012:

Lena Ann Elliott of Grand Junction, Colorado, a Republican resident of Mesa County, reappointed;

Douglas M. Price of Denver, Colorado, a Democrat, 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	E	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 Bacon, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
COLLEGEINVEST BOARD OF DIRECTORS

effective eight o'clock a.m. on January 7, 2009 for terms expiring July 31, 2012:

Patty S. Fontneau of Centennial, Colorado, reappointed.

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	E	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		

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **HB09-1262** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary After consideration on the merits, the Committee recommends that **HB09-1263** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary After consideration on the merits, the Committee recommends that **HB09-1254** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 6, line 14, strike "FIDELITY BOND" and substitute "SURETY BOND, WITH THE ATTORNEY GENERAL NAMED AS THE OBLIGEE FOR THE BENEFIT OF THE TAXPAYER,";

line 15, after "STATE", insert a comma;

line 19, strike "OR";

line 26, strike "FACILITATOR." and substitute "FACILITATOR; OR";

after line 26, insert the following:

"(C) DEPOSIT ALL EXCHANGE FUNDS IN A QUALIFIED ESCROW OR QUALIFIED TRUST AS THOSE TERMS ARE DEFINED UNDER 26 CFR 1.1031(k)-1 (g) (3) WITH A FINANCIAL INSTITUTION AND PROVIDE THAT ANY WITHDRAWALS FROM SUCH QUALIFIED ESCROW OR QUALIFIED TRUST REQUIRE THE TAXPAYER'S AND THE EXCHANGE FACILITATOR'S WRITTEN AUTHORIZATION."

Page 8, strike lines 25 through 27 and substitute the following:

"SYSTEM."

Page 9, strike lines 1 through 4.

Judiciary After consideration on the merits, the Committee recommends that **HB09-1207** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 24, line 27, strike "supplemental".

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Page 25, line 1, strike "or" and substitute "~~supplemental~~ or MOST RECENT";

line 4, after the period, add "IF THERE IS NO AMENDED MAILING LIST, THE OFFICER SHALL MAIL A COPY OF THE COMBINED NOTICE, OR CORRECTED COMBINED NOTICE IF THE ORIGINAL COMBINED NOTICE WAS ERRONEOUS, TO THE PERSONS AS SET FORTH IN THE MAILING LIST.".

Page 26, line 15, after "enjoined", insert "OR SET ASIDE";

line 17, after the period, add "THE FEES PRESCRIBED IN SECTION 38-37-104 (1) (b) (VII) AND (1) (b) (VIII) SHALL APPLY TO THE PROCEDURES DESCRIBED IN THIS SUBSECTION (2).".

Page 31, line 17, strike "SALE," and substitute "THE STATEMENT,".

State,
Veterans, &
Military
Affairs

The Committee on State, Veterans, and Military Affairs has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COLORADO RACING COMMISSION

for terms expiring July 1, 2012:

Jack K. Pretti of Rifle, Colorado, a Republican from the Third Congressional District, who has been previously engaged in the racing industry for at least five years, reappointed;

Mary Sharon Wells of Golden, Colorado, a Democrat from the Seventh Congressional District, who is a registered elector of the state, appointed.

State,
Veterans, &
Military
Affairs

The Committee on State, Veterans, and Military Affairs has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
COLORADO BOARD OF VETERANS AFFAIRS

for a term expiring June 30, 2012:

Ralph P. Bozella of Longmont, Colorado, a veteran who has been honorably released or separated from the armed forces of the United States, and a Democrat, reappointed.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB09-1179** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB09-1150** be referred to the Committee on Appropriations with favorable recommendation.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB09-1124** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

SENATE SERVICES REPORT

Correctly Engrossed: SB09-231.

Correctly Reengrossed: SB09-064, 099, 168 and 177.

Correctly Revised: HB09-1012, 1054, 1058, 1083, 1103, 1108, 1168 and 1181.

Correctly Rerevised: HB09-1005, 1008, 1052, 1066, 1072, 1079, 1080, 1082, 1088,

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1090, 1092, 1093, 1101, 1112, 1122, 1153, 1162, 1169, 1174, 1178, 1215, 1219 and 1241.
Correctly Enrolled: SB09-079 and 185.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Monday, March 9, 2009, at 2:05 p.m.: SB09-001, 086, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 209, 214 and 218.

MESSAGE FROM THE HOUSE

March 10, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1193, amended as printed in House Journal, March 9, page 650.

The House has passed on Third Reading and returns herewith SB09-113, 115, 116, 127, 017, 065, 224.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB09-151, amended as printed in House Journal, March 9, page 651. SB09-091, amended as printed in House Journal, March 9, pages 651-652.

The House has adopted and returns herewith SJR09-017.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, March 10, was laid over until Wednesday, March 11, retaining its place on the calendar.

Conference Committees to Report: SB09-215, SB09-208, SB09-210.

On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Wednesday, March 11, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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