

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

62nd Legislative Day Monday, March 9, 2009

- Prayer 11
 By the chaplain, Mohammed Jodeh, Past President and Chairman, Colorado Muslim Society. 12
- Pledge 14
 By Senator Hodge. 15
- Call to Order 16
 By the President at 10:00 a.m. 17
- Roll Call 19
 Present--34 20
 Absent--1, Romer. 21
 Present later--1, Romer. 22
- Quorum 23
 The President announced a quorum present. 24
- Reading of Journal 25
 On motion of Senator Isgar, reading of the Journal of Friday, March 6, 2009, was dispensed with and the Journal was approved as corrected by the Secretary. 26

COMMITTEE OF REFERENCE REPORTS

- Appropriations 33
 After consideration on the merits, the Committee recommends that **SB09-158** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 34
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 Amend the Agriculture and Natural Resources Committee Report, dated February 11, 2009, page 1, line 8, after "FROM", insert "THE OPERATION AND MAINTENANCE ACCOUNT OF"; 37
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 line 9, strike "24-33-113 (2)" and substitute "24-33-111 (2)"; 40
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 after line 10, insert the following: 43
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 "line 13 of the printed bill, after the period, add "IF POSSIBLE, SUCH REPORT SHALL BE MADE AT THE SAME TIME AS THE REPORT DESCRIBED IN SECTION 24-33-111 (3) (a).";". 45
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 Page 2 of the committee report, strike lines 2 through 14 and substitute the following: 49
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 "line 24 of the printed bill, strike "LANDS." and substitute "LANDS; EXCEPT THAT SUMMARY OR AGGREGATED DATA THAT DO NOT SPECIFICALLY IDENTIFY INDIVIDUAL LANDOWNERS OR SPECIFIC PARCELS OF LAND SHALL NOT BE SUBJECT TO THIS SUBPARAGRAPH (XXI). 52
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 SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the operation and maintenance account of the species conservation trust fund created in section 24-33-111 (2) (a) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of natural resources, executive director's office, for personal services, for the fiscal year beginning July 1, 2009, the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, for the implementation of this act."; 57
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 strike lines 25 through 27 of the printed bill and substitute the following: 65
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"SECTION 5. Act subject to petition - effective date. (1) Except as otherwise provided in subsection (2), this act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 4, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) This act shall only take effect if House Bill 09-1289 is enacted and becomes law, and this act shall take effect either upon the applicable effective date of this act or upon the applicable effective date of House Bill 09-1289, whichever is later."

Page 6, strike lines 1 through 7."

**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:

HB09-1153 by Representative(s) May; also Senator(s) Harvey--Concerning the requirements applicable to the formation of an issue committee under Colorado law governing campaign finance.

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**.

HB09-1112 by Representative(s) Kerr J.; also Senator(s) Spence--Concerning the information provided to the staff of the legislative council in connection with the preparation of fiscal notes for legislative measures.

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: King K., Kopp and Mitchell.

HB09-1169 by Representative(s) Riesberg, McFadyen, Sonnenberg; also Senator(s) Bacon, Penry, Schwartz--Concerning an extension of the repeal date for the capital development committee.

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: Hudak

HB09-1241 by Representative(s) Roberts; also Senator(s) Morse--Concerning title 15 of the Colorado Revised Statutes.

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**.

HB09-1178 by Representative(s) Green; also Senator(s) Boyd--Concerning the creation of a task force to study the establishment of a registry of caregivers who are deemed to have a substantiated allegation of wrongdoing against a person with a developmental disability.

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: Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Morse, Newell, Schwartz, Shaffer B., Spence, Tochtrop and Williams.

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

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, Foster, Gibbs, Heath, Romer, Shaffer B., Tapia and Williams.

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.

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	N	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, Foster, Groff, Hudak, Newell, Schwartz, Shaffer B. and Williams.

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HB09-1005 by Representative(s) Marostica; also Senator(s) Veiga, White--Concerning the authority of a special district to establish special improvement districts within the boundaries of the special district.

The question being "Shall the bill 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	N	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	N	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**.

HB09-1092 by Representative(s) Peniston, Gagliardi; also Senator(s) Kester--Concerning the risk of damage to underground facilities caused by excavation.

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: Williams

HB09-1090 by Representative(s) Rice; also Senator(s) Williams--Concerning the use of titles associated with interpretation for deaf persons, and, in connection therewith, making unauthorized use of such titles a deceptive trade practice under the "Colorado Consumer Protection Act".

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: Carroll M.

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 Tuesday, March 10, retaining its place on the calendar.

HB09-1093 by Representative(s) Levy, McGihon, Benefield, Judd, Miklosi, Ferrandino, Fischer, Gagliardi, Green, Merrifield, Pommer, Solano; also Senator(s) Veiga, Carroll M.--Concerning additional income tax reporting requirements for a corporate taxpayer.

The question being "Shall the bill 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	Y	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.	Y	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 was declared **passed**.

HB09-1101 by Representative(s) Benefield, Todd, Apuan, Ferrandino, Kefalas, Merrifield, Murray, Stephens; also Senator(s) Veiga, Hudak--Concerning the administration of sales tax collections by the department of revenue.

The question being "Shall the bill 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	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.	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		

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

was declared **passed**.

Co-sponsors added: Isgar

HB09-1082 by Representative(s) Peniston; also Senator(s) Tochtrop--Concerning recording of public meetings of school district boards of education.

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	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.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	Y	Scheffel	N	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: Carroll M., Foster, Harvey, Lundberg, Penry and Schultheis.

HB09-1052 by Representative(s) Waller; also Senator(s) Heath--Concerning limitations on the solicitation of donated items that will be sold for profit.

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	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 was declared **passed**.

Co-sponsors added: Boyd, Foster and Newell.

HB09-1080 by Representative(s) Marostica; also Senator(s) Williams--Concerning a grant of qualified immunity to building code officials rendering assistance during a disaster emergency.

The question being "Shall the bill 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	Y	Keller	Y	Renfroe	Y	Tochtrop	N
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 was declared **passed**.

Co-sponsors added: Heath

HB09-1072 by Representative(s) Middleton; also Senator(s) Hudak--Concerning modifications to statutory provisions addressing the governance of library districts.

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

YES	31	NO	4	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	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	N	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: Carroll M., Foster, Schwartz and Williams.

HB09-1215 by Representative(s) Ferrandino, Pommer, Marostica; also Senator(s) Tapia, Keller, White--Concerning the creation of a stabilization fund to assist with the state's efforts to meet the federal maintenance of effort requirements for the state supplemental security income program.

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

Co-sponsors added: Newell

HB09-1088 by Representative(s) Balmer, Benefield, Loooper, Todd; also Senator(s) Newell--

Concerning certification of public benefit nonprofit entities as local public procurement units.

The question being "Shall the bill 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.	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	N		

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

Co-sponsors added: Bacon, Boyd and Williams.

HB09-1219 by Representative(s) Judd; also Senator(s) Sandoval--Concerning the interest paid to taxpayers on certain tax overpayments.

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	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	Y	Lundberg	N	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**.

HB09-1162 by Representative(s) Gerou; also Senator(s) Kopp--Concerning intergovernmental cooperation for the purpose of mitigating wildfires.

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: Boyd, Gibbs, Groff, Harvey, Heath, Kester, King K., Lundberg, Mitchell, Newell, Scheffel, Schwartz, Shaffer B. and Williams.

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

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

HB09-1174 by Representative(s) Riesberg; also Senator(s) Hodge, Brophy--Concerning the exemption of depletions from pumping that occurred prior to 1974.

The question being "Shall the bill 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	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	N
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	N	Kopp	Y	Scheffel	N	Williams	Y
Harvey	N	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: Isgar, Lundberg, Renfroe, Romer, Shaffer B. and Tochtrop.

SB09-099 by Senator(s) Morse; also Representative(s) Ferrandino--Concerning centralized databases to aid the delivery of state procurement services, and making an appropriation in connection therewith.

The question being "Shall the bill 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	Y	Keller	Y	Renfroe	N	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	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: Carroll M. and Newell.

SB09-168 by Senator(s) Tochtrop; also Representative(s) Soper--Concerning workers' compensation procedures.

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: Boyd, Carroll M., Hudak and Romer.

HB09-1066 by Representative(s) Vaad; also Senator(s) Gibbs--Concerning the codification of existing practices of the division of aeronautics.

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**.

HB09-1008 by Representative(s) Miklosi; also Senator(s) Williams--Concerning the expansion of the ability to transfer annual leave between employees in the state personnel system.

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, Foster, Gibbs, Groff, Hodge, Hudak, Kester, Morse, Newell, Romer, Sandoval, Shaffer B., Tochtrop and Veiga.

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.

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	N	Morse	Y	Shaffer B.	Y
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	Y	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	N	Mitchell	Y	Schwartz	N		

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

Co-sponsors added: Brophy, Cadman, Harvey, Kester, Lundberg, Mitchell, Renfroe, Scheffel, Schultheis and White.

Senators Bacon, Heath, Hudak, and Romer requested their names be removed as sponsors on SB09-064.

IMMEDIATE RECONSIDERATION OF HB09-1093

HB09-1093 by Representative(s) Levy, McGihon, Benefield, Judd, Miklosi, Ferrandino, Fischer, Gagliardi, Green, Merrifield, Pommer, Solano; also Senator(s) Veiga, Carroll M.-- Concerning additional income tax reporting requirements for a corporate taxpayer.

Having voted on the prevailing side, Senator Shaffer moved for immediate reconsideration of the last Senate action, Third Reading of Bills - Final Passage, on HB09-1093. 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.

THIRD READING OF BILLS -- FINAL PASSAGE

HB09-1093 by Representative(s) Levy, McGihon, Benefield, Judd, Miklosi, Ferrandino, Fischer, Gagliardi, Green, Merrifield, Pommer, Solano; also Senator(s) Veiga, Carroll M.-- Concerning additional income tax reporting requirements for a corporate taxpayer.

The question being "Shall the bill 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	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	N
Gibbs	Y	Kopp	Y	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**.

Committee of the Whole

On motion of Senator Newell, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Newell 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:

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

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

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.

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

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.

Ordered revised 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 Newell, the Report of the Committee of the Whole was adopted on the following roll call vote:

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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 Committee of the Whole took the following action:

Passed on Second Reading: HB09-1168, HB09-1083, HB09-1054.

Committee of the Whole On motion of Senator Newell, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Newell 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:

HB09-1027 by Representative(s) Rice, Fischer, Levy, Marostica, McFadyen, Merrifield, Primavera; also Senator(s) Gibbs, Williams--Concerning the duty of drivers to yield the right-of-way to transit buses entering traffic.

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

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.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 27, page 536-537 and placed in members' bill files.)

Amendment No. 2(L.015), by Senator Mitchell.

Amend reengrossed bill, page 8, strike lines 10 through 22 and substitute the following:

"SECTION 4. Effective date - applicability. This act shall take effect July 1, 2009, and shall apply to health coverage plans issued or renewed on or after said date.

SECTION 5. 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."

Amendment No. 3(L.016), severed section 2 by Senator Carroll.

Page 6, after line 1, insert the following:

"(6) A SMALL EMPLOYER THAT MAKES AVAILABLE TO ITS EMPLOYEES, THROUGH ITS SMALL GROUP PLAN, WELLNESS AND PREVENTION PROGRAMS SHALL NOT MAKE PARTICIPATION OR DISCLOSURE OF PARTICIPATION IN A WELLNESS AND PREVENTION PROGRAM A CONDITION OF EMPLOYMENT WITH THE SMALL EMPLOYER."

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- Renumber succeeding subsection accordingly. 1
- As amended, ordered revised and placed on the calendar for Third Reading and Final 2
Passage. 3
- (For further action, see Amendments to the Report of the Committee of the Whole.) 4
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- HB09-1108** by Representative(s) Kerr A.; also Senator(s) Boyd--Concerning the failure of an employer's 6
bank to honor an employee's paycheck upon presentment. 7
- Amendment No. 1, Business, Labor & Technology Committee Amendment. 8
(Printed in Senate Journal, March 5, page 615 and placed in members' bill files.) 9
- As amended, ordered revised and placed on the calendar for Third Reading and Final 10
Passage. 11
- HB09-1058** by Representative(s) Marostica; also Senator(s) Morse--Concerning the final disposition of 12
the remains of veterans of the armed forces that have been abandoned. 13
- Amendment No. 1, State, Veterans & Military Affairs Committee Amendment. 14
(Printed in Senate Journal, March 5, page 620 and placed in members' bill files.) 15
- Amendment No. 2(L.004), by Senator Morse. 16
- Amend the State, Veterans, and Military Affairs Committee Report, dated 17
March 4, 2009, page 1, strike line 1 and substitute the following: 18
- "Amend reengrossed bill, page 2, line 15, strike "ONE" and substitute 19
"TWELVE MONTHS"; 20
- line 16, strike "HUNDRED EIGHTY DAYS"; 21
- line 20, after the period, add "THIS"; 22
- line 3 of the committee report, strike "BODIES." and substitute "BODIES 23
NOR THE POSSESSION OF DEAD HUMAN BODIES BY ANY PERSON SEEKING TO 24
IDENTIFY THE IDENTITY OF THE REMAINS." 25
- As amended, ordered revised and placed on the calendar for Third Reading and Final 26
Passage. 27
- HB09-1103** by Representative(s) Riesberg; also Senator(s) Newell--Concerning presumptive eligibility 28
under the medical assistance program for persons in need of long-term care. 29
- Amendment No. 1, Health & Human Services Committee Amendment. 30
(Printed in Senate Journal, March 5, page 621 and placed in members' bill files.) 31
- As amended, ordered revised and placed on the calendar for Third Reading and Final 32
Passage. 33
- HB09-1181** by Representative(s) McCann; also Senator(s) Foster--Concerning the right of a victim to 34
make a statement at a community corrections hearing. 35
- Amendment No. 1, Judiciary Committee Amendment. 36
(Printed in Senate Journal, March 5, page 622 and placed in members' bill files.) 37
- As amended, ordered revised and placed on the calendar for Third Reading and Final 38
Passage. 39
- SB09-231** by Senator(s) Penry; also Representative(s) Solano and Bradford, King S., Tipton-- 40
Concerning the continuation of the state methamphetamine task force. 41
- Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 42
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AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

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.

Senator Shaffer moved to amend the Report of the Committee of the Whole to show that the following severed section 1 (page 1, lines 1 through 7) of the Carroll M. floor amendment, (L.016) to HB 09-1012, did pass:

Severed section 1

Amend reengrossed bill, page 3, line 26, after "AMENDED.", add "A CARRIER SHALL NOT DISCLOSE TO ANY THIRD PARTY, INCLUDING A COVERED PERSON'S EMPLOYER, ANY INFORMATION OBTAINED FROM OR ABOUT A COVERED PERSON IN CONNECTION WITH THE COVERED PERSON'S PARTICIPATION IN A WELLNESS AND PREVENTION PROGRAM THAT IS REASONABLY ATTRIBUTABLE TO THE COVERED PERSON, UNLESS THE COVERED PERSON CONSENTS TO DISCLOSURE OF SUCH INFORMATION.".

A majority of all members elected to the Senate having voted in the affirmative, the amendment to the Report of the Committee of the Whole was declared **passed** on the following roll call vote:

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Newell, the Report of the Committee of the Whole 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 Committee of the Whole took the following action:

Passed on Second Reading: SB09-231, HB09-1012 as amended, HB09-1108 as amended, HB09-1058 as amended, HB09-1103 as amended, HB09-1181 as amended.
Laid over until Tuesday, March 10 retaining its place on the Calendar: HB09-1027.

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 Monday, March 9, 2009 was laid over until Tuesday, March 10, 2009, retaining its place on the calendar.

Consideration of Resolutions: SB09-017.
 Consideration of House Adherence: SB09-217
 Consideration of Governor's Appointments:
 Juvenile Parole Board
 Conference Committees to Report: SB09-215, SB09-208, and SB09-210

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **SB09-095** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 36, after line 20, insert the following:

"SECTION 5. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act."

Renumber succeeding section accordingly.

MESSAGE FROM THE HOUSE

March 9, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1276, amended as printed in House Journal, March 6, pages 627-628.
HB09-1018, amended as printed in House Journal, March 6, page 629.
HB09-1279, amended as printed in House Journal, March 6, page 630.

The House has passed on Third Reading and returns herewith SB09-033, 010, 044, 034, 070, 041, 140, 096.

The House has adopted and returns herewith SJR09-019.

MESSAGE FROM THE REVISOR OF STATUTES

March 9, 2009

We herewith transmit:

Without comment, as amended, HB09-1018, 1276, and 1279.

SENATE SERVICES REPORT

Correctly Printed: SB09-243 and 244; SJR09-019.

Correctly

Engrossed: SB09-064, 099, 168 and 177; SJR09-019.

Correctly Revised: HB09-1005, 1008, 1052, 1066, 1072, 1079, 1080, 1082, 1088, 1090, 1092, 1093, 1101, 1112, 1122, 1153, 1162, 1169, 1174, 1178, 1215, 1219 and 1241.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: The President has signed: **HB09-1024, 1030, 1033, 1037, 1044, 1121, 1128, 1155.**

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

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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