

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

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72nd Legislative Day

Thursday, March 19, 2009

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Prayer	By the chaplain, Rev. Paul Kottke, University Park United Methodist Church, Denver.	11
Pledge	By Senator White.	13
Call to Order	By the President <i>pro tem</i> at 9:00 a.m.	15
Roll Call	Present--31 Absent--1, Romer. Excused--3, Groff, Mitchell, Veiga. Present later--2, Mitchell, Romer.	18 19 20 21
Quorum	The President <i>pro tem</i> announced a quorum present.	23
Reading of Journal	On motion of Senator Hudak, reading of the Journal of Wednesday, March 18, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.	25 26

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**COMMITTEE OF REFERENCE REPORTS**

Health & Human Services	After consideration on the merits, the Committee recommends that <b>HB09-1297</b> be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	31 32 33
Health & Human Services	After consideration on the merits, the Committee recommends that <b>HB09-1116</b> be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	35 36 37
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that <b>HB09-1136</b> be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	39 40 41
Education	After consideration on the merits, the Committee recommends that <b>HB09-1214</b> be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	43 44 45
Judiciary	After consideration on the merits, the Committee recommends that <b>HB09-1253</b> be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	47 48 49
Judiciary	After consideration on the merits, the Committee recommends that <b>HB09-1276</b> be referred to the Committee of the Whole with favorable recommendation.	51 52

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

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

**HB09-1139** by Representative(s) Solano; also Senator(s) Tochtrop--Concerning fetal alcohol spectrum disorders.

Laid over until Friday, March 20, retaining its place on the calendar.

**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.

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

YES	31	NO	2	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	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	E
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, Gibbs, Heath, Hudak, Shaffer B. and Spence.

**HB09-1227** by Representative(s) Frangas; also Senator(s) Hudak--Concerning equity skimming of real property.

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	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
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. and Tochtrop.

**HB09-1190** by Representative(s) Levy; also Senator(s) Mitchell--Concerning the enactment of the "Uniform Unsworn Foreign Declarations Act".

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

YES	32	NO	1	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	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
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**.

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

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

Upon request of Senator Shaffer, HB09-1061 and HB09-1216 were removed from the General Orders--Second Reading of Bills Consent Calendar of Thursday, March 19 and placed at the end of the General Orders Second Reading of Bills Calendar of Thursday, March 19.

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:

**SB09-018** by Senator(s) Kopp and Gibbs, Penry; also Representative(s) King S. and Scanlan, Levy, Lundberg--Concerning the creation of a high-risk communities wildfire mitigation grant program.

Amendment No. 1, Local Government & Energy Committee Amendment.  
(Printed in Senate Journal, February 6, page 193-194 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, March 13, page 732-733 and placed in members' bill files.)

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

**SB09-098** by Senator(s) Schwartz, Isgar, Brophy, Gibbs; also Representative(s) Vigil--Concerning blending diesel fuels after withdrawal at the rack.

Amendment No. 1, Transportation Committee Amendment.  
(Printed in Senate Journal, February 18, page 370-371 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, March 13, page 733 and placed in members' bill files.)

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

**HB09-1188** by Representative(s) Ryden; also Senator(s) Carroll M.--Concerning modifications to the disclosure requirements imposed on physicians under the "Michael Skolnik Medical Transparency Act", and making an appropriation in connection therewith.

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 Carroll, the Report of the Committee of the Whole was adopted on the following roll call vote:

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

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-018 as amended, SB09-098 as amended, HB09-1188. Removed from the General Orders Second Reading of Bills Consent Calendar and placed on the General Orders Second Reading of Bills Calendar for March 19: HB09-1061, HB09-1216.

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 (SB09-095, SB09-067, HB09-1151, SB09-103, SB09-138, SB09-154, SB09-160, SB09-180, HB09-1110, HB09-1143, HB09-1057, SB09-176, HB09-1180, HB09-1260, HB09-1224, HB09-1061, HB09-1216) of Thursday, March 19, was laid over until Friday, March 20, retaining its place on the calendar.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB09-114 by Senator(s) Kester, Hodge, Isgar; also Representative(s) Sonnenberg--Concerning the continuation of the authority of the department of agriculture to regulate the sale of agricultural products, and, in connection therewith, regulating farm products and commodity warehouses.

Senator Kester moved that the Senate concur in House amendments to SB09-114 as printed in House Journal, March 13, page 714. The motion was passed by the following roll call vote:

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

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

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

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

MESSAGE FROM THE GOVERNOR

March 18, 2009

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

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB09-032 CONCERNING CREATION OF THE EDUCATION INNOVATION INSTITUTE AT THE UNIVERSITY OF NORTHERN COLORADO.

Approved March 18, 2009 at 1:09.

SB09-086 CONCERNING THE CREATION OF AN ONLINE UNIVERSITY TO BE KNOWN AS COLORADO STATE UNIVERSITY - GLOBAL CAMPUS.

Approved March 18, 2009 at 1:13.

**SB09-185** CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF EDUCATION.

Approved March 18, 2009 at 2:56.

**SB09-209** CONCERNING THE REPEAL OF THE INMATE ASSISTANCE DEMONSTRATION GRANT PROGRAM, AND REPEALING AN APPROPRIATION THEREFOR.

Approved March 18, 2009 at 2:57.

**SB09-214** CONCERNING APPROPRIATIONS FOR THE QUALITY TEACHER PROGRAM CREATED IN 2008.

Approved March 18, 2009 at 2:58.

**SB09-218** CONCERNING AN INCREASE IN THE AMOUNT OF MONEYS APPROPRIATED FROM THE STATE GENERAL FUND TO THE CONTROLLED MAINTENANCE TRUST FUND FOR THE FISCAL YEAR BEGINNING JULY 1, 2007.

Approved March 18, 2009 at 2:59.

Sincerely,

Bill Ritter, Jr.  
Governor

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

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

**MEMBERS OF THE  
STATE BOARD OF NURSING**

for a term expiring July 1, 2010:

Christopher C. Dopke of Denver, Colorado to fill the vacancy occasioned by the resignation of Dennis Kaw of Denver, Colorado, and to serve as a public member, appointed.

effective as of July 2, 2008, for terms expiring July 1, 2011:

Candace E. Berardinelli of Littleton, Colorado to serve as a licensed professional nurse who is engaged in professional nursing education, reappointed;

Curtis Powells of Aurora, Colorado to serve as a licensed professional nurse who is employed as a staff nurse in a hospital, appointed;

Toni L. Gibbons of Highlands Ranch, Colorado to serve as a licensed practical nurse, reappointed.

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	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	E
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 TRUSTEES FOR WESTERN STATE COLLEGE OF COLORADO

for terms expiring December 31, 2012:

Stephanie A. Foote of Denver, Colorado, a Republican, reappointed.

Table with 4 columns: YES (33), NO (0), EXCUSED (2), ABSENT (0). Rows list names and their corresponding counts for each category.

SENATE SERVICES REPORT

- Correctly Printed: SB09-251 and 252.
Correctly Engrossed: SJR09-023 and 024; SM09-001.
Correctly Revised: HJR09-1012
Correctly Rerevised: HB09-1053, 1125, 1186, 1233 and 1254.
Correctly Enrolled: SJR09-020, 021 and 022.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR09-025 by Senator(s) Kester; also Representative(s) Carroll T.--Concerning recognition of Single Parents' Day in Colorado.

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

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB09-1052, 1054, 1079, 1082, 1091, 1101, 1174, 1215, 1219.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Wednesday, March 18, 2009, at 1:18 p.m.: SB09-017, 065, 115, 116 and 127.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President pro tem appointed Senators Kopp, Chair, Gibbs, and Isgar as Senate Conferees on the First Conference Committee on HB09-1162.

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 Thursday, March 19 was laid over until Friday, March 20, retaining its place on the calendar.

Consideration of Conference Committee Reports: SB09-208, SB09-215.
Conference Committees to Report: SB09-210, HB09-1153, HB09-1108, HB09-1058.

TRIBUTES

Honoring:

Advocates for Hydrocephalus Awareness in Colorado -- by Senator Spence

Gary Dale Morton -- by Senator Penry

Zach Rosales -- by Senator Penry and Representatives Bradford and King

Justin Iacovetto -- by Senator Penry and Representatives Bradford and King

Justin Smith -- by Senator Penry and Representatives Bradford and King

Jesus Rodriguez -- by Senator Penry and Representatives Bradford and King

Anthony Guillen -- by Senator Penry and Representatives Bradford and King

Lucas Wiggins -- by Senator Penry and Representatives Bradford and King

Kyle Piatt -- by Senator Penry and Representative Tipton

David Rhodes -- by Senator Penry and Representative Tipton

Zach Shank -- by Senator Penry and Representative Tipton

Stryker Lane -- by Senator Penry and Representative Tipton

Ty Sickels -- by Senator Penry and Representative Tipton

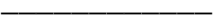
Hugh Hardman -- by Senator Penry and Representative Tipton

Ty Spangler -- by Senator Penry and Representative Tipton

Ethan Alexandar By Senator Penry and Representative Tipton

James Conrardy -- by Senators Penry and White

Christian Holcomb -- by Senators Penry and White



On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Friday, March 20, 2009.

Approved:

Betty Boyd  
President *pro tem* of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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