

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

64th Legislative Day

Wednesday, March 11, 2009

Prayer By the chaplain, Rabbi Eliot Baskin, Jewish Community Chaplaincy & Rafael Spiritual Healing Center of Jewish Family Services of Colorado.

Pledge By Senator Hodge.

Call to Order By the President *pro tem* at 9:00 a.m.

Roll Call Present--32
Absent--2, Gibbs, Williams.
Excused--1, Groff.
Present later--2, Gibbs, Williams.

Quorum The President *pro tem* announced a quorum present.

Reading of Journal On motion of Senator Isgar, reading of the Journal of Tuesday, March 10, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **HB09-1041** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Finance After consideration on the merits, the Committee recommends that **HB09-1249** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Finance After consideration on the merits, the Committee recommends that **HB09-1218** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Finance After consideration on the merits, the Committee recommends that **SB09-242** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, line 16, after "dollars", insert "PER YEAR FOR THE 2009-10 AND THE 2010-11 STATE FISCAL YEARS".

MESSAGE FROM THE REVISOR OF STATUTES

March 10, 2009
We herewith transmit:

Without comment, as amended, HB09-1193.
Without comment, as amended, SB09-091 and 151.

INTRODUCTION OF RESOLUTIONS

SJR09-021 by Senator(s) Foster; also Representative(s) McGihon--Concerning recognition of the importance of raising public awareness of kidney disease, and, in connection therewith,

recognizing March as National Kidney Month and March 12, 2009, as World Kidney Day.

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

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR09-022 by Senator(s) Sandoval; also Representative(s) Looper--Concerning the proclamation of March 9-13, 2009 as Small Business Week.

On motion of Senator Sandoval, the resolution was read at length and **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	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	E
Heath	Y	Mitchell	Y	Schwartz	Y		

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

THIRD READING OF BILLS -- FINAL PASSAGE

On Third Reading, the title of the following bill was 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, Hulinghorst, 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 Thursday, March 12, retaining its place on the calendar.

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

HB09-1198 by Representative(s) McGihon; also Senator(s) Morse--Concerning the "Uniform Power of Attorney Act".

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 2, page 625-632 and placed in members' bill files.)

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

HB09-1189 by Representative(s) Pommer, Ferrandino, Marostica; also Senator(s) Tapia, Keller, White--Concerning per pupil funding for education programs that report their pupil enrollment counts to the facility schools unit in the department of education.

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

HB09-1185 by Representative(s) Tipton; also Senator(s) Isgar--Concerning requirements for documents related to water rights applications.

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

HB09-1197 by Representative(s) McNulty, Kerr J., Balmer, Baumgardner, Frangas, Gardner C., Gerou, Looper, May, Scanlan; also Senator(s) Harvey, Brophy, Kopp, Renfroe, Spence-- Concerning a requirement that the division of housing report data regarding home foreclosures in the state.

Amendment No. 1, Local Government & Energy Committee Amendment.
(Printed in Senate Journal, March 6 , page 632-633 and placed in members' bill files.)

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

HB09-1203 by Representative(s) Tipton, Roberts; also Senator(s) Isgar--Concerning the reclassification of Montezuma county.

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

HB09-1223 by Representative(s) Marostica, Ferrandino, Pommer; also Senator(s) Tapia, Keller, White-- Concerning the extension of the deadline for expending moneys for the Colorado benefits management system from the health care supplemental appropriations and overexpenditures account of the tobacco litigation settlement cash fund.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	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	E
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: HB09-1198 as amended, HB09-1189, HB09-1185, HB09-1197 as amended, HB09-1203, HB09-1223.

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

HB09-1272 by Representative(s) Massey and Pommer, Gardner C., McKinley, McNulty, Merrifield, Scanlan, Summers, Todd; also Senator(s) Tapia, Brophy, Heath, Kester, Penry, Williams-- Concerning statutory amendments required to implement locally approved changes to the parameters for limited gaming under section 9 (7) of article XVIII of the Colorado constitution, adopted by voters at the 2008 general election.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, March 6, page 632 and placed in members' bill files.)

Amendment No. 2(L.021), by Senator Tapia.

Amend the Education Committee Report, dated March 4, 2009, page 1, strike lines 13 through 16 and substitute the following:

"Page 12, strike line 23 and substitute the following:

"COMPETITIVE BASIS AND ARE NOT ENROLLED IN CERTIFICATE, AA, AS, AGS, OR AAS DEVELOPMENTAL OR VOCATIONAL COURSES;"

line 27, strike "COLLEGE;" and substitute "COLLEGE AND ARE NOT ENROLLED IN CERTIFICATE, AA, AS, AGS, OR AAS DEVELOPMENTAL OR VOCATIONAL COURSES;".

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

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (HB09-1027, HB09-1059, SB09-170, HB09-1099, HB09-1182, SB09-128, SB09-174, SB09-144, SB09-161, SB09-056, SB09-178, SB09-158, SB09-095) of March 11, was laid over until March 12, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	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	E
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: HB09-1272 as amended.

Laid over until Thursday, March 12 retaining their place on the Calendar: HB09-1027, HB09-1059, SB09-170, HB09-1099, HB09-1182, SB09-128, SB09-174, SB09-144, SB09-161, SB09-056, SB09-178, SB09-158, SB09-095.

**MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadlines:

Long Appropriation Bill:

The Monday, March 23 deadline (the 76th legislative day) for introduction of the long appropriation bill in the Senate is extended until Monday, March 30, 2009 (the 83rd

legislative day).	1
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The Friday, March 27 deadline (the 80th legislative day) for passage of the long	3
appropriation bill in the Senate is extended until Friday, April 3, 2009 (the 87th legislative	4
day).	5
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The Friday, April 3 deadline (the 87th legislative day) for passage of the long	7
appropriation bill in the House is extended until Thursday, April 9, 2009 (the 93th	8
legislative day).	9
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The Friday, April 10 deadline (the 94th legislative day) for adoption of the conference	11
committee report on the long appropriation bill is extended until Wednesday, April 15,	12
2009 (the 99th legislative day).	13
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Deadline for Appropriations Committee:	15
The Friday, April 10, deadline (the 94th legislative day) for the Appropriations	16
Committees to report all bills referred to the Appropriations Committee in the house of	17
introduction is extended until Wednesday, April 15, 2009 (the 99th legislative day).	18
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Deadline for Passage of Appropriation Bills in House of Introduction:	20
The Friday, April 17 deadline (the 101st legislative day) for final passage in the house of	21
introduction of all bills referred to the Appropriations Committee in that house is extended	22
until Monday, April 20, 2009 (the 104th legislative day).	23
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Deadline for Committees of Reference in Second House for Appropriation Bills:	25
The Thursday, April 23, deadline (the 107th legislative day) for the Committees of	26
Reference to report all bills referred to the Appropriations Committee in that house is	27
extended until Friday, April 24, 2009 (the 108th legislative day).	28
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Deadline for Appropriations Committee in Second House:	30
The Monday, April 27, deadline (the 111th legislative day) for the Appropriations	31
Committees to report all bills referred to the Appropriations Committee in the second	32
house is extended until Tuesday, April 28, 2009 (the 112th legislative day).	33
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Deadline for Passage of Appropriation Bills in Second House:	35
The Thursday, April 30, deadline (the 114th legislative day) for final passage in the second	36
house of all bills referred to the Appropriations Committee in that house is extended until	37
Friday, May 1, 2009 (the 115th legislative day).	38
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This memorandum shall be printed in the journal of each house as is required by said Joint	40
Rule 23 (c).	41
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(signed)	44
Representative T. Carroll	45
Speaker of the House of Representatives	46
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(signed)	48
Representative Weissmann	49
House Majority Leader	50
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(signed)	52
Representative May	53
House Minority Leader	54
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Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting	60
jointly, extend the following deadline for LLS 09-0933, Concerning the Financing of	61
Public Schools:	62
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The Friday, March 13 deadline (the 66th legislative day) for final passage, including any	64
conference committee report, for any bill prescribing all or a substantial portion of the total	65
funding for public schools pursuant to the "Public School Finance Act of 1994", article 54	66
of title 22, Colorado Revised Statutes, is extended until Friday, March 27, 2009 (the 80th	67
legislative day).	68
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This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(signed)
Representative T. Carroll
Speaker of the House of Representatives

(signed)
Senator Groff
President of the Senate

(signed)
Representative Weissmann
House Majority Leader

(signed)
Senator Shaffer
Senate Majority Leader

(signed)
Representative May
House Minority Leader

(signed)
Senator Penry
Senate Minority Leader

COMMITTEE OF REFERENCE REPORTS

Trans-
portation

After consideration on the merits, the Committee recommends that **HB09-1234** 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

The Committee on Transportation has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COLORADO AERONAUTICAL BOARD

for terms expiring December 19, 2011:

Dennis R. Heap of Commerce City, Colorado, a representative of the statewide association of airport managers, reappointed;

Joseph H. Thibodeau of Denver, Colorado, a representative of the statewide association of pilots, reappointed.

Trans-
portation

After consideration on the merits, the Committee recommends that **HB09-1100** be referred to the Committee on Appropriations with favorable recommendation.

Trans-
portation

After consideration on the merits, the Committee recommends that **HB09-1236** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local
Government
and Energy

The Committee on Local Government and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
ENERGY IMPACT ASSISTANCE
ADVISORY COMMITTEE

for terms expiring August 24, 2012:

Kay Lynn Hefley of Walsh, Colorado, appointed;

Honorable Kenneth C. Parsons of Rangely, Colorado, appointed.

Local
Government
and Energy

After consideration on the merits, the Committee recommends that **HB09-1149** be referred to the Committee on Appropriations with favorable recommendation.

Local
Government
and Energy

After consideration on the merits, the Committee recommends that **HB09-1233** be referred to the Committee of the Whole with favorable recommendation.

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MESSAGE FROM THE HOUSE

March 11, 2009

The House has voted to concur in the Senate amendments to HB09-1005, 1052, 1082, 1093, 1178, and has repassed the bills as so amended.

The House voted to adhere to its position on HB09-1008. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB09-1153 and requests that a conference committee be appointed. The Speaker has appointed Representatives May, chairman, Todd, and Miklosi as House conferees on the First Conference Committee on HB09-1153. The bill is transmitted herewith.

The House has adopted and returns herewith SJR09-022, amended as printed in House Journal March 11.

SENATE SERVICES REPORT

Correctly Printed: SJR09-020; SM09-001.

Correctly Engrossed: SJR09-017.

Correctly Reengrossed: SB09-231.

Correctly Rerevised: HB09-1012, 1054, 1058, 1079, 1083, 1103, 1108, 1168 and 1181.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR09-017 and 019.

The President has signed: SB09-032 and SB09-055.

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 Wednesday, March 11 was laid over until Thursday, March 12, retaining its place on the calendar.

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

On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Thursday, March 12, 2009.

Approved:

Betty Boyd
President pro tem of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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