

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

---

55th Legislative Day

Monday, March 2, 2009

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Prayer	By the chaplain, Bill Calhoun, Montview Blvd. Presbyterian Church, Denver.	11
Pledge	By Senator Morse.	13
Call to Order	By the President at 10:00 a.m.	15
Roll Call	Present--34 Excused--1, Schultheis.	18
Quorum	The President announced a quorum present.	21
Reading of Journal	On motion of Senator Lundberg, reading of the Journal of Friday, February 27, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.	23

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**INTRODUCTION OF RESOLUTIONS**

The following resolution was read by title:

- 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.

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

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**INTRODUCTION OF BILLS -- FIRST READING**

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

- HB09-1001** by Representative(s) Rice, Balmer, Liston, McFadyen, Solano; also Senator(s) Heath, Mitchell, Scheffel, Schwartz, Veiga--Concerning the creation of an income tax credit to incentivize Colorado job growth.  
Local Government and Energy
- HB09-1053** by Representative(s) Balmer; also Senator(s) Romer--Concerning the regulation of financial institutions under the authority of the banking board, and making an appropriation therefor.  
Business, Labor and Technology
- HB09-1061** by Representative(s) McGihon; also Senator(s) Tochtrop--Concerning required health care disclosures involving insurance carrier business relationships with intermediary entities.  
Health and Human Services
- HB09-1085** by Representative(s) Rice; also Senator(s) Heath--Concerning the regulation of mortgage loan originators, and, in connection therewith, modifying the "Mortgage Broker Licensing Act" to conform to the federal "Secure and Fair Enforcement for Mortgage Licensing Act of 2008" and exempting certain financial institutions from the list of prohibited practices under the act.  
Business, Labor and Technology
- HB09-1100** by Representative(s) Benefield, Merrifield, Todd; also Senator(s) Tochtrop, Hudak--  
Concerning the creation of an "Alive at Twenty-five" special license plate, and making an

	appropriation therefor.	1
	Transportation	2
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<b>HB09-1110</b>	by Representative(s) Scanlan; also Senator(s) Gibbs--Concerning information required to be provided to the county assessor upon request in connection with any advertisement for the rental of furnished residential real property within the state.	4
	Local Government and Energy	5
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<b>HB09-1116</b>	by Representative(s) Frangas, Ferrandino, Kefalas, Pace, Pommer, Primavera, Schafer S.; also Senator(s) Hudak, Bacon, Hodge, Sandoval, Tapia, Tochtrop, Williams--Concerning the inclusion of general fund moneys in the children's dental plan cash fund for the children's dental assistance program.	9
	Health and Human Services	10
	Appropriations	11
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<b>HB09-1180</b>	by Representative(s) King S.; also Senator(s) Brophy--Concerning allowing valid Colorado concealed handgun permits to satisfy background check requirements for transfers of firearms.	16
	Judiciary	17
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<b>HB09-1191</b>	by Representative(s) McCann; also Senator(s) Boyd--Concerning liens of the department of health care policy and financing against claims against third parties.	21
	Judiciary	22
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<b>HB09-1216</b>	by Representative(s) Murray; also Senator(s) Newell--Concerning voting by electors, and, in connection therewith, amending the election code to reflect changes brought about by the implementation of the statewide voter registration system and permanent mail-in voting.	25
	State, Veterans & Military Affairs	26
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<b>HB09-1227</b>	by Representative(s) Frangas; also Senator(s) Hudak--Concerning equity skimming of real property.	30
	Judiciary	31
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<b>HB09-1233</b>	by Representative(s) Vigil; also Senator(s) Schwartz--Concerning the recognition of acequias, and, in connection therewith, authorizing acequia ditch corporations.	34
	Local Government and Energy	35
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<b>HB09-1234</b>	by Representative(s) Kerr J. and Solano; also Senator(s) Tochtrop--Concerning the immediate suspension of the driver's license of a person who fails to appear for a license suspension hearing.	38
	Transportation	39
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		43
<b>HB09-1252</b>	by Representative(s) Roberts, Massey, Vigil; also Senator(s) Isgar--Concerning the expansion of the "Local Access to Health Care Pilot Program Act" to allow creation of a pilot program in the San Luis valley.	44
	Health and Human Services	45
	Appropriations	46
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		49
<b>HB09-1253</b>	by Representative(s) Pace, Apuan, Levy, McKinley, Miklosi, Vigil; also Senator(s) Tapia--Concerning processes for involuntary mental health treatment for defendants committed under title 16, Colorado Revised Statutes.	50
	Judiciary	51
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<b>HB09-1262</b>	by Representative(s) Casso; also Senator(s) Morse--Concerning the issuance of a summons instead of an arrest warrant in certain circumstances.	55
	Judiciary	56
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<b>HB09-1263</b>	by Representative(s) Casso; also Senator(s) Carroll M.--Concerning time computation while an inmate is incarcerated in a county jail.	59
	Judiciary	60
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		62
<b>HB09-1281</b>	by Representative(s) Labuda, Baumgardner, Casso, Frangas, Hullinghorst, Marostica, Murray, Schafer S., Soper, Tipton; also Senator(s) Carroll M. and Newell--Concerning representation on state boards by persons with disabilities.	63
	State, Veterans & Military Affairs	64
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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:

**HB09-1155** by Representative(s) Weissmann; also Senator(s) Carroll M.--Concerning title insurance, and, in connection therewith, requiring justifications to be filed with the commissioner of insurance.

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	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	E	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**.

**HB09-1030** by Representative(s) Labuda, Benefield, Gardner B., King S., Liston, Peniston, Rice, Riesberg; also Senator(s) Tochtrop, Morse, Williams--Concerning firefighter and police officer pension plan compliance with requirements set forth in the internal revenue code.

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	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	E	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**.

**HB09-1044** by Representative(s) Roberts; also Senator(s) Morse--Concerning expungement of records relating to a criminal matter for which a juvenile is sentenced as a juvenile after being charged by the direct filing of charges in a district court.

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	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	E	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., Groff, Heath, Hodge, Isgar, Newell, Tapia and Williams.

**HB09-1121** by Representative(s) King S.; also Senator(s) Renfroe--Concerning the disposition of evidence collected in criminal cases.

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	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	E	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: Kopp

**HB09-1021** by Representative(s) Solano; also Senator(s) Boyd--Concerning the extension of the study of the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems.

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	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	E	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, Carroll M., Foster, Groff, Heath, Hodge, Keller, Newell, Romer, Schwartz and Tapia.

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 Governor's Appointments.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

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

MEMBERS OF THE  
COLORADO CIVIL RIGHTS COMMISSION

for a term expiring March 13, 2011:

Raju Jairam of Fort Collins, Colorado, an Unaffiliated member of the business community, to fill the vacancy occasioned by the resignation of Antonio M. Arguello of Greeley, Colorado, appointed.

for terms expiring March 13, 2012:

Isaiah "Ike" Kelley, Jr. of Denver, Colorado, to serve as a representative of small business and as a Republican, appointed;

Diann L. Rice of Fruita, Colorado, to serve as a representative of state (or local) government entities, and as an Unaffiliated, 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	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	E	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

MEMBERS OF THE  
COLORADO COMMISSION ON THE AGING

for terms expiring July 1, 2012:

Debera K. Stewart of Silt, Colorado, a Republican from the Third Congressional District, appointed;

Sheila Casey of Durango, Colorado, a Democrat from the Third Congressional District, reappointed;

Stephen M. Bender of Colorado Springs, Colorado, a Democrat from the Fifth Congressional District, reappointed;

Gretchen G. Cerveny of Wheat Ridge, Colorado, a Republican from the Seventh Congressional District, reappointed;

Mark N. Shelton of Fort Collins, Colorado, a Democrat from the Fourth Congressional District, reappointed;

Karyn P. Leible, M.D. of Thornton, Colorado, a Democrat from the Second Congressional District, to fill the vacancy occasioned by the resignation of Harriet L. Edelstein of Boulder, Colorado, 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	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	E	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  
STATE BOARD OF NURSING

for a term expiring July 1, 2009:

Deborah L. Archuleta of Pueblo, Colorado to fill the vacancy occasioned by the resignation of Sharon H. Pappas of Arvada, Colorado, and to serve as a licensed professional nurse who is engaged in nursing service administration, 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	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	E	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Committee of the Whole

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

**HB09-1141** by Representative(s) Ferrandino; also Senator(s) White--Concerning laws enforced by the administrator of the "Uniform Consumer Credit Code".

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

**HB09-1109** by Representative(s) Priola; also Senator(s) Veiga--Concerning the extension of foreclosure protection to owners of residential properties as to which formal foreclosure proceedings have not yet been commenced.

Amendment No. 1, Business, Labor & Technology Committee Amendment.  
(Printed in Senate Journal, February 26, page 513 and placed in members' bill files.)

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

**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.

Upon request of Senator Shaffer, HB09-1008 was removed from the General Orders -- Second Reading Consent Calendar of March 2 and placed at the end of the General Orders -- Second Reading of Bills Calendar of Monday, March 2.

**HB09-1004** by Representative(s) Apuan; also Senator(s) Boyd--Concerning the authority of organizations providing all-inclusive care for the elderly to employ physicians.

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

**HB09-1023** by Representative(s) Gagliardi and Swalm; also Senator(s) Boyd--Concerning the age requirement for blood donations by a minor.

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

**HB09-1025** by Representative(s) Riesberg, Frangas, Green, Massey; also Senator(s) Boyd, Kopp, Morse--Concerning requirements for individuals who collect data on hospital-acquired infection rates.

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

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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	E	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: HB09-1141, HB09-1109 as amended, HB09-1004, HB09-1023, HB09-1025.

Removed from the General Orders Second Reading of Bills Consent Calendar and placed at the end of the General Orders Second Reading of Bills Calendar of Monday, March 2: HB09-1008.

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

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

**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.

On a substitute motion, Senator Penry moved that the Senate refer **SB09-228** to the Committee on Transportation. Less than a majority of all members elected to the Senate having voted in the affirmative, the motion was declared **LOST**.

Senator Shaffer moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 4:30 p.m.. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in Recess

Senate in recess. Senate reconvened.

**CORRECTED INTRODUCTION OF BILLS -- FIRST READING**

The following bill was read by title and referred to the committees indicated:

**HB09-1001** by Representative(s) Rice, Balmer, Liston, McFadyen, Solano; also Senator(s) Heath, Mitchell, Scheffel, Schwartz, Veiga--Concerning the creation of an income tax credit to incentivize Colorado job growth.  
Business, Labor and Technology

**MESSAGE FROM THE HOUSE**

March 2, 2009

The House has adopted and returns herewith SJR09-015, SJR09-016.

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The House has voted to grant the House conferees on the First Conference Committee on SB09-210 to consider matters not at issue between the two houses.

**SENATE SERVICES REPORT**

**Correctly Printed:** SJR09-017.  
**Correctly Engrossed:** SJR09-016.  
**Correctly Revised:** HB09-1021, 1031, 1044, 1121 and 1155.  
**Correctly Enrolled:** SB09-108.

**SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS**

The President has signed: SJR09-008, 012 and 013; SR09-010, 011 and 012.

The President has signed: SB09-108

**DELIVERY TO THE GOVERNOR**

To the Governor for signature on Monday, March 2, 2009, at 8:23 a.m.: SB09-108.

**GENERAL ORDERS -- SECOND READING OF BILLS - con't**

**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.

Amendment No. 1(L.015), by Senator Morse.

Amend printed bill, page 2, line 15, strike "year," and substitute "year AS INCLUDED IN THE JOINT BUDGET COMMITTEE'S APPROPRIATIONS REPORT,".

Page 3, line 12, strike "year," and substitute "year AS INCLUDED IN THE JOINT BUDGET COMMITTEE'S APPROPRIATIONS REPORT,";

line 21, strike "year." and substitute "year AS INCLUDED IN THE JOINT BUDGET COMMITTEE'S APPROPRIATIONS REPORT.".

Page 4, line 5, strike "year," and substitute "year AS INCLUDED IN THE JOINT BUDGET COMMITTEE'S APPROPRIATIONS REPORT,";

line 19, strike "year," and substitute "year AS INCLUDED IN THE JOINT BUDGET COMMITTEE'S APPROPRIATIONS REPORT,";

line 25, strike "year." and substitute "year AS INCLUDED IN THE JOINT BUDGET COMMITTEE'S APPROPRIATIONS REPORT.".

Page 5, line 12, strike "year," and substitute "year AS INCLUDED IN THE JOINT BUDGET COMMITTEE'S APPROPRIATIONS REPORT,";

line 18, strike "year." and substitute "year AS INCLUDED IN THE JOINT BUDGET COMMITTEE'S APPROPRIATIONS REPORT.".

Page 19, strike lines 1 and 2 and substitute the following:

**"SECTION 11. Repeal.** 24-75-201.2 (1) (b), Colorado Revised Statutes, is repealed as follows:";

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line 4, strike (a) For purposes of";  
strike lines 5 through 8;  
line 9, strike "(b) Moneys" and substitute "(b) Moneys".

Page 22, strike lines 4 and 5;

line 6, strike "TRANSFER SUCH SUM" and substitute "JULY 1, 2009, THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER, IN ITS SOLE DISCRETION, MONEYS FROM THE GENERAL FUND".

Page 23, line 5, after "appropriated", insert "OR TRANSFERRED".

Page 29, strike lines 13 and 14;

line 15, strike "TRANSFER THE SUM" and substitute "JULY 1, 2009, THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER, IN ITS SOLE DISCRETION, MONEYS FROM THE GENERAL FUND";

strike lines 18 through 20 and substitute the following:

"tax holding fund shall be transferred to the highway users tax fund, as a portion of the sales and use taxes attributable to sales or use of vehicles and related items, as follows:".

On a substitute motion, Senator Mitchell moved that the Senate refer **SB09-228** to the Committee on Judiciary. Less than a majority of all members elected to the Senate having voted in the affirmative, the motion was declared **LOST**.

(For further action, see Amendments to the Report of the Committee of the Whole.)

Senator Shaffer moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 9:30 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in Recess

Senate in recess. Senate reconvened.

Senator Shaffer moved that the Senate limit debate to an hour on SB09-228 pursuant to Senate rules 9(a) and 9(c). With a majority of all members elected having voted in the affirmative, the motion was declared **adopted**.

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 of March 2 was laid over until Tuesday, March 3, retaining its place on the calendar: HB09-1093, HB09-1101, SB09-131, HB09-1052, HB09-1122, HB09-1080, SB09-222, HB09-1072, HB09-1092, HB09-1005, HB09-1215, HB09-1088, and HB09-1090.

**AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE**

**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.

Senator King moved to amend the Report of the Committee of the Whole to show that the following King floor amendment, (L.010) to SB09-228 did pass:

Amend printed bill, page 37, strike lines 24 through 26.

Strike page 38 and substitute the following:

**"SECTION 30. Refer to people under referendum.** This act shall be submitted to a vote of the registered electors of the state of Colorado at the next biennial regular general election, for their approval or rejection, under the provisions of the referendum as provided for in section 1 of article V of the state constitution, and in article 40 of title 1, Colorado Revised Statutes. Each elector voting at said election and desirous of voting for or against said act shall cast a vote as provided by law either "Yes" or "No" on the proposition: "SHALL THERE BE AN AMENDMENT TO THE COLORADO REVISED STATUTES CONCERNING AN INCREASE IN THE FLEXIBILITY OF THE GENERAL ASSEMBLY TO DETERMINE THE APPROPRIATE USE OF STATE REVENUES, AND, IN CONNECTION THEREWITH, ELIMINATING THE LIMIT ON THE GROWTH OF TOTAL GENERAL FUND APPROPRIATIONS; ELIMINATING THE AUTOMATIC TRANSFER TO THE CONTROLLED MAINTENANCE TRUST FUND THAT IS A PERCENTAGE OF EXCESS GENERAL FUND REVENUE; ELIMINATING THE AUTOMATIC TRANSFER OF GENERAL FUND SURPLUS TO THE HIGHWAY USERS TAX FUND AND THE CAPITAL CONSTRUCTION FUND; ELIMINATING THE AUTOMATIC DIVERSION OF SALES AND USE TAX REVENUE TO THE SALES AND USE TAX HOLDING FUND; PERMITTING THE GENERAL ASSEMBLY TO MAKE DISCRETIONARY TRANSFERS TO CERTAIN CASH FUNDS IN LIEU OF THE AUTOMATIC TRANSFERS OR DIVERSION; AND ELIMINATING THE LIMIT ON THE AMOUNT THAT THE GENERAL ASSEMBLY MAY APPROPRIATE FROM THE HIGHWAY USERS TAX FUND FOR SPECIFIED STATE AGENCIES?" The votes cast for the adoption or rejection of said act shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress."

Less than 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 **lost** on the following roll call vote.

YES	14	NO	21	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator King K. moved to amend the Report of the Committee of the Whole to show that the following King K. floor amendment, (L.008) to SB 09-228, did pass.

Amend printed bill, page 21, strike lines 12 through 27.

Page 22, strike lines 1 through 13 and substitute the following:

**"SECTION 15.** The introductory portion to 24-75-218 (1), Colorado Revised Statutes, is amended to read:

**24-75-218. Transfers of general fund surplus.** (1) On July 1, 2003, on July 1 in each succeeding state fiscal year through the 2005-06 state fiscal year, and on the dates and in the manner specified in subsection (2) of this section for the 2006-07 state fiscal year and for each succeeding state fiscal year, the general fund surplus designated in accordance with section 24-75-201 (1), less the four percent reserve required by ~~section 24-75-201.1 (1)(d)(III)~~ SECTION 24-75-201 (1) (d), and less any general fund revenues that are designated as state revenues in excess of the constitutional limitation on state fiscal year spending for the immediately preceding state fiscal year, shall be credited and allocated as follows:"

Less than 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 **lost** on the following roll call vote.

YES	14	NO	21	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator King K. moved to amend the Report of the Committee of the Whole to show that the following King K. floor amendment, (L.009) to SB 09-228, did pass.

Amend printed bill, page 9, after line 16, insert the following:

**"SECTION 10.** 24-33.5-220, Colorado Revised Statutes, is amended to read:

**24-33.5-220. Costs of administration.** Except as otherwise provided in section 24-33.5-226 (3) (c), the cost of administration of this part 2 and of all payrolls and salaries of the chief, commissioned and noncommissioned officers, patrolmen, and office personnel and the cost of clerical work, stationery, postage, uniforms, badges, all supplies and equipment, and necessary travel and subsistence allowances shall be appropriated by the general assembly out of the moneys in the ~~highway users tax~~ GENERAL fund. The expenses and salaries provided for in this section are declared to be for the administration and enforcement of the several statutes referred to in this part 2 and for the construction, maintenance, and supervision of the public highways. Expenses and salaries shall be paid by the state treasurer upon warrants of the controller issued upon vouchers provided by the chief and shall be charged against net collection of highway users taxes as an expense of construction, maintenance, and supervision of public highways and the administration of the laws of the state governing the public highways and their use. The expenditures of the Colorado state patrol shall be audited and approved from time to time by the executive director and the state auditor."

Renumber succeeding sections accordingly.

Less than 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 **lost** on the following roll call vote.

YES	14	NO	21	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator King K. moved to amend the Report of the Committee of the Whole to show that the following King K. floor amendment, (L.011) to SB 09-228, did pass.

Amend printed bill, page 34, strike lines 18 through 27.

Strike pages 35 and 36.

Page 37, strike lines 1 through 11 and substitute the following:

**"SECTION 28. Repeal.** 43-4-201 (3) (c), Colorado Revised Statutes, is repealed as follows:

**43-4-201. Funds created.** (3) (c) ~~Any additional moneys in the highway users tax fund which~~.

Less than 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 **lost** on the following roll call vote.

Senator King K. moved to amend the Report of the Committee of the Whole to show that the following King K. floor amendment, (L.012) to SB 09-228, did pass.

Amend printed bill, page 27, strike lines 19 through 27.

Strike page 28.

Page 29, strike lines 1 through 20 and substitute the following

**"SECTION 25.** 39-26-123 (3) (a) (I), (3) (a) (II) (E), (4), and (5), Colorado Revised Statutes, are amended to read:

**39-26-123. Receipts - disposition - transfers of general fund surplus - sales and use tax holding fund - creation - definitions.**

(3) (a) For any state fiscal year commencing on or after July 1, 2006, eighty-five percent of all net revenue collected under the provisions of this article shall be credited to the old age pension fund created in section 1 of article XXIV of the state constitution. The remaining fifteen percent shall be allocated among the sales and use tax holding fund created in subsection (2) of this section, the general fund, the older Coloradans cash fund created in section 26-11-205.5 (5), C.R.S., and the supplemental old age pension health and medical care fund created in section 25.5-2-101 (3), C.R.S., and credited to the funds by the state treasurer as follows:

(I) ~~Ten and three hundred fifty-five thousandths~~ FIVE percent of all net revenue to the sales and use tax holding fund;

(II) (E) For any state fiscal year commencing on or after July 1, 2009, ~~four and six hundred forty-five thousandths~~ TEN percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund.

(4) (a) ~~Except as otherwise provided in sub-subparagraph (B) of subparagraph (VI) of this paragraph (a),~~ All moneys in the sales and use tax holding fund shall be transferred to the highway users tax fund, as a portion of the sales and use taxes attributable to sales or use of vehicles and related items. ~~as follows:";~~

line 21, strike "(I) If" and substitute "~~(I)~~If".

Page 30, line 5, strike "(II) If" and substitute "~~(II)~~If";

line 19, strike "(III) If" and substitute "~~(III)~~If".

Page 31, strike lines 5 through 27.

Page 32, strike lines 1 through 10 and substitute the following:

~~"(IV) If the revenue estimate prepared by the staff of the legislative council in December of state fiscal year 2007-08 or in December of any succeeding state fiscal year indicates that the amount of total general fund revenues for the state fiscal year will be sufficient to maintain the four percent reserve required by section 24-75-201.1 (1) (d) (II), C.R.S., on February 1 of the fiscal year the state treasurer shall transfer from the sales and use tax holding fund to the highway users tax fund an amount equal to the lesser of:~~

~~(A) Fifty percent of the amount estimated in the December revenue~~

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estimate to be accrued and transferred to the highway users tax fund pursuant to this section for the entire fiscal year; or

~~(B) The balance of the sales and use tax holding fund.~~

~~(V) If the revenue estimate prepared by the staff of the legislative council in March of state fiscal year 2007-08 or in March of any succeeding state fiscal year indicates that the amount of total general fund revenues for the state fiscal year will be sufficient to maintain the four percent reserve required by section 24-75-201.1 (1) (d) (III), C.R.S., on April 15 of the fiscal year the state treasurer shall transfer from the sales and use tax holding fund to the highway users tax fund the lesser of:~~

~~(A) The amount needed to ensure that the cumulative amount transferred from the sales and use tax holding fund to the highway users tax fund through April 15 equals seventy-five percent of the amount estimated in the March revenue estimate to be accrued and transferred to the highway users tax fund pursuant to this section for the entire fiscal year; or~~

~~(B) The balance of the sales and use tax holding fund.~~

~~(VI) (A) Effective June 30 of state fiscal year 2006-07, and effective June 30 of each state fiscal year thereafter, the state controller shall accrue all moneys in the sales and use tax holding fund as of that date to the highway users tax fund.~~

~~(B) Notwithstanding the provisions of sub-subparagraph (A) of this subparagraph (VI), the state controller shall reduce the amount accrued to the highway users tax fund pursuant to said sub-subparagraph and accrue moneys in the sales and use tax holding fund to the general fund to the extent necessary to ensure that the amount of general fund revenues for the state fiscal year is sufficient to maintain the four percent reserve required by section 24-75-201.1 (1) (d) (III), C.R.S.~~

~~(C) The state treasurer shall transfer, out of the amounts accrued by the state controller pursuant to sub-subparagraphs (A) and (B) of this subparagraph (VI), on September 20, 2007, and on September 20 of each succeeding fiscal year, the amounts needed to ensure that the cumulative amounts required to be accrued and transferred from the sales and use tax holding fund to the highway users tax fund and, if applicable to the general fund, equal ninety percent of the aggregate amounts required to be accrued and transferred to the funds pursuant to this section for the entire preceding fiscal year. The state treasurer shall transfer the remainder of the amounts accrued pursuant to said sub-subparagraphs on the date on which the state controller distributes the comprehensive annual financial report of the state.~~

~~(b) If a change in tax policy resulting in a significant reduction of general fund revenues is implemented, the general assembly shall:~~

~~(i) Examine the exception set forth in sub-subparagraph (B) of subparagraph (VI) of paragraph (a) of this subsection (4) to the general requirement set forth in paragraph (a) of this subsection (4) that all moneys in the sales and use tax holding fund be accrued and transferred to the highway users tax fund and determine whether the exception should be modified in light of the change; and~~

~~(ii) Examine the amount of sales and use taxes credited to the "~~

Less than 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 **lost** on the following roll call vote.

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YES	14	NO	21	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following Penry floor amendment, (L.079) to SB 09-228, did pass:

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousands percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

**"SECTION 30. Effective date.** This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that all of the twenty-eight statewide priority transportation projects identified as part of the department's seventh pot program have been completed."

Less than 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 **lost** on the following roll call vote.

YES	14	NO	21	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Schultheis moved to amend the Report of the Committee of the Whole to show that the following Schultheis floor amendment, (L.077) to SB 09-228, did pass:

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousands percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

**"SECTION 30. Effective date.** This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that the US 40 corridor from Cheyenne Wells, Colorado, to I-70 substantially meets the department's service goals, maintenance objectives, optimum congestion levels, and safety standards for the corridor."

Less than 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 **lost** on the following roll call vote.

YES	14	NO	21	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following Penry floor amendment, (L.063) to SB 09-228, did pass:

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousands percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

**"SECTION 30. Effective date.** This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that the I-70 corridor from Denver, Colorado, to Vail, Colorado, substantially meets the department's service goals, maintenance objectives, optimum congestion levels, and safety standards for the corridor."

Less than 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 **lost** on the following roll call vote.

YES	14	NO	21	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following Penry floor amendment, (L.115) to SB 09-228, did pass:

Amend printed bill, page 27, strike lines 19 through 27.

Strike pages 28 through 31.

Page 32, strike lines 1 through 19 and substitute the following:

**"SECTION 25.** 39-26-123, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS to read:

**39-26-123. Receipts - disposition - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "NET REVENUE" MEANS THE GROSS AMOUNT OF SALES AND USE TAX RECEIPTS COLLECTED UNDER THE PROVISIONS OF THIS ARTICLE, LESS A FEE RETAINED BY VENDORS FOR THE COLLECTION AND REMITTANCE OF THE TAX PURSUANT TO SECTION 39-26-105 (1) AND LESS REFUNDS AND ADJUSTMENTS MADE BY THE DEPARTMENT OF REVENUE IN CONJUNCTION WITH ITS COLLECTION AND ENFORCEMENT DUTIES UNDER THIS ARTICLE.

(b) (I) "SALES AND USE TAXES ATTRIBUTABLE TO SALES OR USE OF VEHICLES AND RELATED ITEMS" MEANS THE NET REVENUE RAISED FROM THE STATE SALES AND USE TAXES IMPOSED PURSUANT TO THIS ARTICLE ON THE SALES OR USE OF NEW OR USED MOTOR VEHICLES, INCLUDING MOTOR HOMES, MOTOR VEHICLE BATTERIES, TIRES, PARTS, OR ACCESSORIES, UTILITY TRAILERS, CAMPER COACHES, OR CAMPER TRAILERS.

(II) WITH RESPECT TO SALES TAX, "RELATED ITEMS" INCLUDES ONLY ITEMS SOLD BY PERSONS WHOSE PRIMARY BUSINESS ACTIVITY IS THE SALE OR SERVICE OF MOTOR VEHICLES OR RELATED ITEMS.

(2) FOR ANY STATE FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2009, EIGHTY-FIVE PERCENT OF ALL NET REVENUE COLLECTED UNDER THE PROVISIONS OF THIS ARTICLE SHALL BE CREDITED TO THE OLD AGE PENSION FUND CREATED IN SECTION 1 OF ARTICLE XXIV OF THE STATE CONSTITUTION. THE REMAINING FIFTEEN PERCENT OF NET REVENUE SHALL BE ALLOCATED BETWEEN THE GENERAL FUND AND THE HIGHWAY USERS TAX FUND AS FOLLOWS:

(a) ALL SALES AND USE TAXES ATTRIBUTABLE TO SALES OR USE OF VEHICLES AND RELATED ITEMS SHALL BE CREDITED TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201; AND



(b) ANY NET REVENUE NOT CREDITED TO THE HIGHWAY USERS TAX FUND PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE CREDITED TO THE GENERAL FUND."

Less than 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 **lost** on the following roll call vote.

YES	14	NO	21	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following Penry floor amendment, (L.061) to SB 09-228, did pass:

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousands percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

**"SECTION 30. Effective date.** This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that the US 50 corridor from Gunnison, Colorado, to Grand Junction, Colorado, substantially meets the department's service goals, maintenance objectives, optimum congestion levels, and safety standards for the corridor."

Less than 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 **lost** on the following roll call vote.

YES	14	NO	21	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following Penry floor amendment, (L.064) to SB 09-228, did pass:

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousands percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

**"SECTION 30. Effective date.** This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that the I-70 corridor from Vail, Colorado, to the Utah state line substantially meets the department's service goals, maintenance objectives, optimum congestion levels, and safety standards for the corridor."

Less than 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 **lost** on the following roll call vote.

YES	14	NO	21	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following Penry floor amendment, (L.108) to SB 09-228, did pass:

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

**"SECTION 30. Effective date.** This act shall not take effect until the first July 1 following the date that the Colorado commission on higher education notifies the revisor of statutes in writing that the capital construction projects related to Western state college of Colorado identified in the "Higher Education - Five-Year Capital Construction Plans", dated February 27, 2009, and prepared by legislative council staff, have been completed."

Less than 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 **lost** on the following roll call vote.

YES	14	NO	21	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following Penry floor amendment, (L.059) to SB 09-228, did pass:

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousands percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

**"SECTION 30. Effective date.** This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that the US 50 corridor from Pueblo, Colorado, to the Kansas state line substantially meets the department's service goals, maintenance objectives, optimum congestion levels, and safety standards for the corridor."

Less than 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 **lost** on the following roll call vote.

YES	14	NO	21	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following Penry floor amendment, (L.080) to SB 09-228, did pass:

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousands percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

**"SECTION 30. Effective date.** This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that the department has completed all of the construction projects related to the I-70 viaduct."

Less than 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 **lost** on the following roll call vote.

YES	14	NO	21	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Lundberg moved to amend the Report of the Committee of the Whole to show that the following Lundberg floor amendment, (L.039) to SB 09-228, did pass:

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousands percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

**"SECTION 30. Effective date.** This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that the department has completed all of the bridge projects located in Larimer county that are identified in the "2008 Colorado On-System Poor Bridges by County" report prepared by the bridge asset management unit in the department."

Less than 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 **lost** on the following roll call vote.

YES	14	NO	21	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Lundberg moved to amend the Report of the Committee of the Whole to show that the following Lundberg floor amendment, (L.058) to SB 09-228, did pass:

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousands percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

**"SECTION 30. Effective date.** This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that the I-25 corridor from Denver, Colorado, to the Wyoming state line substantially meets the department's service goals, maintenance objectives, optimum congestion levels, and safety standards for the corridor."

Less than 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 **lost** on the following roll call vote.

YES	13	NO	21	EXCUSED	0	ABSENT	1
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	A	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Lundberg moved to amend the Report of the Committee of the Whole to show that the following Lundberg floor amendment, (L.089) to SB 09-228, did pass:

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

**"SECTION 30. Effective date.** This act shall not take effect until the first July 1 following the date that the Colorado commission on higher education notifies the revisor of statutes in writing that the capital construction projects related to Colorado state university identified in the "Higher Education - Five-Year Capital Construction Plans", dated February 27, 2009, and prepared by legislative council staff, have been completed.".

Less than 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 **lost** on the following roll call vote.

YES	14	NO	21	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, SB09-228, as amended, was laid over until Tuesday, March 3, retaining its place on the calendar.

On motion of Senator Shaffer, the Senate adjourned until 12:45 a.m., Tuesday,  
March 3, 2009.

Approved:

Peter C. Groff  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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