

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

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69th Legislative Day Monday, March 16, 2009

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- Prayer By Senator Newell.
- Pledge By Senator Scheffel.
- Call to Order By the President at 10:00 a.m.
- Roll Call Present--35
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Hudak, reading of the Journal of Friday, March 13, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.

**REPORT OF CONFERENCE COMMITTEE**

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON SB09-208**

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**THIS REPORT AMENDS THE  
REREVISED BILL**  
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To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on SB09-208, concerning the augmentation of the general fund through transfers of certain moneys in the 2008-09 fiscal year, has met and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the bill, as the amendments appear in the rerevised bill, with the following change:

Amend rerevised bill, page 15, line 3, strike "FIFTEEN MILLION NINE" and substitute "SEVENTEEN MILLION FOUR".

Respectfully submitted,

Senate Committee:

Moe Keller, Chairman  
Able Tapia  
Al White

House Committee:

Mark Ferrandino, Chairman  
Jack Pommer  
Don Marostica

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FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON SB09-215

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THIS REPORT AMENDS THE  
REENGROSSED BILL  
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To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on SB09-215,  
concerning modifications to appropriations to achieve a reduction in the  
state expenditures for the financing of public schools, has met and reports  
that it has agreed upon the following:

That the House recede from its amendments made to the bill, as the  
amendments appear in the rerevised bill, and that the following  
amendments be substituted therefor:

Amend reengrossed bill, page 3, line 27, strike "TWO" and substitute  
"ONE".

Page 15, line 6, strike "TWO" and substitute "ONE";

line 7, strike "\$2,635,000)." and substitute "\$1,635,000)." and strike  
"TWO" and substitute "ONE";

line 8, strike "\$2,500,000)" and substitute "\$1,500,000)".

Respectfully submitted,

Senate Committee:

House Committee:

Moe Keller, Chairman  
Able Tapia  
Al White

Mark Ferrandino, Chairman  
Jack Pommer  
Don Marostica

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**MESSAGE FROM THE HOUSE**

March 13, 2009

The House has voted to concur in the Senate amendments to HB09-1012,1103,  
1181, 1241 and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB09-1058 and  
requests that a conference committee be appointed. The Speaker has appointed  
Representatives Marostica, chairman, Pommer, and Weissmann as House  
conferees on the First Conference Committee on HB09-1058. The bill is  
transmitted herewith.

The House has voted not to concur in the Senate amendments to HB09-1108 and  
requests that a conference committee be appointed. The Speaker has appointed  
Representatives A. Kerr, chairman, Court, and B.Gardner as House conferees on  
the First Conference Committee on HB09-1108. The bill is transmitted herewith.

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On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions.

**CONSIDERATION OF RESOLUTIONS**

**HJR09-1002**

by Representative(s) Fischer; also Senator(s) Hodge--Concerning approval of water project revolving fund eligibility lists administered by the Colorado water resources and power development authority.

Amendment No. 1, Agriculture & Natural Resources Committee Amendment.  
(Printed in Senate Journal, March 12, page 687-700 and placed in members' bill files.)

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Co-sponsors added: Isgar and Schwartz.

**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:

**HB09-1171** by Representative(s) Court; also Senator(s) Kester--Concerning requirements related to the installation of manufactured homes.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

**HB09-1262** by Representative(s) Casso; also Senator(s) Morse--Concerning the issuance of a summons instead of an arrest warrant in certain circumstances.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Carroll M.

**HB09-1263** by Representative(s) Casso; also Senator(s) Carroll M.--Concerning time computation while an inmate is incarcerated in a county jail.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Groff, Morse and Newell.

**HB09-1207** by Representative(s) Gardner C.; also Senator(s) Veiga--Concerning procedures to enforce a lien related to real property.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

**HB09-1179** by Representative(s) Labuda, McGihon, Gardner B., Levy, Roberts; also Senator(s) Veiga--Concerning participation in the address confidentiality program by a person who resides with a victim participant.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd and Newell.

**HB09-1124** by Representative(s) Liston, Gardner B., Massey, Tipton, Gardner C., Bradford, Frangas, Labuda, Lambert, Murray, Soper; also Senator(s) Veiga--Concerning certain conferences with an attorney representing a state public body that may be held in an executive session at a meeting of the state public body.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

**HB09-1041** by Representative(s) Gerou; also Senator(s) Gibbs--Concerning a fire protection district board's authority to fix fees for emergency medical services.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

**HB09-1249** by Representative(s) Pommer, Ferrandino, Marostica; also Senator(s) White, Keller, Tapia--Concerning the consolidation of certain cash funds created for the department of agriculture.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

**HB09-1218** by Representative(s) Soper, Marostica; also Senator(s) Bacon--Concerning capital lease agreements entered into by the state.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Penry

**HB09-1234** 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.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Newell and Williams.

**HB09-1236** by Representative(s) Primavera, Casso, Peniston; also Senator(s) Hodge--Concerning the distance at which an operator of a motor vehicle shall stop when a school bus signals a stop.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	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	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

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

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

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

Laid over until Tuesday, March 17, retaining its place on the calendar.

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

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

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

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

**HB09-1059** by Representative(s) Primavera; also Senator(s) Carroll M.--Concerning the continuation of health care coverage while participating in a clinical trial.

YES	26	NO	9	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Co-sponsors added: Boyd, Foster, Groff, Heath, Hodge, Morse, Newell, Schwartz, Shaffer B., Tochtrop and Williams.

**HB09-1099** by Representative(s) Roberts and Kerr A., Massey, Merrifield; also Senator(s) Penry and Romer--Concerning the Colorado youth advisory council.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Gibbs, Groff, Heath, Hodge, Hudak, Isgar, Kester, Morse, Newell, Sandoval, Shaffer B., Spence, Tapia, Tochtrop, White and Williams.

**HB09-1182** by Representative(s) Marostica, Ferrandino, Pommer; also Senator(s) White, Keller, Tapia--Concerning changes in the funding of administrative costs incurred by the division of on-line learning in the department of education.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

**SB09-128** by Senator(s) Carroll M., Newell, Tochtrop; also Representative(s) Green--Concerning continuation of the regulation of administration of medication by unlicensed persons.

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

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YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Hudak and Williams.

**SB09-174** by Senator(s) Kester, Isgar, Spence, Tochtrop, White; also Representative(s) Casso-- Concerning pari-mutuel racing.

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	N	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Hodge and Tapia.

**SB09-144** by Senator(s) Kester; also Representative(s) Gagliardi--Concerning programs for the deaf and hard of hearing.

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

YES	27	NO	8	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	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., Foster, Gibbs, Groff, Heath, Hodge, Hudak, Morse, Newell, Sandoval, Schwartz, Shaffer B., Spence, Tochtrop and Williams.

**SB09-161** by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning the issuance of Colorado ski country special license plates, and making an appropriation in connection therewith.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Penry, Sandoval, Schwartz, Shaffer B., Spence, White and Williams.

**SB09-056** by Senator(s) Kester; also Representative(s) Riesberg--Concerning the Trinidad state nursing home.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Bacon, Boyd, Gibbs, Groff, Heath, Isgar, King K., Lundberg, Mitchell, Newell, Penry, Schwartz, Shaffer B., Tapia, Tochtrop and Williams.

**SB09-178** by Senator(s) Heath, Schwartz, Veiga; also Representative(s) Liston, McFadyen, Rice, Solano--Concerning the waiver of certain eligibility conditions for unemployment insurance benefits for unemployed individuals attached to regular jobs.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Newell and Romer.

**SB09-158** by Senator(s) Isgar; also Representative(s) Baumgardner--Concerning analysis by the department of natural resources of conservation programs implemented on private lands.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Gibbs, Hodge, Kester, Penry, Romer, Sandoval, Schwartz, Tapia, Tochtrop and White.

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

**HB09-1118** by Representative(s) Murray; also Senator(s) Kester--Concerning the manner in which the records of certain governmental entities are kept.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.  
(Printed in Senate Journal, March 12, page 711-712 and placed in members' bill files.)

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

**HB09-1191** by Representative(s) McCann; also Senator(s) Boyd--Concerning liens of the department of health care policy and financing against claims against third parties.

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 Williams, the Report of the Committee of the Whole was adopted on

the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: HB09-1118 as amended, HB09-1191.

Committee of the Whole

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

**SB09-095** by Senator(s) Tapia; also Representative(s) Riesberg, Benefield--Concerning payment of amounts due under a construction agreement.

Laid over until Tuesday, March 17, retaining its place on the calendar.

**HB09-1254** by Representative(s) Judd, Rice; also Senator(s) Harvey--Concerning additional consumer protections relating to like-kind exchanges facilitated by exchange facilitators.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, March 10, page 676 and placed in members' bill files.)

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

**HB09-1233** by Representative(s) Vigil; also Senator(s) Schwartz--Concerning the recognition of acequias, and, in connection therewith, authorizing acequia ditch corporations.

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

**HB09-1229** by Representative(s) Kerr J., Miklosi, Primavera; also Senator(s) Isgar, Tochtrop--Concerning the designation of auxiliary facilities of institutions of higher education as enterprises.

Amendment No. 1, Education Committee Amendment.  
(Printed in Senate Journal, March 12, page 701 and placed in members' bill files.)

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

**HB09-1125** by Representative(s) Merrifield, Massey, Benefield, Gagliardi, Middleton, Pace, Peniston, Priola, Scanlan, Solano, Summers, Weissmann; also Senator(s) Hudak--Concerning limitations on the incentives local education providers may provide for participation in public educational programs.

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Amendment No. 1, Education Committee Amendment.  
(Printed in Senate Journal, March 12, page 701 and placed in members' bill files.)

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

**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.

Amendment No. 1(L.008), by Senator Romer.

Amend reengrossed bill, page 2, line 26, strike "the" and substitute "the AN".

Page 4, line 4, strike "(10), Colorado Revised Statutes, is" and substitute "(10) and (43), Colorado Revised Statutes, are";

after line 11, insert the following:

"(43) "Lessor" means a bank, as defined in subsection (5) of this section, or subsidiary thereof, ~~including any company operating pursuant to section 11-105-501, or any other person or persons renting or maintaining~~ THAT RENTS OR MAINTAINS safe deposit facilities. "Lessor" does not include any A financial institutions INSTITUTION regulated by article 30, 46, 108, or 109 of this title or a credit union chartered under the laws of the United States.";

Strike lines 16 through 19 and substitute the following:

"(c) Secure deposits ~~when~~ IF:

(I) The depositor is required to obtain such security by the laws of the United States, by the terms of any interstate compact, by the laws of any state, or by the order of a court of competent jurisdiction; OR

(II) THE STATE BANK POSSESSES A LETTER OF CREDIT ISSUED OR CONFIRMED BY A FEDERAL HOME LOAN BANK; OR

**SECTION 8.** 11-105-501 (1), Colorado Revised Statutes, is amended to read:

**11-105-501. Safe deposit boxes - leasing and subsidiary company.** (1) Subject to such rules as the banking board may prescribe, a bank company, ~~other person or persons defined as a lessor in this part 5;~~ may maintain and lease safe deposit boxes and may accept property for safekeeping if, except in the case of night depositories, it issues a receipt therefor.".

Renumber succeeding sections accordingly.

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

**HB09-1186** by Representative(s) Levy; also Senator(s) Carroll M.--Concerning the delivery of a mail-in ballot to the designated election official by the elector.

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

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

Amendment No. 1, Health & Human Services Committee Amendment.  
(Printed in Senate Journal, March 12, page 722-723 and placed in members' bill files.)

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

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Passage.

**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.

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

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

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

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

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: HB09-1254 as amended, HB09-1233, HB09-1229 as amended, HB09-1125 as amended, HB09-1053 as amended, HB09-1186, HB09-1139 as amended, HB09-1102, HB09-1227, HB09-1190.

Laid over until Tuesday, March 17 retaining its place on the Calendar: SB09-095.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

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

MEMBERS OF THE  
WATER QUALITY CONTROL COMMISSION

for terms expiring February 15, 2011:

Peter Butler of Durango, Colorado to serve as a representative who lives west of the continental divide, appointed;

Jill C. Harris McConaughy of Glenwood Springs, Colorado to serve as a representative who lives west of the continental divide, appointed;

Janelle A. Barrilleaux of Golden, Colorado, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

MEMBERS OF THE  
COLORADO LOTTERY COMMISSION

for a term expiring July 1, 2010:

Dana M. Franzen of Monument, Colorado to fill the vacancy occasioned by the resignation of Donald J. McMahan of Avon, Colorado, and to serve as a certified public accountant and as a Republican, appointed;

for a term expiring July 1, 2012:

Betty J. Martinez of Pueblo, Colorado, to serve as a member of the public and as a Democrat, reappointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

MEMBER OF THE  
STATE PERSONNEL BOARD

for a term expiring June 30, 2013:

Mary Ann F. Whiteside of Denver, Colorado, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

**SENATE SERVICES REPORT**

**Correctly Printed:** SB09-245 and 246.  
**Correctly Engrossed:** SB09-056, 128, 144, 158, 161, 174 and 178; SJR09-020.  
**Correctly Revised:** HB09-1027, 1041, 1059, 1099, 1124, 1171, 1179, 1182, 1207, 1218, 1234, 1236, 1249, 1262 and 1263.

**APPOINTMENTS TO CONFERENCE COMMITTEE**

The President appointed Senators Boyd, Chair, Tochtrop, and Scheffel as Senate Conferees on the First Conference Committee on **HB09-1108**.

Upon request of Senator Shaffer, SB09-018, SB09-098, HB09-1188 were removed from the General Orders -- Second Reading of Bills Calendar of Tuesday, March 17 and placed at the end of the General Orders -- Second Reading of Bills -- Consent Calendar of Tuesday, March 17.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Monday, March 16, was laid over until Tuesday, March 17, retaining its place on the calendar.

Conference Committees to Report: SB09-210, HB09-1153.

Senate in recess. Senate reconvened.

**MESSAGE FROM THE HOUSE**

March 16, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1296, 1297.

The House has passed on Third Reading and transmitted to the Revisor of Statutes  
 HB09-1164, amended as printed in House Journal, March 12, pages 698-699.  
 HB09-1237, amended as printed in House Journal, March 13, page 712.  
 HB09-1248, amended as printed in House Journal, March 13, page 713.  
 HB09-1250, amended as printed in House Journal, March 13, pages 713-714.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB09-114, amended as printed in House Journal, March 13, page 714.



**MESSAGE FROM THE REVISOR OF STATUTES**

March 16, 2009

Without comment, HB09-1296 and 1297.

Without comment, as amended, HB09-1164, 1237, 1248, and 1250.

Without comment, as amended, SB09-114.

**INTRODUCTION OF RESOLUTIONS**

The following resolution was read by title:

**SJR09-023** by Senator(s) Schwartz, Gibbs, Isgar, Tochtrop, White; also Representative(s) Curry--  
Concerning the general assembly's continuing support for existing terms of the Colorado  
river compact.

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

**INTRODUCTION OF BILLS -- FIRST READING**

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

- SB09-247** by Senator(s) Tochtrop; also Representative(s) Pace--Concerning the expansion of benefits  
for unemployed workers in Colorado.  
Business, Labor and Technology
- SB09-248** by Senator(s) Heath; also Representative(s) McNulty--Concerning contractor surety  
requirements for public works project contracts, and, in connection therewith, requiring a  
bond, letter of credit, or other acceptable surety to be filed and current in each calendar year  
in which a multiple-year public works contract is to be performed.  
Business, Labor and Technology
- SB09-249** by Senator(s) Penry and Carroll M.; also Representative(s) Kerr A., Bradford, May--  
Concerning the applicability to small common-interest communities of recently enacted  
provisions of the "Colorado Common Interest Ownership Act".  
Local Government and Energy
- SB09-250** by Senator(s) Tochtrop, Williams, Penry, Shaffer B., Boyd, Carroll M., Hodge, Hudak,  
Keller, Kester, Newell, Schwartz, Tapia; also Representative(s) Primavera, McNulty,  
Massey, Merrifield, Frangas, Gagliardi, Kefalas, Liston, Marostica, Green--Concerning  
health benefit plan coverage for oral anticancer medication.  
Health and Human Services
- HB09-1129** by Representative(s) Looper; also Senator(s) Romer, Harvey--Concerning an authorization  
of pilot projects for the beneficial use of captured precipitation in new real estate  
developments, and making an appropriation in connection therewith.  
Agriculture and Natural Resources
- HB09-1136** by Representative(s) Soper; also Senator(s) Tochtrop--Concerning a person's competency to  
perform electrical work, and making an appropriation in connection therewith.  
Business, Labor and Technology
- HB09-1164** by Representative(s) Primavera, Gagliardi, Green, Kefalas, Kerr J., McGihon; also  
Senator(s) Kester--Concerning a surcharge on breast cancer awareness special license plates  
to provide funding for cancer treatment for women who are not currently eligible to  
participate in the breast and cervical cancer prevention and treatment program under the  
"Colorado Medical Assistance Act".  
Transportation  
Finance
- HB09-1237** by Representative(s) Primavera, Casso, Green, Soper; also Senator(s) Shaffer B.--  
Concerning the coordinated system of payment for early intervention services for children

eligible for benefits under part C of the federal "Individuals with Disabilities Education Improvement Act", and making an appropriation therefor.  
 Health and Human Services  
 Appropriations

**HB09-1247** by Representative(s) Apuan; also Senator(s) Morse--Concerning enactment of the "Homebuyers' Energy Right-To-Know Act" requiring disclosure of an existing home's energy usage in connection with the sale of the home.  
 Local Government and Energy

**HB09-1248** by Representative(s) Gerou; also Senator(s) Shaffer B.--Concerning the modification of laws applicable to the conduct of business in Colorado, and, in connection therewith, modifying the requirements of title 7 of the Colorado Revised Statutes applicable to documents filed with the secretary of state, partnership law, and the requirements for boards of directors of nonprofit corporations to take action without a meeting, and making an appropriation.  
 State, Veterans & Military Affairs

**HB09-1250** by Representative(s) Merrifield; also Senator(s) Penry--Concerning increasing the allocation to public schools of federal moneys received by the state on behalf of certain counties pursuant to the act of congress of May 23, 1908, as amended, relating to receipts from national forests.  
 Education

**HB09-1287** by Representative(s) McGihon; also Senator(s) Mitchell--Concerning changes to the "Colorado Probate Code".  
 Judiciary

**HB09-1296** by Representative(s) Green; also Senator(s) Hudak--Concerning extending the repeal date for the reading assistance grant program.  
 Education

**HB09-1297** by Representative(s) Frangas; also Senator(s) Mitchell--Concerning membership appointments to the advisory committee on licensing of child care facilities.  
 Health and Human Services

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

The President has signed: SB09-010, 033, 034, 041, 044, 070, 096 and 140.

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On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Tuesday, March 17, 2009.

Approved:

Peter C. Groff  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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