

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

1st Legislative Day

Wednesday, January 7, 2009

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Prayer	By the chaplain, Rabbi Steven Foster, Congregation Temple Emanuel, Denver.	11
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Presentation of Colors & Pledge of Allegiance	By Manual High School Army JROTC.	13
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Musical Presentation	By Dianne Reeves.	19
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Call to Order	The hour of 10:00 a.m. having arrived, the Senate of the 67th General Assembly of the State of Colorado, pursuant to law, was called to order by Senator Peter Groff, President of the Senate of the 66th General Assembly, State of Colorado.	25
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Roll Call	The roll call of the holdover Senators was called with the following result: Present -- Brophy, Harvey, Isgar, Keller, Kester, Kopp, Morse, Penry, Renfroe, Romer, Sandoval, Schultheis, Schwartz, Tapia, Tochtrop -- Total: 15. Vacancy: 1.	29
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COMMUNICATIONS FROM THE SECRETARY OF STATE

State of Colorado
Department of
State

United States of America, ss. Certificate
State of Colorado

I, Mike Coffman, Secretary of State of the State of Colorado, do hereby certify that I have canvassed the "Abstract of Votes" submitted in the State of Colorado, and do state that, to the best of my knowledge and belief, the attached list represents the votes cast for members of the Colorado State Senate for the Sixty-seventh General Assembly by the qualified electors of the State of Colorado in the November 4, 2008 General Election.

In Testimony Whereof I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City of Denver this 17th day of December, 2008.

(signed)
Mike Coffman
Secretary of State

November 4, 2008 – General Election Final Results

St. Senate - District 4

Counties: Douglas, El Paso, Lake, Park, Teller

Mark Scheffel (REP)	63,944	68.49%
Joseph R. Alsup (DEM)	29,417	31.51%

St. Senate - District 8

Counties: Eagle, Garfield, Jackson, Moffat, Rio Blanco, Routt

Al White (REP)	33,886	54.90%
Ken Brenner (DEM)	27,839	45.10%

St. Senate - District 10

Counties: El Paso

Bill L. Cadman (REP)	42,650	65.01%
Diane D. Whitley (DEM)	22,955	34.99%

St. Senate - District 12

Counties: El Paso

Pete Lee (DEM)	23,468	44.17%
Keith King (REP)	29,658	55.83%

St. Senate - District 14

Counties: Larimer

Matt Fries (REP)	27,834	37.32%
Bob Bacon (DEM)	46,749	62.68%

St. Senate - District 16

Counties: Boulder, Clear Creek, Gilpin, Grand, Jefferson, Summit

Don Ytterberg (REP)	31,387	40.97%
Dan Gibbs (DEM)	45,214	59.03%

St. Senate - District 17

Counties: Boulder

Brandon C. Shaffer (DEM)	43,054	61.86%
Katie Witt (REP)	26,544	38.14%

St. Senate - District 18

Counties: Boulder

Rollie Heath (DEM)	55,141	100.00%
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St. Senate - District 19

Counties: Jefferson

Libby Szabo (REP)	30,493	49.00%
Evie Hudak (DEM)	31,740	51.00%

St. Senate - District 21

Counties: Jefferson

Betty Boyd (DEM)	33,304	59.43%
Natalie Menten (REP)	22,732	40.57%

St. Senate - District 23

Counties: Adams, Broomfield, Weld

Shawn Mitchell (REP)	45,001	53.64%
Joseph A. Whitcomb (DEM)	38,896	46.36%

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St. Senate - District 25Counties: Adams

Mary Hodge (DEM)	29,962	54.97%
Robert John Hadfield (REP)	24,549	45.03%

St. Senate - District 26Counties: Arapahoe, Jefferson

Linda M. Newell (DEM)	30,407	50.16%
Lauri Clapp (REP)	30,214	49.84%

St. Senate - District 27Counties: Arapahoe

Nancy Spence (REP)	51,352	58.07%
Nathan Wilkes (DEM)	37,072	41.93%

St. Senate - District 28Counties: Arapahoe, Denver

Sueyuna Duthie (REP)	19,414	35.07%
Suzanne Williams (DEM)	33,336	60.22%
Kenneth P. Wyble (LIB)	2,603	4.70%

St. Senate - District 29Counties: Arapahoe

Suzanne Andrews (REP)	11,664	31.02%
Morgan Carroll (DEM)	25,942	68.98%

St. Senate - District 31Counties: Adams, Denver

Jennifer Veiga (DEM)	36,426	75.03%
William Leslie (REP)	12,121	24.97%

St. Senate - District 33Counties: Denver

Peter C. Groff (DEM)	47,062	100.00%
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St. Senate - District 35Counties: Arapahoe, Denver

Robert J. "Bob" Lane (REP)	19,447	31.97%
Joyce Foster (DEM)	41,384	68.03%

State of Colorado

Department of

State

United States of America, ss. Certificate

State of Colorado

I, Mike Coffman, Secretary of State of the State of Colorado, do hereby certify that I have canvassed the "Abstract of Votes" submitted in the State of Colorado, and do state that, to the best of my knowledge and belief, the persons listed on the attached list were duly elected to the Colorado State Senate by the qualified electors of the State of Colorado in the November 4, 2008 General Election.

In Testimony Whereof I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City of Denver this 17th day of December, 2008.

(signed)

Mike Coffman

Secretary of State

November 4, 2008 – General Election Final Results

St. Senate - District 4Counties: Douglas, El Paso, Lake, Park, Teller

Mark Scheffel (REP)	63,944	68.49%
9791 Summit Ridge Place		
Parker, CO 80138		

St. Senate - District 8Counties: Eagle, Garfield, Jackson, Moffat, Rio Blanco, Routt

Al White (REP)	33,886	54.90%
324 Coronado Place, Box 1627		
Hayden, CO 81639		

St. Senate - District 10Counties: El Paso

Bill L. Cadman (REP)	42,650	65.01%
P.O. Box 76588		
Colorado Springs, CO 80970		

St. Senate - District 12Counties: El Paso

Keith King (REP)	29,658	55.83%
4715 Bywood Court		
Colorado Springs, CO 80906		

St. Senate - District 14Counties: Larimer

Bob Bacon (DEM)	46,749	62.68%
720 Gilgalad Way		
Fort Collins, CO 80526		

St. Senate - District 16Counties: Boulder, Clear Creek, Gilpin, Grand, Jefferson, Summit

Dan Gibbs (DEM)	45,214	59.03%
P.O. Box 704		
Silverthorne, CO 80498		

St. Senate - District 17Counties: Boulder

Brandon C. Shaffer (DEM)	43,054	61.86%
3028 Colgate Drive		
Longmont, CO 80503		

St. Senate - District 18Counties: Boulder

Rollie Heath (DEM)	55,141	100.00%
2455 Vassar Drive		
Boulder, CO 80305		

St. Senate - District 19Counties: Jefferson

Evie Hudak (DEM)	31,740	51.00%
7649 Harlan Way		
Westminster, CO 80003		

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St. Senate - District 21Counties: JeffersonBetty Boyd (DEM)
12527 West Arizona Place
Lakewood, CO 80228

33,304 59.43%

St. Senate - District 23Counties: Adams, Broomfield, WeldShawn Mitchell (REP)
12530 Newton Street
Broomfield, CO 80020

45,001 53.64%

St. Senate - District 25Counties: AdamsMary Hodge (DEM)
447 Poplar Circle
Brighton, CO 80601

29,962 54.97%

St. Senate - District 26Counties: Arapahoe, JeffersonLinda M. Newell (DEM)
4563 West Ponds Circle
Littleton, CO 80123

30,407 50.16%

St. Senate - District 27Counties: ArapahoeNancy Spence (REP)
6330 South Olathe Street
Centennial, CO 80016

51,352 58.07%

St. Senate - District 28Counties: Arapahoe, DenverSuzanne Williams (DEM)
2647 South Troy Court
Aurora, CO 80014

33,336 60.22%

St. Senate - District 29Counties: ArapahoeMorgan Carroll (DEM)
1165 Ouray Street
Aurora, CO 80010

25,942 68.98%

St. Senate - District 31Counties: Adams, DenverJennifer Veiga (DEM)
1020 15th Street #209
Denver, CO 80202

36,426 75.03%

St. Senate - District 33Counties: DenverPeter C. Groff (DEM)
1400 Pontiac Street
Denver, CO 80220

47,062 100.00%

St. Senate - District 35Counties: Arapahoe, DenverJoyce Foster (DEM)
8239 East 5th Avenue
Denver, CO 80230

41,384 68.03%

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Credentials Committee

On motion of Senator Shaffer, and with unanimous consent of the Senate, a committee of three was appointed by the President as the Committee on Credentials. The President appointed Senators Boyd, Chair, Bacon, and Kopp as members of the Committee.

The President announced that the Senate would be in recess so that the Committee on Credentials could meet and prepare its report.

Senate in recess. Senate reconvened.

REPORT OF THE COMMITTEE ON CREDENTIALS

January 7, 2009

Mr. President:

Your Committee on Credentials, to which was referred the list of members of the Senate for the Sixty-seventh General Assembly of the State of Colorado, transmitted by the Secretary of State, begs leave to report that the persons named therein constitute a true and correct list of the members as shown by the election certificates and records in the office of the Secretary of State, and your committee recommends that the list so furnished and read be adopted as the temporary roll call of the Senate of the Sixty-seventh General Assembly of the State of Colorado.

(signed)
Senator Boyd, Chair
Senator Bacon
Senator Kopp

On motion of Senator Shaffer, the report of the Committee on Credentials was read and adopted by unanimous consent of the Senate.

On motion of Senator Shaffer, and with the unanimous consent of the Senate, the President appointed a committee composed of Senators Sandoval, Tapia, and Cadman to wait upon Chief Justice Mullarkey of the Colorado Supreme Court and request her to administer the oath of office to the Senators-elect.

The President announced that the Senate would be in recess until the return of the Committee with the Chief Justice Mullarkey.

Senate in recess. Senate reconvened.

Chief Sergeant-at-Arms Philip Brown announced the arrival of the Committee and Chief Justice Mullarkey.

Oath of Office

The Chief Justice administered the Oath of Office to the Senators-elect.

Roll Call

The roll call of the Senators-elect was called with the following result:
Present: Bacon, Boyd, Cadman, Carroll, Foster, Gibbs, Heath, Hodge, Hudak, King, Mitchell, Newell, Scheffel, Shaffer, Spence, Veiga, White, Williams, Mr. President --
Total: 19.

Quorum

The President announced a Senate membership of 34 present, 0 absent, and 1 vacancy and that a quorum was present.

On motion of Senator Shaffer, and with the unanimous consent of the Senate, the temporary roll call of the Senate was made the permanent roll call of the Senate.

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Election of President On motion of Senator Shaffer and seconded by Senator Penry, Senator Peter Groff was nominated as President of the Senate. 1
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Senator Shaffer moved that the nominations for President of the Senate be closed and that a unanimous vote be cast for Senator Peter Groff. The motion was adopted by a unanimous vote. 4
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Election of President *pro tem* On motion of Senator Shaffer and seconded by Senator Penry, Senator Betty Boyd was nominated as President *pro tem* of the Senate. 10
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Senator Shaffer moved that the nominations for President *pro tem* of the Senate be closed and that a unanimous vote be cast for Senator Betty Boyd. The motion was adopted by a unanimous vote. 14
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INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR09-001 by Senator(s) Shaffer B., Groff, Penry; also Representative(s) Weissmann, Carroll T., May-- Concerning the adoption of the Joint Rules as the temporary Joint Rules of the Sixty-seventh General Assembly. 24
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On motion of Senator Shaffer, the resolution was **adopted** by the following roll call vote: 28
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YES	34	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Newell	Y	Spence	Y
Boyd	Y	Hudak	Y	Penry	Y	Tapia	Y
Brophy	Y	Isgar	Y	Renfroe	Y	Tochtrop	Y
Cadman	Y	Keller	Y	Romer	Y	VACANT	*
Carroll M.	Y	Kester	Y	Sandoval	Y	Veiga	Y
Foster	Y	King K.	Y	Scheffel	Y	White	Y
Gibbs	Y	Kopp	Y	Schultheis	Y	Williams	Y
Harvey	Y	Mitchell	Y	Schwartz	Y	President	Y
Heath	Y	Morse	Y	Shaffer B.	Y		

*Vacancy in Senate District 15. 41
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SR09-001 by Senator(s) Shaffer B., Groff, Penry; --Concerning the temporary rules of the senate. 45
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On motion of Senator Shaffer, the resolution was **adopted** by the following roll call vote: 47
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YES	34	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Newell	Y	Spence	Y
Boyd	Y	Hudak	Y	Penry	Y	Tapia	Y
Brophy	Y	Isgar	Y	Renfroe	Y	Tochtrop	Y
Cadman	Y	Keller	Y	Romer	Y	VACANT	*
Carroll M.	Y	Kester	Y	Sandoval	Y	Veiga	Y
Foster	Y	King K.	Y	Scheffel	Y	White	Y
Gibbs	Y	Kopp	Y	Schultheis	Y	Williams	Y
Harvey	Y	Mitchell	Y	Schwartz	Y	President	Y
Heath	Y	Morse	Y	Shaffer B.	Y		

*Vacancy in Senate District 15. 60
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Election of Secretary On motion of Senator Shaffer, Karen Goldman was nominated to serve as Secretary of the Senate during the First Regular Session of the Sixty-seventh General Assembly. The motion was adopted by a unanimous vote. 66
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Oath of Office The President administered the oath of office to Karen Goldman as Secretary of the Senate. 70
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On motion of Senator Shaffer, and with the unanimous consent of the Senate, the President appointed Senators Carroll, Hodge, and White as members of the committee to notify the House of Representatives that the Senate was organized and ready for business.

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

On motion of Senator Shaffer, and with the unanimous consent of the Senate, the President appointed Senators Veiga, Tapia, and Spence as members of the committee to notify the Governor that the Senate was organized and ready for business.

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

Senate in recess. Senate reconvened.

On motion of Senator Shaffer, and with the unanimous consent of those elected to the Senate, the Senate stood in recess to hear the opening day remarks of Senate President Peter Groff and Minority Leader Josh Penry. The text of their remarks follows.

Senate in recess.

Remarks of President Groff:

Mister Majority Leader, Mister Minority Leader, Senate colleagues, distinguished guests, friends and my family. Let me begin by thanking the Senate for my election as president of the Colorado Senate for the 67th General Assembly.

It has been an honor to serve as your president and I am humbled that you would elect me again to lead this august body. I again pledge to work with all of you on both sides of the aisle to continue to build a better Colorado -- one we can be proud to leave our children and one we can be proud to present to the nation and the world. Thank you for this tremendous responsibility and honor.

I want offer my congratulations to Speaker Terrance Carroll on his election just moments ago. It is yet another stitch in the great fabric that is the history of our great state. The historic uniqueness of what is happening in the Senate and House today is not a testament to Speaker Carroll or me but a testimonial to Colorado and her people and members of the 67th General Assembly.

Let us welcome our new members, Senators please stand when I call your name:

Senator Morgan Carroll of Aurora, Joyce Foster of Denver, Rollie Heath of Boulder, Evie Hudak of Arvada, Linda Newell of Littleton, Mark Scheffel of Parker, Keith King of Colorado Springs, and Al White of Hayden and Mary Hodge of Brighton.

Welcome to the Colorado Senate and strive to never lose the feeling you felt when you entered this historic chamber this morning -- if you can maintain that feeling our state will be better after your service. I also offer congratulations to the families and friends who were the foundation for your victories -- now say good bye for the next 119 days.

Much has been made of the challenges we will face over those 119 days -- a precarious economy, rising unemployment, crumbling bridges, a broken education system and thousands of Coloradans without health care.

The mountainous challenges we face today pale in comparison to the struggles faced by the pioneers who came to the foot of our majestic rocky mountains to build a life and a state with a vision that would not be diminished in the face of seemingly insurmountable odds.

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Driven by a collective yearning to conquer any and all barriers that stood in their way, Colorado's pioneers faced and vanquished every challenge -- whether it was a rocky and unfamiliar terrain, unrelenting and unpredictable weather, deceptive people and practices or a dismissive government the pioneers soldiered on not to be deterred. Making the decisions that would build this magnificent state.

Colorado's foundation is based on this pioneering spirit. When these pioneers first came to this region in search of land and opportunity, they found a rugged terrain but also the best land possible for agriculture. They found a land with endless possibilities, but possibilities dependent on hard work and determination. Not unlike the landscape we see before us as we head into this next session. Since even before Colorado was a state, Coloradans have been used to hard work and tough decisions.

We sit in this grand house built by the children and grandchildren of those pioneers -- some five and a half generations later we are the descendants of their land and decisions facing daunting challenges of our own -- with tough decisions of our own to make.

The decisions made by the pioneers shaped the future of Colorado. The decisions we will make over the next 119 days will also shape the future -- but this time it is for our children and grandchildren who will be the beneficiaries.

These decisions will begin a new chapter in Colorado's history -- one that must be written by all of us: Democrats and Republicans; farmers and businesspeople; urban dwellers and suburbanites; by engineers and teachers. The decisions we make will be difficult ones, but we have made tough and difficult decisions recently and while we have made progress we still have work to do;

Despite decisions and investments we have made in our efforts to create the new energy economy and assist small businesses which has placed Colorado in a much better economic situation than many states face -- we are not immune from the national financial crisis -- we face a tremendous budget deficit of \$604 million, we now have 43,000 people in our unemployment insurance system and saw \$48 million paid in unemployment benefits in November the highest unemployment rate in the history of state; in the first three quarters of 2008 there were almost 30,000 foreclosure filings, and according to the Food Bank of the Rockies nearly half a million people rely on food banks and the last six months that number has increased by 20% or 91,000 people;

Despite the decision in the closing hours of our last session to introduce a late bill to repair 122 structurally deficient bridges and handle other transportation needs -- that effort failed and we crossed our fingers and prayed to God that those bridges would hold and we wouldn't have a Minneapolis tragedy. We didn't. But we now face 126 structurally deficient bridges that must be repaired at a total cost of \$1.3 billion and an overall yearly shortfall of \$1.5 billion for all other transportation needs;

Despite our decisions to expand school choice and create innovation in our K-12 system to the point that we are national leaders in education reform -- Our college readiness rate is only 34%, colleges spend \$14.6 million on remedial classes and 52% of parents can't attend school related events because they aren't granted sensible leave;

Despite our decision to establish building blocks in the area of health care and health insurance to create better access, to lower cost and insure more Coloradans -- including covering an additional 50,000 children by next year, we still have nearly 800,000 Coloradans who face the frightening specter of being uninsured.

Together we have made decisions that have created a better Colorado and put us in a better stead than most, but as you can see we still face monumental and watershed challenges that will require difficult decisions to preserve the land bequeath to us by the pioneers and our maker.

In Joshua 1:6 it says "be strong and courageous, because you will lead the people to inherit the land I swore to their forefathers to give them."

It doesn't take strength and courage to turn this chamber into a stadium of political gamesmanship where the score is kept when Mr. McGowne calls the roll on some legislation offered to get the other party on "record" and then we announce the winner in November of 2010.

However, it does take strength and courage to transform this august chamber into an arena of policy concepts and ideas that produces not Democratic answers nor Republican responses, but generates Colorado solutions where the winner in 119 days are the people of Colorado as we lead them in the land we inherited.

It will take strength and courage to make the difficult decisions that we must over the next 119 days -- but as we muster that strength and courage we must balance it with the overriding role of government which is to stand for the people that live in margins.

That role is our responsibility and our moral obligation.

That responsibility and moral obligation accompanies every elected official as we make the difficult decisions that will have to be made -- that responsibility and moral obligation will not let us not forget about the family in Greeley who after years of savings and planning and prayers they were able to purchase they dream home several years ago, but last spring their dream became a nightmare as they now bounces from relative to relative all but homeless with their dream home foreclosed;

That responsibility and moral obligation will not let us not forget the father from in Colorado Springs who came home shortly before Thanksgiving to tell

his wife and young family that he had been laid off from his job and who now worries how he is going to buy diapers for their newborn and food for the rest of the family;

That responsibility and moral obligation will not let us not forget the young student from Jefferson County who in September during her first week of college sat numb in her dorm room after being told that she would have to take remedial classes because she wasn't prepared for college;

That responsibility and moral obligation will not let us forget the couple in Grand Junction who have made a difficult choice of their own and have decided to forgo the potentially life saving and maintenance drugs for the husband so that they make mortgage payment.

Let us not forget those stories and those individuals and so many others who await our decisions and our leadership. We will have to make some difficult decisions this session, but we cannot lose sight of the fact that these decisions affect real people, with real lives and real dreams and hopes.

However, Coloradans are resilient it is our pioneering DNA -- and like our forefathers we will be modern day Joshua's. We will be strong and courageous in the decisions we make as we lead our state in the land we've inherited.

A land that remains one of endless possibilities and opportunities, undergirded by a persistent hope, pushed forward by an eagerness for change and steadied by an unwavering dedication to conquering every challenge.

We are better than we think and we must be better than we've been -- our future depends on it.

God bless you, God bless this honorable body and God bless the great state of Colorado.

Senator Groff recognized Minority Leader Senator Josh Penry to address the Senate.

Remarks of Minority Leader:

Thank you Mr. President, Mr. Majority Leader and fellow members for this opportunity. It is an honor to stand before you.

Mr. President, recognizing that Democrats control all of the levers of government here in Colorado -- the Executive Branch, the House, the Senate -- I'd like to begin this session by moving that the 67th General Assembly adjourn, Sine Die.

Mr. President. I was joking.

I withdraw that motion.

I speak for each of my colleagues in the Republican Caucus when I say: we're present, we're voting, we've got a full agenda, and a full commitment to moving this great state of ours forward.

Mr. President, the Senate Republicans are ready to get to work.

Before I go any further, I want to join the President in welcoming our new Senators.

Serving behind these desks, in this room, with all the opportunities and responsibilities that entails, is a tremendous honor. And so congratulations to you all.

In particular, I want to take a moment to introduce the newest Republicans in this body – Senators Keith King, Mark Scheffel and Al White. All will add smarts and savvy to the General Assembly.

And to the families of all of our members – especially the spouses and children of Colorado’s Senators – your service deserves recognition too. I’m reminded of the time I was walking in a 4th of July Parade when I spotted an elderly gentleman who was wearing a faded hat that read: WWII VETERAN. When I saw him, I scooted over, reached out my hand and said, “Thank you for your service to America, Sir.” Before the man could respond, his wife jumped in and said, “What about me? I paid the bills and raised the kids while he was running around Europe!”

And so it is for many of you, the spouses and children of the men and women in this body. Your service takes a different form, but it is no less important or real. In that vein, I would like to acknowledge my wife, Jamie Penry. Mr. President, this will not surprise you: I don’t hold the gavel in my household either; Jamie does. And we are so blessed to have two great children. My six year-old-son Chase, and my two-year-old daughter Emme. I would like to also introduce my parents – Dan and Linda Penry. They taught me to dream, and to work.

And last, I want to acknowledge you, Mr. President. Your able and gracious and humble approach not only serves your own caucus but also distinguishes this entire body.

A lot has been said about the historic significance of President Groff’s rise to the Presidency of the Colorado Senate —President Groff has shattered barriers. The same, of course, is true of Terrence Carroll, the new speaker of Colorado’s House, as it is to an even greater extent for the man from Illinois who will soon raise his right hand and take the Oath of Office for the Presidency of the United States.

Now let me state the obvious: as a proud Republican, it’s no secret that my very strong preference would have been for 2009 to witness the christening of a President named McCain, a statehouse Speaker called May, and a new Senate President from a place like, say, Grand Junction.

But even in this Hall where party differences tend to dominate more than they ought, even here, we are Americans before we are partisans.

And as Americans, it is important that we acknowledge with national pride what the electoral rise of men named Obama, Groff, and Carroll says about the progress of equality in our Republic.

Even as we recognize the historic political events unfolding before our eyes, we also feel the grip of a very different and more troubling reality.

And that reality is this: Colorado, like America, has fallen on very difficult economic times.

These tough times paint the backdrop for much of what we do in the next 120 days. And these tough times will beckon the best-thinking – and tough choices – by us all.

Unfortunately, we face these challenges at a time when confidence in government has scarcely been lower. The public has grown contemptuous of a political process that seems endlessly pre-occupied with the next election cycle – it’s called the permanent campaign, and the public is permanently sick of it.

Members of the Colorado Senate, I know that we can take a time-out from the fast world of the permanent campaign and do the hard work of governing, of making tough choices, of leading. Let’s worry about 2010 sometime a little closer to 2010, and spend the next 120 days focused on the very real challenges of today.

And there’s plenty that needs our focus.

Our first and highest focus should be summed up in a single word. Jobs.

Ronald Reagan once said a recession is when someone you know loses their job; a depression is when you lose yours.

We may not be in a depression, but that’s small solace to a Mom or Dad who lost their job.

These difficult circumstances should frame our mindset for the debates ahead. 1

For every bill, every amendment, every rule and every regulation that comes before this 2
body, the question should be asked: is it is good for our economy, will it promote job 3
growth, will it make Colorado an attractive place for job creators? 4
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This question can be called the jobs test, and if any bill or amendment or rule fails it, we 7
should have the good sense to fix it or defeat it. 8
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This General Assembly surely won't agree on everything, but when it comes to the 10
economy we should agree on this much: first, this legislature should do no harm. 11
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That means that this General Assembly should put the breaks on efforts to extend the 13
influence of organized labor in our government and our economy. The protracted fights 14
between labor and business in this state have been a catastrophic waste of resources and 15
valuable political capital. Let's focus our energy and efforts this year on creating jobs, not 16
reliving the old fights of a bygone era. 17
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Resolving ourselves to do no harm also means that we should take a bipartisan approach to 19
reviewing the Administration's new natural gas regulations. Some of these new rules are 20
warranted, but a handful of onerous and overreaching provisions are not – they will 21
conspire with broader economic forces to kill jobs and reduce energy production at a time 22
when Colorado – and America – need a lot more of both. Two years ago, thanks to a 23
bipartisan agreement brokered by then Senate President Joan Fitzgerald, this Governor 24
was given a historic, bipartisan mandate to modernize rules that regulate energy 25
exploration in Colorado. Colleagues, the terms of that bargain have not been met. In the 26
next 120 days, this legislature should restore our compromise of two years ago. 27
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The final area where this legislature might feel a tug to enact policies that make things 30
worse is in the area of taxes and fees. 31
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Now there isn't one person in this room unaware of the difficult budget choices before us. 33
We all get it. 34
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And yet, we cannot ignore that many businesses and many families have a balance sheet or 36
a check book that look at least just as bad. And in these perilous economic times, we 37
should be careful not to balance government's budget in ways that knock the budgets of 38
families and business out of balance. 39
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Many of you have probably read about the budget fight in New York, where their 41
Governor – David Patterson – proposed 137 new taxes and fees to bring that budget in 42
balance. Almost nothing was spared the Governor's revenue bulls eye – he even proposed 43
new fees on soda pop – a so-called fat tax – and a new tax on iPod downloads. Cash 44
strapped families and businesses, understandably, have greeted Governor Patterson's plan 45
with red hot outrage. 46
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Now again, I'm not here to say we are going to vote against every fee that comes along no 48
matter what. There are many government services where a user-pays fee-based system is 49
appropriate and fair. 50
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But as the first Senate Republican leader to own an iPod, and as a Dad who needs an 52
occasional Mt. Dew because his daughter kept him up all night, count me as a NO vote on 53
both the iPod fee and a fat tax. 54
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And you can also count Republicans as a NO against the budget if it relies on new taxes 56
and big fees to spare government from making the tough choices it needs to balances its 57
budget. 58
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Now lets go back to that jobs test for one minute. I just talked about measures we 60
shouldfix or avoid, but I want to close by focusing on some meaningful job-creating 61
measures this General Assembly can and must take. 62
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There's another side to that jobs test, and that's this: 64
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If a bill or an amendment or a rule improves the economic health of this great state – if it 66
promotes jobs – let's move forward together. 67
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As a first order of business, let's come together and find a way to fund our critical road 69
and bridge needs. 70
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Under the arcane rules of our budget, our roads and bridges receive the last dollar of 72

General Fund when times are good, and they are the first funding victim when times turn bad. 1
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Let's not use a bad economy as an excuse for continuing to treat our roads and bridges as a second-class budget priority. 4
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In that vein, our first objective should be fixing the most unsafe bridges. 7
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There's more than 120 of them, and they need to be repaired...yesterday. 9
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So let's not wait: yesterday, Representative Mike May and I outlined a plan that would get those unsafe bridges repaired in 2009 using the same innovative financing tool that this General Assembly used to build new prisons and finance the construction of new schools and college buildings across the state. 11
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By leveraging a small portion of the billions in equity Colorado has in its State buildings, and dedicating a fraction of the State's General Fund and severance tax collections, the State of Colorado can quickly and conservatively put more than a half a billion dollars and thousands of Coloradans to work fixing unsafe bridges. 16
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Our bridge plan has three primary benefits. 21
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First, it's the only plan out there that gets significant new transportation investment into our struggling economy quickly – by late this spring. That means the bridges get fixed quicker, and our contractors get to work sooner. 23
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Second, our plan leverages existing assets and resources. Colorado has billions in capital assets that are literally just sitting there – Republicans say, let's put those assets to work in a way that helps meet the very real needs of this State. 27
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Third, this financing approach works – we know it. The legislature and the Governor have used it to fund other critical state projects many times before, and the courts have validated it. 31
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A final footnote on the transportation issue: we believe strongly in the approach I have just outlined, but we know that Governor Ritter, Senator Gibbs and Senator Romer, and Representative Rice and Representative McFadyen and many others have ideas of their own. And we welcome those and the opportunity to work together in good faith. But let's not wait for January to become February to become the waning hours of the session before we forge a transportation agreement. Let's do it now, in the opening hours of these 120 days. Let's show that government can make positive change – and quickly. 35
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There will be a number of other proposals from Republicans that will improve the jobs situation in Colorado. 43
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- We believe the best way to kick-start economic recovery is to cut taxes on business investment and job growth. President-elect Obama made the same argument earlier this week – and we agree. Senator Kopp will introduce a bill to eliminate an outdated surcharge on business. And Senator Scheffel is introducing legislation to exempt thousands of businesses from the job-killing business personal property tax. Rather than throwing money at new programs that may or may not work, let's build on the bipartisan successes of last year and exempt a new round of businesses from the job-killing, business personal property tax. 46
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- Energy is fertile ground for Colorado jobs too. Republicans in the House and Senate will introduce a package of bills that, together, implement an “all of the above energy” strategy in Colorado – more wind, more coal, more solar, more natural gas, and yes nuclear too. 56
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- And finally Mr. President, we are eager to continue to press the cause of reform and standards and choice in our schools. Talk of a good economy is just idle bluster without strong schools to train our kids. 61
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Mr. President, Mr. Majority Leader, Fellow Senators, between now and the moment that someone comes to this microphone to move – in earnest – that we adjourn Sine Die, there's much to be done and the stakes are high for Colorado. 65
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The only thing to do now is to get started, so let's. 69
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Thank you Mr. President and Members of this Senate. 71
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Senate reconvened.

On motion of Senator Shaffer, and with the unanimous consent of those elected to the Senate, the remarks of President Groff and Minority Leader Penry were ordered spread upon the pages of the journal.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SR09-002 by Senator(s) Shaffer B., Groff, Penry; --Concerning the appointment of Members of the Senate to committees of the Senate.

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

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

*Vacancy in Senate District 15.

MESSAGE FROM THE GOVERNOR

Appointment A letter of designation and appointment from Governor Ritter was read and assigned to Committee as follows:

December 19, 2008

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, in particular, Article IV, Section 2(6) of the Colorado Constitution, I have the honor to nominate and submit for your consideration, the following:

Bernard A. Buescher of Grand Junction, Colorado,
appointed to the Office of Secretary of State

This appointment shall be effective upon confirmation of the Senate if confirmed. Mr. Buescher would serve as Colorado Secretary of State for the remainder of the term expiring on January 11, 2011.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 12/29/08
Karen Goldman, Secretary of the Senate

Committee on State, Veterans, & Military Affairs

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Senate in recess. Senate reconvened.

APPOINTMENTS BY THE PRESIDENT

Legislative Council

Pursuant to Section 2-3-301, C.R.S., the President appointed Senators Groff, Shaffer, Penry, Isgar, Tochtrop, Boyd, Scheffel, Kopp, and Spence as members of the Legislative Council Committee.

On motion of Senator Shaffer, the appointments were confirmed by the following roll call vote:

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

*Vacancy in Senate District 15.

Legal Services

Pursuant to Section 2-3-502, C.R.S., the President appointed Senators Morse, Veiga, Schwartz, Mitchell, and Brophy as members of the Committee on Legal Services.

On motion of Senator Shaffer, the appointments were confirmed by the following roll call vote:

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

*Vacancy in Senate District 15.

Legislative Audit

Pursuant to Section 2-3-101, C.R.S., the President appointed Senators Isgar, Tochtrop, Mitchell, and Schultheis as members of the Audit Committee.

On motion of Senator Shaffer, the appointments were confirmed by the following roll call vote:

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

*Vacancy in Senate District 15.

Capital Development The President appointed Senators Bacon, Penry, and Schwartz as members of the Capital Development Committee.

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Senate in recess. Senate reconvened.

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MESSAGE FROM THE HOUSE

January 7, 2009

Mr. President:

The House has adopted and transmits herewith HJR09-1001, as printed in House Journal, January 7.

Pursuant to the resolution, the Speaker has appointed Representatives Merrifield, chairman, Labuda, and Looper

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January 7, 2009

Mr. President:

The House has adopted and returns herewith SJR09-001.

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INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR09-002 by Senator(s) Shaffer B., Groff, Penry; also Representative(s) Benefield, Court, Massey, Vaad--Concerning employee salary ranges for the First Regular Session of the Sixty-seventh General Assembly.

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

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SJR09-003 by Senator(s) Shaffer B., Groff, Penry; also Representative(s) Weissmann, Carroll T., May-- Concerning a joint session of the Senate and the House of Representatives for the purpose of hearing a message from the Chief Justice of the Supreme Court, and appointing a committee to escort the Chief Justice.

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

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SJR09-004 by Senator(s) Shaffer B.; also Representative(s) Weissmann--Concerning amendments to the Joint Rules of the Senate and the House of Representatives.

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

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SR09-003 by Senator(s) Shaffer B., Groff, Penry; --Concerning the Appointment of Officers and Employees for the Senate of the Sixty-seventh General Assembly.

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

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SR09-004 by Senator(s) Shaffer B., Groff, Penry; --Concerning pre-session pay for senate employees.

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

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HJR09-1001 by Representative(s) Weissmann, Carroll T., May; also Senator(s) Shaffer B., Groff, Penry--Concerning a Joint Session of the House of Representatives and the Senate for the purpose of hearing a message from His Excellency, Governor Bill Ritter, and appointing a committee to escort the Governor.

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

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INTRODUCTION OF BILLS -- FIRST READING

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

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| SB09-001 | by Senator(s) Gibbs and Penry, Kopp; also Representative(s) Scanlan and King S.--
Concerning the establishment of community wildfire protection plans by county
governments.
Local Government and Energy | 8
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| SB09-002 | by Senator(s) Morse, Bacon, Foster, Isgar, Keller, Newell, White; also Representative(s)
Peniston, Gagliardi, Levy, Marostica, Massey, Miklosi, Roberts--Concerning an increase in
the motor vehicle registration fee to fund the emergency medical services account within the
highway users tax fund.
Transportation | 13
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| SB09-003 | by Senator(s) Bacon; also Representative(s) Fischer--Concerning the automobile inspection
and readjustment program, and, in connection therewith, expanding the enhanced emissions
program to Weld and Larimer counties, modifying the geographical boundaries of the
program area, and altering criteria used to determine which collector's items are excluded
from the emissions testing process.
Transportation | 19
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| SB09-004 | by Senator(s) Brophy; also Representative(s) Bradford--Concerning a moratorium on the
implementation of rules promulgated by the Colorado oil and gas conservation commission
pursuant to bills enacted after May 28, 2007.
Local Government and Energy | 26
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| SB09-005 | by Senator(s) Spence; also Representative(s) Primavera--Concerning the Colorado traumatic
brain injury program.
Health and Human Services | 31
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| SB09-006 | by Senator(s) Boyd, Keller; also Representative(s) Solano--Concerning creation of an
identification processing unit for detention facilities.
Local Government and Energy | 35
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| SB09-007 | by Senator(s) Veiga; also Representative(s) Riesberg--Concerning making certain duties
related to the involuntary commitment process for substance abusers solely the authority of
a licensed physician.
Judiciary | 39
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| SB09-008 | by Senator(s) Harvey; also Representative(s) Gardner C.--Concerning the use of deadly
physical force against a person who makes an unlawful entry into a place of business.
State, Veterans & Military Affairs | 44
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| SB09-009 | by Senator(s) Boyd, Morse; also Representative(s) Massey, Frangas, Green, Riesberg--
Concerning dental services for persons participating in certain state-funded medical services
programs.
Health and Human Services | 48
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| SB09-010 | by Senator(s) Spence; --Concerning encouraging the use of automated external
defibrillators.
Health and Human Services | 53
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| SB09-011 | by Senator(s) Boyd, Morse; also Representative(s) Frangas, Green, Riesberg--Concerning
the creation of the behavioral health commission for the purpose of guiding the
development of an integrated behavioral health system in Colorado, and, in connection
therewith, requiring a post-enactment review of the implementation of this act.
Health and Human Services | 57
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| SB09-012 | by Senator(s) Morse and Kopp, Boyd; also Representative(s) Frangas and Massey,
Riesberg--Concerning professional review of health care providers.
Health and Human Services | 63
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| SB09-013 | by Senator(s) Gibbs and Schwartz, Penry; also Representative(s) Levy and King S.--
Concerning the extension of civil immunity to persons engaged in emergency response
activities.
Judiciary | 67
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SB09-014	by Senator(s) Williams, Gibbs, Renfroe, Spence; also Representative(s) Sonnenberg, Fischer, Levy, Marostica, McFadyen, McNulty, Merrifield, Primavera, Rice, Vaad-- Concerning allowing vehicles with deficient splash guards to remain in service for the limited time necessary to replace the splash guards. Transportation	1 2 3 4 5 6
SB09-015	by Senator(s) Tochtrop, Brophy, Isgar, Schwartz; also Representative(s) Gardner C., Curry, Hodge, McKinley, White--Concerning removal of the White river drainage basin from the jurisdiction of water division 5 to water division 6. Agriculture and Natural Resources	7 8 9 10 11
SB09-016	by Senator(s) Kopp and Penry, Gibbs, Schwartz; also Representative(s) King S. and Scanlan, Lundberg--Concerning measures to encourage the restoration of forest areas affected by bark beetle infestation. Finance	12 13 14 15 16
SB09-017	by Senator(s) Tochtrop, Morse; also Representative(s) Riesberg, Benefield, Labuda, Peniston, Rice--Concerning firefighter and police officer disability and survivor benefits. Finance	17 18 19 20
SB09-018	by Senator(s) Kopp and Gibbs, Penry; also Representative(s) King S. and Scanlan, Levy, Lundberg--Concerning the creation of a high-risk communities wildfire mitigation grant program. Local Government and Energy	21 22 23 24 25
SB09-019	by Senator(s) Boyd; also Representative(s) Solano--Concerning the establishment of a pilot program to fund grants to local governments to facilitate changes in land development regulations to accommodate the housing needs of persons with mental illness who are involved in the criminal justice system. Local Government and Energy	26 27 28 29 30 31
SB09-020	by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning the responsibility for responding to wild land fires. Local Government and Energy	32 33 34 35
SB09-021	by Senator(s) Kopp, Gibbs, Penry, Schwartz; also Representative(s) Scanlan and Levy, King, Lundberg--Concerning incentives for volunteer firefighters. Judiciary	36 37 38 39
SB09-022	by Senator(s) Bacon; also Representative(s) Solano--Concerning the state board of land commissioners. Local Government and Energy	40 41 42 43
SB09-023	by Senator(s) Schultheis; also Representative(s) Lambert--Concerning the verification of the work eligibility status of new employees through the federal electronic verification program. State, Veterans & Military Affairs	44 45 46 47
SB09-024	by Senator(s) White; also Representative(s) Sonnenberg and Curry--Concerning responsibilities of the division of wildlife with respect to game damage issues. Agriculture and Natural Resources	48 49 50 51
SB09-025	by Senator(s) Spence; also Representative(s) Benefield--Concerning an extension of fees on certain identification documents issued by the department of revenue to fund identification security. State, Veterans & Military Affairs	52 53 54 55 56
SB09-026	by Senator(s) Williams; --Concerning the regulation of athletic trainers. Business, Labor and Technology	57 58 59
SB09-027	by Senator(s) Foster; also Representative(s) Miklosi--Concerning the protection of the public from coyotes. Agriculture and Natural Resources	60 61 62 63
SB09-028	by Senator(s) Harvey; also Representative(s) Gerou--Concerning a limit on real estate license fee increases by the division of real estate. State, Veterans & Military Affairs	64 65 66 67
SB09-029	by Senator(s) Shaffer B.; --Concerning a requirement that people on a school bus wear safety belts. Transportation	68 69 70 71 72

SB09-030	by Senator(s) Keller; also Representative(s) Schafer S.--Concerning the "Child Mental Health Treatment Act". Health and Human Services	1 2 3 4
SB09-031	by Senator(s) Heath; also Representative(s) Riesberg--Concerning the creation of the clean technology discovery evaluation program. Local Government and Energy	5 6 7 8
SB09-032	by Senator(s) Groff, Hudak, King K., Penry, Romer, Spence; also Representative(s) Marostica and Todd, Carroll T., Gardner C., Massey, McNulty, Rice, Scanlan--Concerning creation of the education innovation institute at the university of northern Colorado. Education	9 10 11 12 13
SB09-033	by Senator(s) Sandoval; --Concerning expanding the list of students who qualify to receive a free lunch in Colorado to include children in public school early childhood education programs who are eligible to receive a reduced-cost lunch under the federal "National School Lunch Act". Education	14 15 16 17 18 19
SB09-034	by Senator(s) Kester; also Representative(s) Todd--Concerning the security level designation for the Centennial correctional facility. Judiciary	20 21 22 23
SB09-035	by Senator(s) Renfroe; also Representative(s) Sonnenberg--Concerning a penalty for a violation of certain proscribed acts for government officials. Judiciary	24 25 26 27
SB09-036	by Senator(s) Gibbs; --Concerning theft of sound recordings, and making an appropriation in connection therewith. Judiciary	28 29 30 31
SB09-037	by Senator(s) Kopp; also Representative(s) McNulty--Concerning funding for certain workers' compensation funds. State, Veterans & Military Affairs	32 33 34 35
SB09-038	by Senator(s) Hudak, Boyd, Morse, Shaffer B.; also Representative(s) Marostica--Concerning technical changes to judicial fees. Judiciary	36 37 38 39
SB09-039	by Senator(s) Schwartz; --Concerning the discretionary authority of cooperative electric associations to establish reasonable graduated rates for increased energy consumption by residential customers. Local Government and Energy	40 41 42 43 44
SB09-040	by Senator(s) Hodge; also Representative(s) Soper--Concerning the regulation of manufactured homes. Business, Labor and Technology	45 46 47 48
SB09-041	by Senator(s) Romer; also Representative(s) Vigil--Concerning the administration of the "Private Activity Bond Ceiling Allocation Act". Finance	49 50 51 52
SB09-042	by Senator(s) Tapia; --Concerning the administration of the exempt status of property for property tax purposes. Finance	53 54 55 56
SB09-043	by Senator(s) Isgar, Kester, Tapia; also Representative(s) Roberts, Massey, McFadyen, Pace, Tipton--Concerning the merger of Pueblo community college and San Juan basin area vocational school, and, in connection therewith, clarifying the two-year authority of Fort Lewis college and making an appropriation. Education	57 58 59 60 61 62
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On motion of Senator Shaffer, the Senate adjourned until 10:00 a.m., Thursday, January 8, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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