

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

20th Legislative Day

Monday, February 1, 2010

Prayer	By Senator Tapia.	10
Call to Order	By the President at 10:00 a.m.	11
Pledge	By Senator Morse.	12
Roll Call	Present--35.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Lundberg, reading of the Journal of Friday, January 29, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.	15

MESSAGE FROM THE HOUSE

January 29, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1037, 1071, 1039.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB10-1034, amended as printed in House Journal, January 28, page 106.
HB10-1036, amended as printed in House Journal, January 28, page 107.
HB10-1062, amended as printed in House Journal, January 28, page 107.
HB10-1010, amended as printed in House Journal, January 28, page 108.

The House has adopted and returns herewith SJR10-003

The House has adopted and returns herewith SJR10-009

MESSAGE FROM THE REVISOR OF STATUTES

January 29, 2010

We herewith transmit:

Without comment, HB10-1037, 1039, and 1071.
Without comment, as amended, HB10-1010, 1034, 1036, and 1062.

INTRODUCTION OF BILLS -- FIRST READING

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

SB10-120	by Senator(s) White, Bacon, Steadman; also Representative(s) Rice, Bradford, McCann-- Concerning the inclusion of prepaid wireless telephone service among the services subject to the surcharge that funds enhanced 911 emergency services. Finance	60
SB10-121	by Senator(s) Bacon; also Representative(s) Primavera--Concerning the creation of a	61

	legislative oversight committee to make recommendations regarding services for persons with developmental disabilities.	1
	Health and Human Services	2
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SB10-122	by Senator(s) Morse; also Representative(s) Weissmann--Concerning the elimination of the nonprofit corporation organized to be a lessor in the master lease program of the state, and, in connection therewith, specifying the types of entities that can be a lessor in the master lease program and authorizing the executive director of the department of personnel to execute documents regarding lease-purchase agreements for which said nonprofit corporation was the lessor.	5
	Finance	6
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SB10-123	by Senator(s) Morse, Brophy, Carroll M., Mitchell, Schwartz; also Representative(s) Labuda, Gardner B., Kagan, Levy, Roberts--Concerning on-line publications of the secretary of state published pursuant to the "State Administrative Procedure Act".	13
	State, Veterans & Military Affairs	14
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SB10-124	by Senator(s) Carroll M.; also Representative(s) Ryden--Concerning a requirement that certain health care providers disclose information about their practice history.	18
	Health and Human Services	19
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SB10-125	by Senator(s) Tapia; --Concerning the collection by the Colorado bureau of investigation of a surcharge upon each fee that it collects for the performance of a criminal history record check.	22
	Finance	23
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SB10-126	by Senator(s) Carroll M.; also Representative(s) Tyler--Concerning increased transparency reporting requirements for certain pharmaceutical manufacturers.	27
	Health and Human Services	28
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SB10-127	by Senator(s) Cadman; also Representative(s) Frangas--Concerning a limitation on a lender's ability to collect against a debtor's personal liability when the loan is secured by collateral.	31
	Business, Labor and Technology	32
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SB10-128	by Senator(s) Hudak, Newell, Carroll M., Steadman; also Representative(s) Rice--Concerning invasion of privacy.	36
	Judiciary	37
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SB10-129	by Senator(s) Hudak, Bacon, Johnston, Keller, Kester; also Representative(s) Rice--Concerning care coordination services for children with autism.	40
	Health and Human Services	41
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SB10-130	by Senator(s) Kester; also Representative(s) McCann--Concerning the allocation of powers within the department of corrections.	44
	Judiciary	45
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SB10-131	by Senator(s) Shaffer B.; also Representative(s) Solano--Concerning funding incentives to encourage school districts to provide high-quality full-day kindergarten programs, and requiring a post-enactment review of the implementation of this act.	48
	Education	49
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		52
SB10-132	by Senator(s) Williams, Morse, Penry, Whitehead, Boyd; also Representative(s) Riesberg, Kefalas, Massey, Roberts, Gardner B.--Concerning medicaid payment for room and board in a hospice inpatient facility for patients receiving the routine level of hospice care.	53
	Health and Human Services	54
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HB10-1028	by Representative(s) Benefield, Massey, Peniston, Solano; also Senator(s) Hodge, Hudak, Steadman--Concerning a universal application for programs related to early childhood issues.	58
	Education	59
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HB10-1046	by Representative(s) Tyler; also Senator(s) Hudak--Concerning the recorded date of receipt of property tax payments by a county treasurer's office when the payment has no United States postal service postmark.	63
	Local Government and Energy	64
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		67
HB10-1055	by Representative(s) Kefalas; also Senator(s) Steadman--Concerning the requirement that fees for services rendered by a third party for collection of delinquent taxes be added to the total amount collected by the third party.	68
	Finance	69
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- HB10-1063** by Representative(s) Todd; also Senator(s) Gibbs--Concerning the authority for the publication of a legal notice in a newspaper without United States periodicals mailing privileges within a municipality where no newspaper that has such privileges is published within the municipality. 1
 State, Veterans & Military Affairs 2
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- HB10-1069** by Representative(s) Vigil; also Senator(s) Schwartz--Concerning the reclassification of Mineral county. 7
 Local Government and Energy 8
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THIRD READING OF BILLS -- FINAL PASSAGE

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent: 16
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- SB10-109** by Senator(s) Romer and Spence, Boyd, Bacon, Hodge, Hudak, Johnston, Tapia, Tochtrop; also Representative(s) Massey and McCann, Rice, Frangas, McFadyen--Concerning regulation of the physician-patient relationship for medical marijuana patients. 20
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The question being "Shall the bill pass?", the roll call was taken with the following result: 25
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YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	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 passed. 39
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Co-sponsors added: Foster, Newell and Williams. 41
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- SB10-001** by Senator(s) Shaffer B. and Penry, Bacon, Boyd, Brophy, Carroll M., Foster, Gibbs, Heath, Hodge, Hudak, Johnston, Keller, Kester, Morse, Newell, Romer, Sandoval, Schwartz, Steadman, Tapia, Tochtrop, Whitehead, Williams; also Representative(s) Kerr A.--Concerning modifications to the public employees' retirement association necessary to reach a one hundred percent funded ratio within the next thirty years. 44
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A majority of those elected to the Senate having voted in the affirmative, Senator Renfroe was given permission to offer a third reading amendment. 51
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Third Reading Amendment No. 1, by Senator Renfroe. 53
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Amend engrossed bill, page 10, strike lines 15 through 26 and substitute: 55
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"SECTION 4. Part 2 of article 51 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read: 57
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24-51-211.5. Notice of possible change in benefits - actuarial necessity. THE ASSOCIATION SHALL PROVIDE WRITTEN NOTICE TO EACH MEMBER, DPS MEMBER, AND INACTIVE MEMBER OF THE ASSOCIATION THAT THE POSSIBILITY OF AN ACTUARIAL NECESSITY COULD OCCUR IN THE FUTURE, AND THE GENERAL ASSEMBLY MAY MODIFY BY BILL THE BENEFITS ALLOWED TO MEMBERS OF THE DEFINED BENEFIT PLAN." 61
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Renumber succeeding sections accordingly. 68
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The amendment was passed on the following roll call vote:

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

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

YES	25	NO	10	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	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 passed.

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

SB10-015 by Senator(s) Renfroe, Kopp; also Representative(s) McNulty, Baumgardner, Frangas, McFadyen--Concerning behind-the-wheel training requirements necessary to receive a driver's license.

Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, January 27, page 97 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB10-016 by Senator(s) Williams, Romer, Spence; also Representative(s) Vaad, Fischer, Frangas, King S., McFadyen, McNulty, Merrifield, Tyler--Concerning modification of the manner in which a civil penalty assessment notice of toll evasion evidenced by automatic vehicle identification technology is provided to the owner of a vehicle so identified.

Laid over until Tuesday, February 2, retaining its place on the calendar.

SB10-055 by Senator(s) Harvey; --Concerning the receipt of donations by the division of motor vehicles in the department of revenue to be deposited in the Colorado state titling and registration account in the highway users tax fund.

Ordered engrossed and placed on the calendar for third reading and final passage.

SB10-034 by Senator(s) Whitehead; also Representative(s) Loooper--Concerning the administration of laws regulating pesticides, and, in connection therewith, amending the "Pesticide Act" to authorize the commissioner of the department of agriculture to inspect refillers, impose residue removal and record-keeping requirements, and set expiration dates for pesticide and

device registrations by rule.

Amendment No. 1, Agriculture & Natural Resources Committee Amendment.
(Printed in Senate Journal, January 28, page 108 and placed in members' bill files.)

Declared **lost** on second reading.

(For further action, see amendments to the report of the Committee of the Whole.)

SB10-042

by Senator(s) Schwartz; also Representative(s) Frangas and Kefalas--Concerning prior consent for release of financial information to facilitate investigations of financial exploitation of at-risk adults.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, January 28, pages 109-111 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB10-034

by Senator(s) Whitehead; also Representative(s) Looper--Concerning the administration of laws regulating pesticides, and, in connection therewith, amending the "Pesticide Act" to authorize the commissioner of the department of agriculture to inspect refillers, impose residue removal and record-keeping requirements, and set expiration dates for pesticide and device registrations by rule.

Senator Whitehead moved to amend the report of the Committee of the Whole to show that SB10-034, as amended, did pass.

Call of the Senate. Call raised.

A majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **passed** on the following roll call vote:

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Newell, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	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: SB10-015 as amended, SB10-055, SB10-034 as amended,

SB10-042 as amended.
Laid over until Tuesday, February 2 retaining its place on the Calendar: SB10-016.

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SENATE SERVICES REPORT

Correctly Printed: SB10-119.
Correctly Engrossed: SB10-001 and 109; SJR10-009.
Correctly Reengrossed: SB10-021, 022, 023 and 024.
Correctly Enrolled: SJR10-003.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR10-003.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, February 2, 2010.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate