

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

10th Legislative Day Friday, January 22, 2010

Prayer	By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.	11
Call to Order	By the President at 9:00 a.m.	13
Pledge	By Senator Newell.	16
Roll Call	Present--33. Excused--2, Boyd, Mitchell. Present later--1, Mitchell.	18
Quorum	The President announced a quorum present.	22
Reading of Journal	On motion of Senator Scheffel, reading of the Journal of Thursday, January 21, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.	24

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB10-047 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	33
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INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR10-006	by Senator(s) Schwartz; also Representative(s) Todd--Concerning the designation of "Colorado 4-H Day".	46
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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:

SB10-111	by Senator(s) King K., Bacon, Johnston, Scheffel, Schultheis, Spence, Steadman; also Representative(s) Massey, Summers, Gardner B., King S., McNulty, Middleton, Murray-- Concerning public schools that are authorized by the state charter school institute. Education	58
SB10-112	by Senator(s) Kopp, Carroll M.; --Concerning rate setting for workers' compensation insurance. Judiciary	63
SB10-113	by Senator(s) Schultheis, Harvey, Cadman, Renfroe, Lundberg, Mitchell, King K., Scheffel,	67

Brophy; also Representative(s) Nikkel, Stephens, Waller, Gardner C., Sonnenberg--
Concerning first degree murder of a fetus, and making an appropriation in connection
therewith.

State, Veterans & Military Affairs

SB10-114

by Senator(s) Carroll M.; also Representative(s) Weissmann--Concerning the "Colorado
Taxpayer Transparency Act of 2010".

Judiciary

MESSAGE FROM THE GOVERNOR

November 20, 2009

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

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of
Colorado, I have the honor to designate, appoint, reappoint and submit to your
consideration, the following:

**MEMBERS OF THE
COLORADO STATE FAIR AUTHORITY
BOARD OF COMMISSIONERS**

for terms expiring November 10, 2013:

Loren R. Whittemore of Rush, Colorado, a Republican residing in the 5th Congressional
District, reappointed;

Vincent L. Vigil of Pueblo, Colorado, a Democrat residing in the 3rd Congressional
District and the county of the fair, who has expertise in finance through management-level
experience in banking, reappointed;

David J. Galli of Pueblo, Colorado, a Democrat residing in the 3rd Congressional District
and the county of the fair, who has expertise in finance through management-level
experience in banking, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 12/1/09
Karen Goldman, Secretary of the Senate

Committee on Agriculture and Natural Resources

November 10, 2009

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

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of
Colorado, I have the honor to designate, appoint, reappoint and submit to your
consideration, the following:

**BOARD OF DIRECTORS OF DENVER METROPOLITAN
MAJOR LEAGUE STADIUM DISTRICT**

for terms expiring August 1, 2013:	1
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Raymond T. Baker of Lakewood, Colorado, reappointed;	3
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Wil Alston of Denver, Colorado, appointed;	5
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Ruben A. Valdez of Lakewood, Colorado, appointed;	7
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F. Robert Lee of Littleton, Colorado, reappointed;	9
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Patricia D. Baca of Denver, Colorado, reappointed;	11
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John P. Dikeou of Denver, Colorado, reappointed;	13
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Patricia G. Imhoff of Greenwood Village, Colorado, reappointed.	15
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Sincerely,	17
(signed)	18
Bill Ritter, Jr.	19
Governor	20
Rec'd: 11/19/09	21
Karen Goldman, Secretary of the Senate	22
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Committee on Business, Labor and Technology	24
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October 26, 2009	27
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To the Honorable	29
Colorado Senate	30
Colorado General Assembly	31
State Capitol Building	32
Denver, CO 80203	33
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Ladies and Gentlemen:	35
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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of	37
Colorado, I have the honor to designate, appoint, reappoint and submit to your	38
consideration, the following:	39
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MEMBERS OF THE	41
BOARD OF TRUSTEES FOR THE	42
<u>UNIVERSITY OF NORTHERN COLORADO</u>	43
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effective January 1, 2010 for terms expiring December 31, 2013:	45
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Richard L. Monfort of Greeley, Colorado, a Republican, reappointed;	47
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Denise L. St. Cyr of Parker, Colorado, a Republican, appointed.	49
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Sincerely,	51
(signed)	52
Bill Ritter, Jr.	53
Governor	54
Rec'd: 11/19/09	55
Karen Goldman, Secretary of the Senate	56
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Committee on Education	58
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November 3, 2009	61
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To the Honorable	63
Colorado Senate	64
Colorado General Assembly	65
State Capitol Building	66
Denver, CO 80203	67
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Ladies and Gentlemen:	69
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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of	71
Colorado, I have the honor to designate, appoint and submit to your consideration, the	72

following:

MEMBER OF THE
HIGHER EDUCATION COMPETITIVE RESEARCH AUTHORITY
BOARD OF DIRECTORS

for a term expiring August 21, 2011:

D. Rico Munn of Denver, Colorado, to fill the vacancy occasioned by the resignation of David Skaggs of Boulder, Colorado, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 12/8/09
Karen Goldman, Secretary of the Senate

Committee on Education

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

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

MEMBERS OF THE
HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD

for a term expiring at the pleasure of the Governor:

Bruce K. Alexander of Englewood, Colorado, to serve as the Chairman of the Hospital Provider Fee Oversight Committee, appointed;

for terms expiring May 15, 2011:

Joan F. Henneberry of Denver, Colorado, an employee of the state department, appointed;

Thomas N. Henton of Monte Vista, Colorado, an employee of a hospital in Colorado, appointed;

Thomas J. Nash of Denver, Colorado, a member of a statewide organization of hospitals, appointed;

Janet E. Pogar of Monument, Colorado, a member of a statewide organization of health insurance carriers, appointed;

for terms expiring May 15, 2012:

Robert W. Omer of Meeker, Colorado, an employee of a rural hospital in Colorado, appointed;

Randolph W. Safady of Parker, Colorado, an employee of a hospital in Colorado, appointed;

Menda K. Warne of Gilcrest, Colorado, a person with a disability, who is living with a disability, and who is not a representative or an employee of a hospital, health insurance carrier, or other health care industry entity, appointed;

for terms expiring May 15, 2013:

Bruce K. Alexander of Englewood, Colorado, a representative of a business that purchases or otherwise provides health insurance for its employees, appointed;

Dr. Jeremiah A. Bartley of Brighton, Colorado, a member of the health care industry who

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does not represent a hospital or health insurance carrier, appointed; 1

Lucille Gonzales of Pueblo, Colorado, a consumer of health care who is not a 2
representative or an employee of a hospital, health insurance carrier, or other health care 3
industry entity, appointed; 4
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Madeleine L. Roberson of Greenwood Village, Colorado, an employee of a hospital in 7
Colorado, appointed; 8
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James E. Shmerling of Denver, Colorado, an employee of a safety-net hospital in 10
Colorado, appointed; 11
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Christopher W. Underwood of Evergreen, Colorado, an employee of the state department, 13
appointed. 14
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Sincerely, 16
(signed) 17
Bill Ritter, Jr. 18
Governor 19
Rec'd: 5/26/09 20
Karen Goldman, Secretary of the Senate 21
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Committee on Health and Human Services 23
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July 2, 2009 25
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To the Honorable 27
Colorado Senate 28
Colorado General Assembly 29
State Capitol Building 30
Denver, CO 80203 31
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Ladies and Gentlemen: 33
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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of 35
Colorado, I have the honor to designate, appoint, and submit to your consideration, the 36
following: 37
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MEMBERS OF THE 39
HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD 40
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for a term expiring May 15, 2013: 42
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Flora Rodriguez Russel of Lakewood, Colorado, a consumer of health care who is not a 44
representative or an employee of a hospital, health insurance carrier, or other health care 45
industry entity, to fill the vacancy occasioned by the resignation of Lucille Gonzales of 46
Pueblo, Colorado, appointed. 47
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Sincerely, 49
(signed) 50
Bill Ritter, Jr. 51
Governor 52
Rec'd: 7/15/09 53
Karen Goldman, Secretary of the Senate 54
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Committee on Health and Human Services 56
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September 11, 2009 59
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To the Honorable 61
Colorado Senate 62
Colorado General Assembly 63
State Capitol Building 64
Denver, CO 80203 65
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Ladies and Gentlemen: 67
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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of 69
Colorado, I have the honor to designate, appoint, and submit to your consideration, the 70
following: 71
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MEMBER OF THE
HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD

for a term expiring May 15, 2011:

Ann M. King of Denver, Colorado, a member of a statewide organization of hospitals, to fill the vacancy occasioned by the resignation of Thomas J. Nash of Denver, Colorado, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 9/15/09
Cindi Markwell, Asst. Secretary

Committee on Health and Human Services

October 6, 2009

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

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

MEMBER OF THE
HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD

for a term expiring May 15, 2011:

Philip B. Kalin of Denver, Colorado, an employee of the state department, to fill the vacancy occasioned by the resignation of Joan F. Henneberry of Denver, Colorado, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 10/15/09
Cindi Markwell, Asst. Secretary

Committee on Health and Human Services

June 5, 2009

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

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration the following:

MEMBER OF THE
BOARD OF COMMISSIONERS OF STATE AND
VETERANS NURSING HOMES

for a term expiring July 1, 2013:

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Virginia A. Bedford of Denver, Colorado, who has expertise in nursing home operations and who has experience in multi-facility management of nursing homes, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 6/17/09
Karen Goldman, Secretary of the Senate

Committee on State, Veterans, and Military Affairs

August 24, 2009

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

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration the following:

MEMBER OF THE
BOARD OF COMMISSIONERS OF STATE AND
VETERANS NURSING HOMES

for a term expiring July 1, 2011:

James C. Bobick of Aurora, Colorado, a veteran and the designee of the State Board of Veterans Affairs.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 9/3/09
Cindi Markwell, Asst. Secretary

Committee on State, Veterans, and Military Affairs

SENATE SERVICES REPORT

Correctly Enrolled: SR10-001, 002 and 004.

Committee of the Whole On motion of Senator Sandoval, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Sandoval 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 bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB10-031 by Senator(s) Scheffel; also Representative(s) Rice--Concerning a prohibition against the inclusion of facilities that offer gambling-related activities in a regional tourism project for purposes of the "Colorado Regional Tourism Act".

Ordered engrossed 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 Sandoval, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	E	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	E	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB10-031.

Committee of the Whole

On motion of Senator Sandoval, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Sandoval 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 bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB10-035

by Senator(s) Newell; also Representative(s) Bradford--Concerning automatic enrollment in employee retirement plans.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, January 20, page 48 and placed in members' bill files.)

As amended, ordered engrossed 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 Sandoval, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	E	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	E	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB10-035 as amended

CONSIDERATION OF RESOLUTIONS

SR10-003

by Senator(s) Morse; --Concerning amendments to the rules of the Senate.

Laid over until Saturday, May 15.

SR10-005 by Senator(s) Spence; --Concerning amendments to the rules of the Senate, and, in connection therewith, providing for a line of succession for the secretary of the Senate and addressing questions of parliamentary authority.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	E	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		

Co-sponsors added: Sandoval

SJR10-003 by Senator(s) Sandoval; also Representative(s) Judd--Concerning the certification by the general assembly of its estimate of state general fund revenues and allowable state general fund appropriations for the 2010-11 fiscal year.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	E	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		

COMMITTEE OF REFERENCE REPORTS

Local Government and Energy After consideration on the merits, the Committee recommends that **SB10-053** be referred to the Committee of the Whole with favorable recommendation.

Local Government and Energy After consideration on the merits, the Committee recommends that **SB10-019** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 6, after "(2.7)" insert "(a)".

Page 2, line 11, strike "FIVE" and substitute "TWO".

Page 2, after line 13 insert:

"(b) FOR PURPOSES OF THIS SUBSECTION (2.7), "NEW FACILITY" INCLUDES A COMBINED FACILITY THAT IS A COMBINATION OF A FACILITY PLACED IN PRODUCTION BEFORE JANUARY 1, 2010, THAT USES REAL AND PERSONAL PROPERTY TO GENERATE AND DELIVER TO THE INTERCONNECTION METER ANY SOURCE OF ELECTRIC OR MECHANICAL

ENERGY BY HARNESSING THE KINETIC ENERGY OF WATER AND THAT IS NOT PRIMARILY DESIGNED TO SUPPLY ENERGY FOR CONSUMPTION ON SITE AND AN ADDITION OR ENERGY EFFICIENCY IMPROVEMENT TO THE FACILITY FIRST PLACED IN PRODUCTION ON OR AFTER JANUARY 1, 2010, IF:

(I) THE ADDITION OR EFFICIENCY IMPROVEMENT INCREASES THE ELECTRICAL OR MECHANICAL ENERGY-PRODUCING CAPACITY OF THE COMBINED FACILITY BY AT LEAST TWENTY-FIVE PERCENT OVER THE CAPACITY OF THE FACILITY PLACED IN PRODUCTION BEFORE JANUARY 1, 2010, ALONE; AND

(II) THE COMBINED FACILITY GENERATES AND DELIVERS TO THE INTERCONNECTION METER A TOTAL AMOUNT OF ELECTRICAL OR MECHANICAL ENERGY IN EXCESS OF TWO MEGAWATTS."

Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that SB10-037 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that SB10-038 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that SB10-052 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 8, strike "10-____," and substitute "10-052,".

MESSAGE FROM THE HOUSE

January 22, 2010

The House has adopted and transmits herewith HJR10-1003, and amended as printed in House Journal, January 22.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR10-1003 by Representative(s) Kefalas; also Senator(s) Tochtrop--Concerning the tragic earthquake in Haiti.

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

Table with 8 columns: YES (34), NO (0), EXCUSED (1), ABSENT (0), and names of senators (Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath, Hodge, Hudak, Johnston, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Spence, Steadman, Tapia, Tochtrop, White, Whitehead, Williams, President).

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

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, January 25,
2010.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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