

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

13th Legislative Day Monday, January 25, 2010

Prayer	By the chaplain, Reverend Dwight Blackstock, Retired, Presbyterian Church, Denver.	1 2 3 4 5 6 7 8 9 10 11
Call to Order	By the President at 10:00 a.m.	12 13 14 15
Pledge	By Senator Kester.	16 17
Roll Call	Present--32. Excused--3, Brophy, Romer, Spence. Present later--3, Brophy, Romer, Spence.	18 19 20 21 22
Quorum	The President announced a quorum present.	23 24
Reading of Journal	On motion of Senator Whitehead, reading of the Journal of Friday, January 22, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.	25 26 27

 Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

January 22, 2010
 The House has adopted and returns herewith SJR10-002.

January 25, 2010
 The House has adopted and transmits herewith HJR10-1004, 1005, 1006, 1007, 1008 as printed in House Journal, January 25.

COMMITTEE OF REFERENCE REPORTS

Education	After consideration on the merits, the Committee recommends that SB10-008 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67
	Amend printed bill, page 2, line 5, after "(1)" insert "(a)".	
	Page 2, strike line 7 and substitute "PRIVATE OR PRIVATE NONPROFIT COLORADO-BASED EDUCATION POLICY OR RESEARCH ORGANIZATION TO CONDUCT A STUDY TO EVALUATE THE".	
	Page 2, line 8, strike "FEASABILITY," and substitute "FEASIBILITY, LOCAL EDUCATION PROVIDER".	
	Page 3, line 3, after the period insert "THE DEPARTMENT SHALL AWARD THE CONTRACT BASED ON A COMPETITIVE BID; EXCEPT THAT THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., SHALL NOT APPLY TO THIS CONTRACT. THE	

DEPARTMENT SHALL AWARD THE CONTRACT NO LATER THAN SIXTY DAYS AFTER THE DATE THAT THE DEPARTMENT RECEIVES MONEYS TO CONDUCT THE STUDY PURSUANT TO SUBSECTION (2) OF THIS SECTION, AS INCLUDED IN THE NOTICE REQUIRED PURSUANT TO SUBSECTION (4) OF THIS SECTION."

Page 3, after line 6 insert:

"(b) FOR THE PURPOSES OF THIS SECTION, "LOCAL EDUCATION PROVIDER IMPACT" MEANS THE IMPACT ON A LOCAL EDUCATION PROVIDER AS DEFINED IN SECTION 22-35-103, AND SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FISCAL IMPACT OF A NEW STUDENT COUNT METHOD, THE PROJECTED CHANGE IN A LOCAL EDUCATION PROVIDER'S FUNDED PUPIL COUNTS, THE ADMINISTRATIVE IMPACT OF A NEW STUDENT COUNT METHOD, NECESSARY STAFFING CHANGES THAT WOULD RESULT FROM A CHANGE IN THE STUDENT COUNT METHOD, AND NECESSARY INFORMATION TECHNOLOGY CHANGES THAT WOULD BE NECESSARY TO GATHER AND TRANSMIT DATA REQUIRED FOR THE NEW STUDENT COUNT METHOD."

Page 3, line 8, after "FEASIBILITY," insert "LOCAL EDUCATION PROVIDER".

Page 4, line 2, after "STUDY." add "UPON CONCLUSION OF THE STUDY, THE DEPARTMENT SHALL SUBMIT ITS FINDINGS TO THE EDUCATION DATA ADVISORY COMMITTEE CREATED IN SECTION 22-2-304 FOR REVIEW AND SHALL INCLUDE ANY COMMENTS OR RECOMMENDATIONS FROM THE ADVISORY COMMITTEE IN THE REPORT SUBMITTED TO THE GENERAL ASSEMBLY PURSUANT TO SUBSECTION (5) OF THIS SECTION."

Page 3, strike lines 10 through 21 and substitute "ENROLLMENT PURSUANT TO THIS SECTION ONLY IF THE DEPARTMENT RECEIVES GIFTS, GRANTS, OR".

Page 4, after line 10 insert:

"(5) AN ADVISORY COMMITTEE SHALL BE APPOINTED PURSUANT TO SUBSECTION (6) OF THIS SECTION. THE ENTITY CONDUCTING THE STUDY SHALL CONSULT WITH THE ADVISORY COMMITTEE. THE AREAS OF STUDY SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(a) RESEARCH REGARDING THE INCENTIVES OF COUNT DATES ON SCHOOL ATTENDANCE AND ENROLLMENT;

(b) THE ADVANTAGES AND DISADVANTAGES OF DIFFERENT STUDENT ENROLLMENT COUNT METHODS;

(c) POLICIES IN OTHER STATES REGARDING STUDENT ENROLLMENT COUNTS AND THE EFFECTS OF THOSE POLICIES;

(d) A COST ANALYSIS OF DEVELOPING A DATA SYSTEM TO IMPLEMENT AN ALTERNATIVE COUNT DATE SYSTEM TO THE SYSTEM SPECIFIED IN THIS ARTICLE;

(e) THE EFFECTS THAT ALTERNATIVE COUNT DATE MECHANISMS WOULD HAVE ON THE AMOUNT OF FUNDING THAT LOCAL EDUCATION PROVIDERS RECEIVE INDIVIDUALLY AND STATEWIDE;

(f) VARIOUS METHODS AND TIMELINESS FOR IMPLEMENTING AN ALTERNATIVE COUNT DATE MECHANISM; AND

(g) INPUT FROM THE ADVISORY COMMITTEE.

(6) (a) THE ADVISORY COMMITTEE SHALL BE COMPRISED OF FIFTEEN MEMBERS AS SPECIFIED IN THIS SUBSECTION (6).

(b) THE PRESIDENT OF THE SENATE SHALL APPOINT THE FOLLOWING SIX ADVISORY COMMITTEE MEMBERS:

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- (I) ONE MEMBER OF THE SENATE;
- (II) ONE REPRESENTATIVE OF THE OFFICE OF THE GOVERNOR;
- (III) ONE REPRESENTATIVE OF THE DEPARTMENT OF EDUCATION;
- (IV) ONE REPRESENTATIVE OF A NATIONAL EDUCATION RESEARCH OR POLICY ORGANIZATION; AND
- (V) TWO REPRESENTATIVES OF A COLORADO-BASED EDUCATION RESEARCH, POLICY, OR ADVOCACY ORGANIZATION.

(c) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT THE FOLLOWING SEVEN ADVISORY COMMITTEE MEMBERS:

- (I) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES;
- (II) ONE MEMBER OF THE STATE BOARD;
- (III) ONE REPRESENTATIVE OF A COLORADO-BASED EDUCATION RESEARCH, POLICY, OR ADVOCACY ORGANIZATION;
- (IV) TWO REPRESENTATIVES OF AN ORGANIZATION REPRESENTING DISTRICT ADMINISTRATORS, WITH ONE FROM AN URBAN DISTRICT AND ONE FROM A RURAL DISTRICT; AND
- (V) TWO REPRESENTATIVES OF AN ORGANIZATION REPRESENTING LOCAL BOARDS OF EDUCATION, WITH ONE FROM AN URBAN DISTRICT AND ONE FROM A RURAL DISTRICT.

(d) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT ONE MEMBER OF THE HOUSE OF REPRESENTATIVES TO THE ADVISORY COMMITTEE.

(e) THE MINORITY LEADER OF THE SENATE SHALL APPOINT ONE MEMBER OF THE SENATE TO THE ADVISORY COMMITTEE.

(7) THE PRIVATE OR PRIVATE NONPROFIT ORGANIZATION WITH WHICH THE DEPARTMENT OF EDUCATION CONTRACTS TO CONDUCT THE STUDY SHALL PROVIDE THE NECESSARY STAFF SUPPORT AND ADMINISTRATIVE SERVICES TO THE ADVISORY COMMITTEE APPOINTED PURSUANT TO THIS SECTION. THE ADVISORY COMMITTEE MEMBERS MAY BE REIMBURSED FOR THEIR ACTUAL EXPENSES INCURRED IN CONNECTION WITH SERVING ON THE ADVISORY COMMITTEE BUT SHALL NOT RECEIVE ANY ADDITIONAL PAYMENT OR COMPENSATION IN CONNECTION WITH SUCH SERVICE."

Renumber succeeding subsections accordingly.

Page 4, line 12, before "MEMBERS" insert "OFFICE OF THE GOVERNOR, THE STATE BOARD, AND THE".

Page 4, line 15, strike "TWO YEARS AFTER".

Page 4, strike lines 16 and 17 and substitute "JANUARY 15, 2011".

Page 4, line 26, strike "(7)" and substitute "(10)".

Page 5, line 1, strike "(7)." and substitute "(10)".

Page 5, line 6, strike "(7)." and substitute "(10)".

Page 5, line 10, strike "SECTION." and substitute "SECTION; EXCEPT THAT THE GENERAL ASSEMBLY MAY APPROPRIATE UP TO THREE PERCENT OF THE MONEYS IN THE FUND TO THE DEPARTMENT OF EDUCATION FOR THE ADMINISTRATIVE AND INDIRECT COSTS INCURRED BY THE DEPARTMENT

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IN CONNECTION WITH THE STUDY REQUIRED PURSUANT TO THIS SECTION."

Page 5, line 13, strike "THREE YEARS" and substitute "ONE YEAR".

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR10-007 by Senator(s) White; also Representative(s) Scanlan--Concerning the SnowSports Industries America Snow Show.

Laid over until Wednesday, January 27, retaining its place on the calendar.

INTRODUCTION OF BILLS -- FIRST READING

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

SB10-115 by Senator(s) Tochtrop, Bacon, Carroll M., Williams; also Representative(s) Primavera-- Concerning the authority of licensed health care facilities to redispense unused medications. Health and Human Services

MESSAGE FROM THE GOVERNOR

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, reappointed and submit to your consideration, the following:

MEMBERS OF THE
STATE BOARD OF LAND COMMISSIONERS

for terms expiring June 30, 2013:

Sandra A. Leinsdorf of Crested Butte, Colorado, a person with substantial experience in production agriculture and a Democrat, appointed;

Buck Blessing of Colorado Springs, Colorado, a citizen at large and an Unaffiliated, appointed;

Thomas R. Hoyt of Boulder, Colorado, a person with substantial experience in natural resource conservation and a Democrat, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor

Rec'd: 9/3/09

Cindi Markwell, Asst. Secretary

Committee on Agriculture and Natural Resources

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January 11, 2010

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:

MEMBERS OF THE
COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY

for terms expiring October 1, 2013:

Honorable Douglas B. Monger of Hayden, Colorado, to serve as a representative of the Yampa White Drainage Basin, and planning and development, reappointed;

Ann E. Nichols of Manitou Springs, Colorado, to serve as a representative of the Arkansas Drainage Basin, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/20/10
Karen Goldman, Secretary of the Senate

Committee on Agriculture and Natural Resources

June 9, 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
COLORADO LOTTERY COMMISSION

for a term expiring July 1, 2013:

Henry R. Reeve of Denver, Colorado, an attorney admitted to the practice of law in Colorado for not less than five years, reappointed.

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

Committee on Business, Labor and Technology

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November 17, 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:

MEMBERS OF THE
COLORADO COMMISSION ON HIGHER EDUCATION

for terms expiring July 1, 2013:

Regina M. Rodriguez of Denver, Colorado, a resident of the 7th Congressional District and a Democrat, appointed;

David L. Edwards of Fort Collins, Colorado, a resident of the 4th Congressional District and an Unaffiliated, appointed.

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

Committee on Education

September 11, 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
AIR QUALITY CONTROL COMMISSION

for a term expiring January 31, 2011:

John H. Loewy of Greenwood Village, Colorado, a Democrat with appropriate legal training and experience, to fill the vacancy occasioned by the resignation of Cynthia S. Peterson of Littleton, Colorado, appointed.

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

Committee on Health and Human Services

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September 29, 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:

MEMBERS OF THE
SOLID AND HAZARDOUS WASTE COMMISSION

for terms expiring August 1, 2010:

Thomas S. Schweitzer of Castle Rock, Colorado, to serve as a representative from the regulated community and as a Republican, reappointed;

Frederick S. Myers of Castle Rock, Colorado, to serve as a member of the public and as a Democrat, reappointed;

Christopher J. Neumann of Denver, Colorado, to serve as a representative of the government or academic community and as a Republican, reappointed;

for terms expiring August 1, 2012:

William N. Patterson of Montrose, Colorado, to serve as a representative of the government or academic community and as a Democrat, reappointed;

Ann C. Umphres of Golden, Colorado, to serve as a member of the public and as a Democrat, reappointed;

Melanie J. Granberg of Denver, Colorado, to serve as a representative from the regulated community and as an Unaffiliated, reappointed.

Sincerely,
(signed)

Bill Ritter, Jr.
Governor

Rec'd: 10/6/09

Karen Goldman, Secretary of the Senate

Committee on Health and Human Services

October 26, 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
FIRE AND POLICE PENSION ASSOCIATION
BOARD OF DIRECTORS

for a term expiring September 1, 2010:

Jack E. Blumenthal of Denver, Colorado, a person from the state's financial or business community experienced in personnel or corporate administration, to fill the vacancy occasioned by the resignation of Mark S. Sunderhuse of Evergreen, Colorado, appointed;

for terms expiring September 1, 2013:

Todd A. Bower of Denver, Colorado, a full-time paid firefighter, reappointed;

Lyle D. Hesalroad of Golden, Colorado, a retired police officer, appointed.

Sincerely,
(signed)

Bill Ritter, Jr.

Governor

Rec'd: 11/4/09

Karen Goldman, Secretary of the Senate

Committee on State, Veterans and Military Affairs

SENATE SERVICES REPORT

Correctly Printed: SB10-111, 112, 113 and 114; SJR10-007.

Correctly Engrossed: SB10-031 and 035; SJR10-003; SR10-005.

Correctly Revised: HJR10-1003.

Call of the Senate.

Call raised.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of resolutions.

CONSIDERATION OF RESOLUTIONS

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

On motion of Senator Schwartz, the resolution was read at length and **adopted** by 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		

Co-sponsors added: 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, Shaffer B., Spence, Steadman, Tapia, Tochtrop, White, Whitehead and Williams.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of governor's appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

**MEMBER OF THE
COLORADO WATER CONSERVATION BOARD**

for a term expiring February 12, 2011:

April D. Montgomery of Norwood, Colorado, a resident of the San Miguel-Dolores-San Juan drainage basin and a Democrat, to fill the vacancy occasioned by the resignation of Bruce T. Whitehead of Hesperus, Colorado, appointed.

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		

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Monday, January 25 was laid over until Tuesday, January 26, retaining its place on the calendar.

- Third Reading of Bills -- Final Passage -- Consent Calendar: SB10-031.
- Third Reading of Bills -- Final Passage: SB10-035.
- General Orders -- Second Reading of Bills -- Consent Calendar: SB10-014, SB10-010, SB10-018.
- General Orders -- Second Reading of Bills: SB10-049, SB10-043.
- Consideration of Governor's Appointments:
 - Executive Director of the Colorado Department of Natural Resources
 - Executive Director of the Department of Public Health and Environment

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, January 26, 2010.

Approved:

Betty Boyd
President *pro tem* of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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