

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

34th Legislative Day

Monday, February 15, 2010

Prayer	By the chaplain, Reverend Dwight Blackstock, Retired, Presbyterian Church, Denver.	11
Call to Order	By the President at 10:00 a.m.	13
Pledge	By Senator Sandoval.	16
Roll Call	Present--34. Excused--1, Tapia.	18
Quorum	The President announced a quorum present.	21
Reading of Journal	On motion of Senator Hudak, reading of the Journal of Friday, February 12, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.	23

MESSAGE FROM THE HOUSE

February 12, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1002.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
 HB10-1043, amended as printed in House Journal, February 10, pages 281-282.
 HB10-1011, amended as printed in House Journal, February 10, page 282.
 HB10-1030, amended as printed in House Journal, February 10, page 282.
 HB10-1058, amended as printed in House Journal, February 10, pages 282-283.
 HB10-1197, amended as printed in House Journal, February 10, page 283.
 HB10-1001, amended as printed in House Journal, February 11, page 296.

The House has adopted and returns herewith SJR10-012.

MESSAGE FROM THE REVISOR OF STATUTES

February 12, 2010

We herewith transmit:

Without comment, HB10-1002.

Without comment, as amended, HB10-1043, 1011, 1030, 1058, 1197, and 1001.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR10-013 by Senator(s) Heath, Bacon, Hudak, King K., Newell, Romer, Spence, Steadman, Williams; also Representative(s) Miklosi and Summers, Court, Todd, Benefield, Massey, Merrifield, Middleton, Murray, Peniston, Scanlan, Schafer S., Solano, Tipton--Concerning recognition of career and technical education month.

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

COMMITTEE OF REFERENCE REPORTS

Education

The Committee on Education has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE

for a term expiring December 31, 2012:

Heidi P. Van Huysen of Denver, Colorado, a Democrat, to fill the vacancy occasioned by the resignation of Mark R. Larson of Denver, Colorado, appointed;

for terms expiring December 31, 2013:

Karen D. Wilde of Aurora, Colorado, a Democrat, reappointed.

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:

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.

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

Table with 8 columns: YES, NO, EXCUSED, ABSENT and 8 rows of member names and their votes.

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

SB10-100

by Senator(s) Schwartz, Carroll M., Foster, Gibbs, Heath, Newell, Romer; also Representative(s) Miklosi--Concerning greater financing flexibility for local districts organized for purposes related to energy.

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

Table with 8 columns: YES, NO, EXCUSED, ABSENT and 8 rows of member names and their votes.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

SB10-099 by Senator(s) Cadman, Morse, Penry; also Representative(s) Weissmann--Concerning the acceptance by members of the general assembly from a joint governmental agency of this state of the payment of or reimbursement for certain expenses related to the member's attendance at a meeting of the joint governmental agency.

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

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	E
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		

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

SB10-040 by Senator(s) Tochtrop; also Representative(s) Merrifield--Concerning motorcycle safety education programs.

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

YES	27	NO	7	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	N	Tapia	E
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	Y	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	Y	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.

Co-sponsors added: Hodge, Johnston, Newell, Romer, Shaffer B., Whitehead and Williams.

SB10-097 by Senator(s) Boyd; also Representative(s) Gagliardi--Concerning the method by which a county home rule charter commission is created for the purpose of proposing a home rule charter.

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

YES	24	NO	10	EXCUSED	1	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	E
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.

Co-sponsors added: Hudak and Romer.

SB10-056 by Senator(s) Boyd; also Representative(s) Riesberg--Concerning developing standardized immunization information to provide to parents.

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

YES	27	NO	7	EXCUSED	1	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	E
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	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Hudak, Johnston, Morse, Newell, Penry, Romer, Shaffer B., Tochtrop and Williams.

SB10-027 by Senator(s) Sandoval; also Representative(s) Roberts--Concerning a fine for the unauthorized diversion of surface water.

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

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	E
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		

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

Co-sponsors added: Brophy, Hodge, Romer and Whitehead.

SB10-008 by Senator(s) Johnston, Romer; also Representative(s) Scanlan, Massey, Middleton--Concerning a study to evaluate the feasibility of a system to determine pupil enrollment for purposes of the "Public School Finance Act of 1994" based on the average daily membership of pupils in school districts.

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

YES	33	NO	1	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	E
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	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Bacon, Boyd, Gibbs, Harvey, Heath, Hodge, Keller, Kester, Morse, Newell, Penry, Schwartz, Shaffer B., Spence, Whitehead and Williams.

SB10-058 by Senator(s) Tapia; also Representative(s) Ferrandino--Concerning the eligibility requirements for the nursing teacher loan forgiveness pilot program.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

YES	34	NO	0	EXCUSED	1	ABSENT	0	
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y	2
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y	3
Brophy	Y	Johnston	Y	Penry	Y	Tapia	E	4
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y	5
Carroll M.	Y	Kester	Y	Romer	Y	White	Y	6
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y	7
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y	8
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y	9
Heath	Y	Mitchell	Y	Schwartz	Y			10

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

Co-sponsors added: Bacon, Boyd, Brophy, Foster, Gibbs, Heath, Hodge, Hudak, Johnston, Keller, Kester, King K., Mitchell, Morse, Newell, Penry, Romer, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, Whitehead and Williams.

Committee of the Whole On motion of Senator Johnston, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Johnston was called to the Chair to act as Chairman.

**GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB10-082 by Senator(s) Whitehead; also Representative(s) Roberts--Concerning the Southern Ute Indian tribe/state of Colorado environmental commission, and, in connection therewith, repealing term limits applicable to the commission and repealing a moot condition related to the repeal of the commission.

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

SB10-060 by Senator(s) Morse, Carroll M., Mitchell, Schwartz; also Representative(s) Labuda, Gardner B., Kagan, Levy, Roberts--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

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

SB10-032 by Senator(s) Tapia; also Representative(s) Lambert--Concerning the authorization of amendments to existing state information technology contracts for purposes of furthering consolidation of the management of state agency information technology resources in the office of information technology.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, February 11, pages 219-220 and placed in members' bill files.)

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

SB10-130 by Senator(s) Kester; also Representative(s) McCann--Concerning the allocation of powers within the department of corrections.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 11, pages 221-222 and placed in members' bill files.)

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

HB10-1039 by Representative(s) Gardner B., Kagan, Labuda, Levy, Roberts; also Senator(s) Brophy, Carroll M., Mitchell, Morse, Schwartz--Concerning the enactment of Colorado Revised Statutes 2009 as the positive and statutory law of the state of Colorado.

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

On motion of Senator Johnston, 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	E
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 Committee of the Whole took the following action:

Passed on second reading: SB10-082, SB10-060, SB10-032 as amended, SB10-130 as amended, HB10-1039.

Committee of the Whole

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

SB10-114 by Senator(s) Carroll M.; also Representative(s) Weissmann--Concerning the "Colorado Taxpayer Transparency Act of 2010".

Laid over until Tuesday, February 16, retaining its place on the calendar.

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.

As amended, laid over until Friday, February 19, retaining its place on the calendar.

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.

Amendment No. 1(L.001), by Senator Hudak.

Amend reengrossed bill, page 2, line 11, after "PAYMENT" insert "IS RECEIVED THROUGH THE MAIL OR A COMMON CARRIER BUT".

Page 2, line 15, after the second "PAYMENT" insert "IS RECEIVED THROUGH THE MAIL OR A COMMON CARRIER BUT".

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

HB10-1069 by Representative(s) Vigil; also Senator(s) Schwartz--Concerning the reclassification of Mineral county.

Laid over until Monday, March 15, retaining its place on the calendar.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

SB10-083 by Senator(s) Kester; also Representative(s) Middleton--Concerning the enforcement of federal law pertaining to the extension of credit for the sale of alcohol beverages. 1
2
3
Amendment No. 1, Business, Labor & Technology Committee Amendment. 4
(Printed in Senate Journal, February 11, pages 213-214 and placed in members' bill files.) 5
6
As amended, ordered engrossed and placed on the calendar for third reading and final 7
passage. 8
9

SB10-159 by Senator(s) Foster; also Representative(s) Miklosi--Concerning defendant's statements at a community corrections hearing. 10
11
12
Amendment No. 1, Judiciary Committee Amendment. 13
(Printed in Senate Journal, February 11, page 222 and placed in members' bill files.) 14
15
Amendment No. 2(L.001), by Senator Foster. 16
17

Amend printed bill, page 2, line 21, after "(b)" insert "(I)". 18
19

Page 2, line 22, after "PROVIDE" insert "TIMELY". 20
21

Page 3, after line 1 insert: 22
23

(II) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE 24
THE DEPARTMENT OF CORRECTIONS OR A COMMUNITY CORRECTIONS 25
BOARD TO PROVIDE TRANSPORTATION OR MAKE ARRANGEMENTS FOR THE 26
APPEARANCE AT A COMMUNITY CORRECTIONS HEARING OF AN OFFENDER 27
OR THE PERSON DESIGNATED BY THE OFFENDER PURSUANT TO 28
SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (2) TO GIVE 29
AN ORAL STATEMENT ON THE OFFENDER'S BEHALF." 30
31

As amended, ordered engrossed and placed on the calendar for third reading and final 32
passage. 33
34
35
36

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE 37

On motion of Senator Johnston, the report of the Committee of the Whole was **adopted** 38
on the following roll call vote: 39
40

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	E
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 Committee of the Whole took the following action: 51
52
53

Passed on second reading: SB10-083 as amended, SB10-159 as amended, HB10-1046 as 54
amended. 55

Laid over until Tuesday, February 16 retaining its place on the Calendar: SB10-114. 56
57

Laid over until Friday, February 19 retaining its place on the Calendar: HB10-1055 as 58
amended. 59

Laid over until Monday, March 15 retaining its place on the Calendar: HB10-1069. 60
61

RECONSIDERATION OF SB10-058 62
63

SB10-058 by Senator(s) Tapia; also Representative(s) Ferrandino--Concerning the eligibility 64
requirements for the nursing teacher loan forgiveness pilot program. 65
66

Having voted on the prevailing side, Senator Schultheis moved for reconsideration of the 67
last Senate action, Third Reading of bills, on **SB10-058**. A majority of all members 68
69

elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE

SB10-058 by Senator(s) Tapia; also Representative(s) Ferrandino--Concerning the eligibility requirements for the nursing teacher loan forgiveness pilot program.

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

YES	31	NO	3	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	E
Cadman	N	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	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

**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.

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	E
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		

SENATE SERVICES REPORT

Correctly Engrossed: SB10-008, 016, 027, 040, 056, 058, 097, 099 and 100; SJR10-012.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, February 16, 2010.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18