

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

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36th Legislative Day Wednesday, February 17, 2010

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Prayer By the chaplain, Reverend Vern Rempel, First Mennonite Church of Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Anthony Abbruzzese, Denver.

Roll Call Present--32.  
Excused--3, Kopp, Spence, Steadman.  
Present later--3, Kopp, Spence, Steadman.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hudak, reading of the Journal of Tuesday, February 16, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.

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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**

**SJR10-014** by Senator(s) Newell; also Representative(s) Gerou--Concerning Awareness Day for Individuals with Developmental Disabilities.

On motion of Senator Newell, 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, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Steadman, Tapia, Tochtrop, White, Whitehead and Williams.

**MESSAGE FROM THE HOUSE**

February 16, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1097, amended as printed in House Journal, February 12, page 321.  
HB10-1188, amended as printed in House Journal, February 12, page 321.  
The House has passed on Third Reading and returns herewith SB10-001.

The House has voted to concur in the Senate amendments to HB10-1189, 1190, 1191, 1192, 1193, 1194, 1195, 1199 and has repassed the bills as so amended.

MESSAGE FROM THE REVISOR OF STATUTES

February 16, 2010

We herewith transmit:

Without comment, as amended, HB10-1097 and 1188.

COMMITTEE OF REFERENCE REPORTS

Local Government and Energy

After consideration on the merits, the Committee recommends that SB10-142 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local Government and Energy

After consideration on the merits, the Committee recommends that HB10-1095 be referred to the Committee of the Whole with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that SB10-122 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 14, strike "BY \_\_\_\_\_ BILL 10-\_\_\_\_\_" and substitute "BY SENATE BILL 10-122, ENACTED IN 2010,".

Finance

After consideration on the merits, the Committee recommends that SB10-112 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, line 13, strike "effective date. This" and substitute "specified effective date. (1) Except as provided in subsection (2) of this section, this".

Page 4, after line 22 insert:

"(2) Section 1 of this act shall take effect January 1, 2011.".

Finance

After consideration on the merits, the Committee recommends that SB10-143 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 10, strike "ON OR AFTER" and substitute "PRIOR TO".

Page 2, line 12, after "RECEIVED." add "THE SECRETARY OF STATE SHALL TRANSFER ANY ERRONEOUSLY COLLECTED MONEYS TO THE UNCLAIMED PROPERTY TRUST FUND CREATED IN ARTICLE 13 OF TITLE 38, C.R.S., IF:

(A) THE ERRONEOUSLY COLLECTED MONEYS GO UNCLAIMED FOR MORE THAN ONE YEAR AFTER THE CONTROLLER HAS DRAWN THE WARRANT TO REFUND SUCH MONEYS;

(B) THE SECRETARY OF STATE CANNOT DETERMINE AN ADDRESS FOR THE INTENDED RECIPIENT OF THE ERRONEOUSLY COLLECTED MONEYS; OR

(C) THE SECRETARY OF STATE DETERMINES THAT THE AMOUNT OF

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THE ERRONEOUSLY COLLECTED MONEYS OWED TO A RECIPIENT IS SO SMALL AS TO MAKE THE REFUND PROCESS COST-PROHIBITIVE."

Finance

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

MEMBER OF THE SECURITIES BOARD

for a term expiring July 1, 2012:

E. Lee Reichert of Denver, Colorado, who is licensed by the state supreme court to practice law in the state of Colorado and who is conversant in securities law, reappointed;

Business, Labor, & Technology

After consideration on the merits, the Committee recommends that **SB10-133** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 5, strike "JANUARY 1, 2010," and substitute "THE EFFECTIVE DATE OF THIS SECTION".

Business, Labor, & Technology

After consideration on the merits, the Committee recommends that **SB10-048** 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 8, strike "THREE YEARS." and substitute "TWELVE MONTHS."

Page 2, strike lines 13 through 17 and substitute:

"(g) IF THE TRANSACTION IS MORE THAN THREE HUNDRED DOLLARS, THE OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER SHALL PAY THE SELLER OF A COMMODITY METAL BY CHECK UNLESS THE SELLER IS PAID BY MEANS OF AN AUTOMATIC CASH MACHINE THAT TAKES A FRONTAL PICTURE OF THE SELLER WHEN THE MONEY IS PAID."

Page 2, after line 25 insert:

**SECTION 3.** 18-13-111 (8) (b.5), Colorado Revised Statutes, is amended to read:

**18-13-111. Purchases of commodity metals - definitions.**

(8) For the purposes of this section, unless the context otherwise requires:

(b.5) "Commodity metal" means a metal containing brass, copper, copper alloy, aluminum, stainless steel, or magnesium or another metal traded on the commodity markets that sells for fifty cents per pound or greater. "COMMODITY METAL" DOES NOT MEAN PRECIOUS METALS SUCH AS GOLD, SILVER, OR PLATINUM."

Renumber succeeding section accordingly.

**INTRODUCTION OF BILLS -- FIRST READING**

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

**HB10-1002**

by Representative(s) Kefalas, Gagliardi, Kagan; also Senator(s) Sandoval, Boyd, Hudak-- Concerning an increase in the threshold necessary to trigger a temporary income tax rate reduction as a method to refund excess state revenues by an amount equal to the threshold necessary to trigger the earned income tax credit refund.

	Finance	1
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<b>HB10-1011</b>	by Representative(s) Kerr J., McNulty, Miklosi, Primavera; also Senator(s) Schultheis, Carroll M., Mitchell, Tochtrop--Concerning authorization for the department of revenue to obtain fingerprint-based criminal history record checks for employment purposes.	3
	Finance	4
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<b>HB10-1030</b>	by Representative(s) Peniston, Benefield, Solano; also Senator(s) Steadman, Hodge, Hudak, Williams--Concerning the creation of the early childhood educator development scholarship program.	8
	Education	9
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<b>HB10-1043</b>	by Representative(s) Apuan; also Senator(s) Sandoval--Concerning outdated references to the federal aid to families with dependent children.	12
	Health and Human Services	13
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<b>HB10-1047</b>	by Representative(s) Court and Murray; also Senator(s) White--Concerning the form of a statewide ballot title.	16
	State, Veterans & Military Affairs	17
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<b>HB10-1058</b>	by Representative(s) Riesberg; also Senator(s) Hodge--Concerning the authority of the department of revenue to impose a civil penalty for unstamped cigarettes, and making an appropriation therefor.	20
	Judiciary	21
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<b>HB10-1076</b>	by Representative(s) DelGrosso; also Senator(s) Heath--Concerning the classification of a participant in a property tax work-off program for purposes of employee labor benefits.	26
	Business, Labor and Technology	27
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<b>HB10-1134</b>	by Representative(s) Casso; also Senator(s) Kester--Concerning measures to prevent illegal interstate pari-mutuel wagering on racing, and, in connection therewith, authorizing the entry by Colorado into interstate compacts governing racing and the collection of source market fees from out-of-state simulcast activity.	30
	Agriculture and Natural Resources	31
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<b>HB10-1137</b>	by Representative(s) Gardner B.; also Senator(s) Steadman--Concerning the use of people first language in the drafting of laws.	36
	State, Veterans & Military Affairs	37
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<b>HB10-1170</b>	by Representative(s) DelGrosso, Nikkel; also Senator(s) Bacon--Concerning the provision of alcohol beverages in sealed containers in luxury boxes located in entertainment venues with a seating capacity of at least one thousand five hundred seats.	40
	Business, Labor and Technology	41
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<b>HB10-1175</b>	by Representative(s) Looper, Todd, Acree, DelGrosso; also Senator(s) Tapia--Concerning the demonstration of competency by an out-of-state applicant in a field regulated by the department of regulatory agencies.	45
	Business, Labor and Technology	46
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<b>HB10-1185</b>	by Representative(s) Priola, Balmer, Bradford, DelGrosso, Labuda, Nikkel, Riesberg, Schafer S., Stephens, Todd, Waller; also Senator(s) Schwartz--Concerning extending certain dates related to the petroleum storage tank fund.	50
	Transportation	51
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<b>HB10-1203</b>	by Representative(s) Kerr A.; also Senator(s) Steadman--Concerning the issuing of group life insurance, and, in connection therewith, deleting the requirement regarding the minimum number of persons that must be covered by the policy.	55
	Business, Labor and Technology	56
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**COMMITTEE OF REFERENCE REPORTS**

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Judiciary      After consideration on the merits, the Committee recommends that **SB10-080** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, strike line 11 and substitute:

**"SECTION 4. Specified effective date.** This act shall take effect July 1, 2010.

**SECTION 5. Safety clause.** The general assembly hereby finds,".

Judiciary

After consideration on the merits, the Committee recommends that **SB10-128** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 3, strike lines 6 through 9 and substitute:

"(II) THE PERSON KNOWINGLY OBSERVES OR TAKES A PHOTOGRAPH OF THE INTIMATE PARTS OF A PERSON UNDER FIFTEEN YEARS OF AGE. THIS SUBPARAGRAPH (II) SHALL NOT APPLY IF THE DEFENDANT IS LESS THAN FOUR YEARS OLDER THAN THE PERSON OBSERVED OR PHOTOGRAPHED.".

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

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

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.

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		

**SENATE SERVICES REPORT**

- Correctly Printed:** SB10-169; SJR10-014.
- Correctly Reengrossed:** SB10-032, 082, 083, 130 and 159.
- Correctly Rerevised:** HB10-1039 and 1046.
- Correctly Enrolled:** SB10-001; SJR10-011 and 012.

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**SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS**

The President has signed: SB10-001.

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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 Wednesday, February 17, was laid over until Thursday, February 18, retaining its place on the calendar.

Third Reading of Bills -- Final Passage: SB10-060  
 General Orders -- Second Reading of Bills -- Consent Calendar: SB10-102  
 General Orders -- Second Reading of Bills: SB10-114, SB10-081, SB10-118, SB10-007, SB10-076, SB10-150, HB10-1110, SB10-149, SB10-151, SB10-146, SB10-103, SB10-075, SB10-059.  
 Consideration of Resolutions: SJR10-010, SJR10-013.

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, February 18, 2010.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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