

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

64th Legislative Day Wednesday, March 17, 2010

Prayer By the chaplain, Reverend Dr. Louise B. Barger, Retired Executive Minister, American Baptist Churches of the Rocky Mountains.

Call to Order By the President at 10:30 a.m.

Pledge By Senator Keller.

Roll Call Present--34.
 Excused--1, King.
 Present later--1, King.

Quorum The President announced a quorum present.

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

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

SJR10-017 by Senator(s) Hodge; also Representative(s) Fischer, Baumgardner, Court, Curry, DelGrosso, Ferrandino, Hullinghorst, Kefalas, Kerr J., Labuda, Looper, McFadyen, McKinley, Nikkel, Pace, Ryden, Scanlan, Solano, Sonnenberg, Tipton, Vigil--Concerning the recognition of March 17, 2010, as "National Agriculture Day".

On motion of Senator Hodge, 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, Hudak, Johnston, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Steadman, Tapia, Tochtrop, White, Whitehead and Williams.

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the Committee recommends that HB10-1132 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 2, line 2, strike "and (6) (a)," and substitute "(6) (a), and (11) (c),".

Page 3, strike lines 8 through 20 and substitute "information and belief. THE ATTESTATION MAY ALSO ATTEST TO ANY ONE OR ALL OF THE FOLLOWING: THAT THE RECORDS WERE MADE AT OR NEAR THE TIME BY, OR FROM INFORMATION TRANSMITTED BY, A PERSON WITH KNOWLEDGE; THAT THE RECORDS WERE KEPT IN THE COURSE OF A REGULAR BUSINESS ACTIVITY; AND THAT IT WAS THE REGULAR PRACTICE OF THE BUSINESS TO RECORD THE INFORMATION CONTAINED IN THE RECORDS. THE BUSINESS ENTITY NEED ONLY PROVIDE A COPY OF THE ATTESTATION AT THE TIME OF PROVIDING THE RECORDS TO THE OFFICER AND MAY PROVIDE THE ORIGINAL OF THE ATTESTATION TO THE OFFICER WITHIN TEN DAYS AFTER PROVIDING THE RECORDS. The records and attestation of accuracy shall be sufficient to establish the authenticity of the records produced, without further necessity of extrinsic evidence."

Page 3, after line 20 insert:

"(11) As used in this section, unless the context otherwise requires:

(c) "Colorado criminal investigator" means an employee of the Colorado department of regulatory agencies, THE COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT, or the Colorado department of revenue who has been classified as a criminal investigator by the director of the employing department."

Judiciary

After consideration on the merits, the Committee recommends that HB10-1133 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 2, strike "(2) (a), Colorado Revised Statutes, is" and substitute "(2) (a) and (7), Colorado Revised Statutes, are".

Page 2, after line 19 insert:

"(7) "Home owner" means the owner of a residence in foreclosure DWELLING WHO OCCUPIES IT AS HIS OR HER PRINCIPAL PLACE OF RESIDENCE, including a vendee under a contract for deed to real property, as that term is defined in section 38-35-126 (1) (b), C.R.S."

Page 4, line 13, strike "twelve-point, bold-faced LEGIBLE type" and substitute "twelve-point, bold-faced NINE-POINT, LEGIBLE type".

Page 4, after line 17 insert:

"SECTION 5. The introductory portion to 6-1-1112 (1) (j), Colorado Revised Statutes, is amended to read:

6-1-1112. Written contract - contents - notice. (1) Every contract shall contain the entire agreement of the parties and shall include the following terms:

(j) The following notice, in at least fourteen-point NINE-POINT bold-faced type, and completed with the name of the equity purchaser,

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immediately above the statement required by section 6-1-1114:

SECTION 6. 6-1-1114 (1) (a) and the introductory portions to 6-1-1114 (2) and (2) (c), Colorado Revised Statutes, are amended to read:

6-1-1114. Notice of cancellation. (1) (a) The contract shall contain, as the last provision before the space reserved for the home owner's signature, a conspicuous statement in at least ~~twelve-point~~ NINE-POINT bold-faced type, as follows:

You may cancel this contract for the sale of your house without any penalty or obligation at any time before (Date and time of day). See the attached notice of cancellation form for an explanation of this right.

(2) The contract shall be accompanied by duplicate completed forms, captioned "notice of cancellation" in at least ~~twelve-point~~ NINE-POINT bold-faced type if the contract is printed or in capital letters if the contract is typed, followed by a space in which the equity purchaser shall enter the date on which the home owner executed the contract. Such form shall:

(c) Contain the following statement, in at least ~~ten-point~~ NINE-POINT type if the contract is printed or in capital letters if the contract is typed:".

Renumber succeeding sections accordingly.

Page 5, strike lines 26 and 27 and substitute:

"(a) PROVIDE FULL DISCLOSURE TO THE HOME OWNER AND TO THE HOLDERS OF THE EVIDENCE OF DEBT ON THE RESIDENCE IN FORECLOSURE, OR SUCH HOLDERS' REPRESENTATIVES,".

Page 6, strike line 9 and substitute "AND TO ANY SUBSEQUENT PURCHASER'S LENDER, OR SUCH LENDER'S REPRESENTATIVE, AT THE TIME OF CONTRACT".

Page 6, line 19, after "PERSON" insert "WHO ENTERS INTO A CONTRACT WITH AN EQUITY PURCHASER PRIOR TO THE DISBURSEMENT OF THE SHORT SALE TRANSACTION TO ACQUIRE THE RESIDENCE IN FORECLOSURE AND".

Local Government and Energy

After consideration on the merits, the Committee recommends that **HB10-1052** be referred to the Committee of the Whole with favorable recommendation.

Local Government and Energy

After consideration on the merits, the Committee recommends that **HB10-1118** be referred to the Committee of the Whole with favorable recommendation.

Local Government and Energy

After consideration on the merits, the Committee recommends that **HB10-1143** be referred to the Committee of the Whole with favorable recommendation.

Business, Labor, & Technology

After consideration on the merits, the Committee recommends that **HB10-1222** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike line 16 and substitute "NOTIFY, IN EACH WRITTEN COMMUNICATION, THE".

Page 2, line 18, strike "OR" and substitute "AND".

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Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB10-1225** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 7, line 19, strike "mailed" and substitute "~~mailed~~ SUBMITTED".

Page 7, line 20, strike "mailed" and substitute "~~mailed~~ SUBMITTED".

Page 14, line 2, strike "12-23-117," and substitute "12-23-117 (1) and (3)," and strike "is" and substitute "are".

Page 15, strike lines 11 through 16.

Page 18, line 5, after " (4) (b) (I)," insert "(4) (b) (II),".

Page 19, after line 5 insert:

"(II) All stipulated settlement agreements shall be conducted pursuant to rules adopted by the board pursuant to section 12-23-104 (2) (a). The board shall adopt a rule to allow any licensee, registrant, or applicant unable, in good faith, to settle with the program administrator DIRECTOR to request an administrative hearing pursuant to paragraph (c) of this subsection (4).".

Page 20, line 3, strike "ACTION," and substitute "ACTION AND SHOULD BE DISMISSED,".

Page 20, line 7, strike "LICENSEE." and substitute "LICENSEE OR REGISTRANT.".

Page 20, line 11, strike "SHALL" and substitute "MAY" and after "LICENSEE" insert "OR REGISTRANT".

Page 20, line 20, after "LICENSEE" insert "OR REGISTRANT".

Page 21, line 10, after "LICENSEE" insert "OR REGISTRANT".

Finance

After consideration on the merits, the Committee recommends that **SB10-126** be referred to the Committee on Appropriations with favorable recommendation.

REPORT OF CONFERENCE COMMITTEES

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB10-1320**

THIS REPORT ADOPTS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB10-1320, concerning the use of tobacco revenues generated under section 21 of article X of the state constitution in a state fiscal emergency, and making an appropriation therefor, has met and reports that it has agreed upon the following:

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That the House accede to the Senate amendments made to the bill and that the rerevised bill be adopted without change.

Respectfully submitted,

House Committee:
(signed)
Jack Pommer, Chairman
Mark Ferrandino
Kent Lambert

Senate Committee:
(signed)
Abel Tapia, Chairman
Moe Keller
Al White

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MESSAGE FROM THE HOUSE

March 17, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1104, amended as printed in House Journal, March 16, page 810.
HB10-1215, amended as printed in House Journal, March 16, page 810.
HB10-1260, amended as printed in House Journal, March 16, pages 810-811.
HB10-1291, amended as printed in House Journal, March 16, pages 811-812.
HB10-1335, amended as printed in House Journal, March 16, page 812.

The House has passed on Third Reading and returns herewith SB10-119.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB10-082, amended as printed in House Journal, March 16, page 809.
SB10-027, amended as printed in House Journal, March 16, page 809.

The House has postponed indefinitely SB10-097, 093. The bills are returned herewith.

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MESSAGE FROM THE REVISOR OF STATUTES

March 17, 2010

We herewith transmit:

Without comment, as amended, HB10-1104, 1215, 1291, and 1335.
Without comment, as amended, SB10-027 and 082.

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**MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for LLS 10-0975, Concerning the Financing of Public Schools:

The Friday, March 19 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, is extended until Monday, April 5, 2010 (the 83rd legislative day).

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This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(signed)
Representative T. Carroll
Speaker of the House of Representatives

(signed)
Senator Shaffer
President of the Senate

(signed)
Representative Weissmann
House Majority Leader

(signed)
Senator Morse
Senate Majority Leader

(signed)
Representative May
House Minority Leader

(signed)
Senator Penry
Senate Minority Leader

SENATE SERVICES REPORT

Correctly Engrossed: SB10-108, 110, 120, 143, 174, 175 and 177.

Correctly Reengrossed: SB10-020 and 087.

Correctly Revised: HB10-1024, 1034, 1036, 1050, 1137, 1170, 1185, 1233 and 1245.

Correctly Rerevised: HB10-1008 and 1107.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB10-1049.

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

Consideration of Resolutions: SJR10-010.

Consideration of House Amendments to Senate Bills: SB10-109, SB10-034, SB10-083, SB10-009, SB10-115, SB10-081.

Consideration of Governor's Appointments:

Members of the State Personnel Board

Members of the Colorado Board of Veterans Affairs

Members of the Board fo Commissioners of State and Veterans Nursing Homes

Members of the State Board of Equalization

Members of the Financial Services Board

Member of the Colorado Commission on Judicial Discipline

Members of the Examining Board of Plumbers

Member of the State Electrical Board

Member of the Special funds Board for Workers' Compensation Self Insurers

Members of the Colorado Commission on Higher Education

Members of the Charter School Institute Board

Members of the Colorado School of Mines, Board of Trustees

Members of the Air Quality Control Commission

Members of the State Housing Board

Members of the Hospital Provider Fee Oversight and Advisory Board

Member of the Colorado Water Resources and Power Development Authority

Members of the State Board of the Great Outdoors Colorado Trust Fund

Consideration of Conference Committee Reports: HB10-1339, HB10-1327.

TRIBUTES

Honoring:

Paul Urban Jr. - - Senator Penry.
Annabelle Moss - - Senator Penry.

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

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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