

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

---

21st Legislative Day

Tuesday, February 2, 2010

---

		1
		2
		3
		4
		5
		6
		7
		8
		9
		10
Prayer	By the chaplain, Rabbi Eliot J. Baskin, Jewish Community Chaplain and Rabbinic Director of Rafael Spiritual Healing Center, Denver.	11
		12
		13
		14
Call to Order	By the President at 9:00 a.m.	15
		16
		17
Pledge	By Senator Williams.	18
		19
Roll Call	Present--34. Excused--1, Foster.	20
		21
		22
Quorum	The President announced a quorum present.	23
		24
Reading of Journal	On motion of Senator Lundberg, reading of the Journal of February 1, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.	25
		26
		27
		28
		29
		30

---

**MESSAGE FROM THE HOUSE**

February 1, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1080.

The House has passed on Third Reading and transmitted to the Revisor of Statutes  
 HB10-1189, amended as printed in House Journal, January 29, page 131.  
 HB10-1191, amended as printed in House Journal, January 29, pages 131-133.  
 HB10-1192, amended as printed in House Journal, January 29, pages 133-134.  
 HB10-1193, amended as printed in House Journal, January 29, pages 134-135.  
 HB10-1194, amended as printed in House Journal, January 29, page 135.  
 HB10-1195, amended as printed in House Journal, January 29, pages 135-136.  
 HB10-1196, amended as printed in House Journal, January 29, page 136.  
 HB10-1199, amended as printed in House Journal, January 29, pages 137-138.  
 HB10-1052, amended as printed in House Journal, January 29, pages 138-140.  
 HB10-1049, amended as printed in House Journal, January 29, page 140.

---

**MESSAGE FROM THE REVISOR OF STATUTES**

February 1, 2010

We herewith transmit:

Without comment, HB10-1080.

Without comment, as amended, HB10-1049, 1052, 1189, 1191, 1192, 1193, 1194, 1195, 1196, and 1199.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that SB10-069 be postponed indefinitely.

INTRODUCTION OF BILLS -- FIRST READING

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

- HB10-1189 by Representative(s) Pommer; also Senator(s) Heath--Concerning the elimination of the state sales and use tax exemption for direct mail advertising materials, and making an appropriation therefor. Finance
HB10-1191 by Representative(s) Pommer; also Senator(s) Heath--Concerning the narrowing of the existing exemption from the state sales and use taxes for food, and, in connection therewith, subjecting candy and soft drinks to the state sales and use taxes, and making an appropriation therefor. Finance
HB10-1192 by Representative(s) Pommer; also Senator(s) Heath--Concerning the state sales and use tax of standardized software, and making an appropriation therefor. Finance
HB10-1193 by Representative(s) Pommer; also Senator(s) Heath--Concerning the collection of sales and use taxes on sales made by out-of-state retailers, and making an appropriation therefor. Finance
HB10-1194 by Representative(s) Ferrandino; also Senator(s) Heath--Concerning the narrowing of the existing exemptions from the state sales and use taxes for articles sold to sellers of items intended for human consumption that are furnished by the sellers to their customers with such items without the addition of a separate charge, and making an appropriation therefor. Finance
HB10-1195 by Representative(s) Ferrandino; also Senator(s) Heath--Concerning the suspension of the exemption from the state sales and use taxes for certain items used in agricultural production, and making an appropriation therefor. Finance
HB10-1196 by Representative(s) Ferrandino; also Senator(s) Heath--Concerning the disqualification of category 7 motor vehicles from the state income tax credit for the purchase of vehicles using alternative fuels. Finance
HB10-1199 by Representative(s) Ferrandino; also Senator(s) Heath--Concerning a temporary limit on the state income tax deduction for a net operating loss. Finance

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:

- SB10-015 by Senator(s) Renfroe, Kopp; also Representative(s) McNulty, Baumgardner, Frangas, McFadyen--Concerning behind-the-wheel training requirements necessary to receive a driver's license.

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
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	E	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 and Williams.

**SB10-055** by Senator(s) Harvey; also Representative(s) Gardner C.--Concerning the receipt of donations by the division of motor vehicles in the department of revenue to be deposited in the Colorado state titling and registration account in the highway users tax fund.

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	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	E	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: Kester

**SB10-034** by Senator(s) Whitehead; also Representative(s) Looper--Concerning the administration of laws regulating pesticides, and, in connection therewith, amending the "Pesticide Act" to authorize the commissioner of the department of agriculture to inspect refillers, impose residue removal and record-keeping requirements, and set expiration dates for pesticide and device registrations by rule.

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	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	E	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: Hodge, Johnston, Romer, Shaffer B., Tapia and Tochtrop.

**SB10-042** by Senator(s) Schwartz; also Representative(s) Frangas and Kefalas--Concerning prior consent for release of financial information to facilitate investigations of financial exploitation of at-risk adults.

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

YES	26	NO	8	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	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	E	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	Y	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: Boyd, Carroll M., Gibbs, Hudak, Johnston, Keller, Newell, Romer, Shaffer B., Steadman, Tapia and Williams.

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

**SB10-046** by Senator(s) Gibbs; also Representative(s) Levy--Concerning the boundaries of forest improvement districts.

Upon request of Senator Morse, SB10-046 was removed from the General Orders--Second Reading of Bills Consent Calendar of Tuesday, February 2, and was placed at the end of the General Orders--Second Reading of Bills Calendar of Tuesday, February 2.

**SB10-041** by Senator(s) Bacon; also Representative(s) Nikkel--Concerning technical modifications to statutory provisions governing campaign finance.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.  
(Printed in Senate Journal, January 29, pages 114-115 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 --  
CONSENT CALENDAR**

On motion of Senator Whitehead, 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	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	E	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: SB10-041 as amended.

Removed from the General Orders Second Reading of Bills Consent Calendar and placed at the end of the General Orders Second Reading of Bills Calendar for Tuesday, February 2: SB10-046.

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

**SB10-016** 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.

Laid over until Wednesday, February 3, retaining its place on the calendar.

**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.

Laid over until Wednesday, February 3, retaining its place on the calendar.

**SB10-009** by Senator(s) Sandoval, Boyd, Hudak; also Representative(s) Gagliardi, Kefalas--Concerning the duties of the economic opportunity poverty reduction task force.

Amendment No. 1, Health & Human Services Committee Amendment.  
(Printed in Senate Journal, January 29, page 115 and placed in members' bill files.)

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

**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.

Amendment No. 1, Health & Human Services Committee Amendment.  
(Printed in Senate Journal, January 29, page 115 and placed in members' bill files.)

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

**SB10-046** by Senator(s) Gibbs; also Representative(s) Levy--Concerning the boundaries of forest improvement districts.

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

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Whitehead, 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	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	E	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: SB10-009 as amended, SB10-115 as amended, SB10-046.  
Laid over until Wednesday, February 3: SB10-016, SB10-100.

**CONSIDERATION OF RESOLUTIONS**

**SJR10-004** by Senator(s) Whitehead; also Representative(s) Fischer--Concerning approval of water project revolving fund eligibility lists administered by the Colorado water resources and power development authority.

Laid over until Wednesday, February 3, retaining its place on the calendar.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

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

**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.

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	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	E	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		

**MESSAGE FROM THE HOUSE**

February 2, 2010

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

1110, 1095.

---

**MESSAGE FROM THE REVISOR OF STATUTES**

February 2, 2010

We herewith transmit:

Without comment, HB10-1095 and 1110.

---

**COMMITTEE OF REFERENCE REPORTS**

Business,  
Labor, &  
Technology

After consideration on the merits, the Committee recommends that **SB10-090** be postponed indefinitely.

---

**SENATE SERVICES REPORT**

**Correctly Printed:** SB10-120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131 and 132.

**Correctly Engrossed:** SB10-015, 034, 042 and 055.

**Correctly Reengrossed:** SB10-001 and 109.

**Correctly Enrolled:** SJR10-006, 008 and 009.

---

On motion of Senator Morse, the Senate adjourned until Wednesday, 9:00 a.m., February 3, 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  
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