

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

17th Legislative Day Friday, January 29, 2010

- Prayer 11
By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver. 12
- Call to Order 13
By the President at 9:00 a.m. 14
- Pledge 15
By Senator Kester. 16
- Roll Call 17
Present--35. 18
- Quorum 19
The President announced a quorum present. 20
- Reading of Journal 21
On motion of Senator Whitehead, reading of the Journal of Thursday, January 28, 2010, was dispensed with and the Journal was approved as corrected by the Secretary. 22

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. 27

CONSIDERATION OF RESOLUTIONS

SJR10-009 by Senator(s) Heath; also Representative(s) Primavera and Merrifield--Concerning recognition of the University of Colorado Anschutz Medical Campus as a leader in health education, research, and clinical care, and, in connection therewith, honoring the University of Colorado School of Medicine, the University of Colorado Cancer Center, and the University of Colorado Hospital for contributions to cancer research, prevention, and care, and their impact on Colorado's economy. 34-39

Amendment No. 1(L.001), by Senator Hodge. 40-41

Amend printed joint resolution, page 2, line 26, strike "\$60" and substitute "\$260". 42-44

The amendment was **passed** on the following roll call vote: 45-46

| 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 Heath, the resolution, as amended, was **adopted** by the following roll call vote: 57-58

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| 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, Hodge, 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.

MESSAGE FROM THE HOUSE

January 28, 2010

The House has passed on Third Reading and returns herewith SB10-065.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1046, 1069.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1055, amended as printed in House Journal, January 28, page 87.
 HB10-1028, amended as printed in House Journal, January 28, page 88.

MESSAGE FROM THE REVISOR OF STATUTES

January 28, 2010

We herewith transmit:

Without comment, HB10-1046 and 1069.
 Without comment, as amended, HB10-1028 and 1055.

COMMITTEE OF REFERENCE REPORTS

Local Government and Energy

After consideration on the merits, the Committee recommends that **SB10-100** be referred to the Committee of the Whole with favorable recommendation.

Local Government and Energy

After consideration on the merits, the Committee recommends that **SB10-046** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB10-030** be postponed indefinitely.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB10-041** 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.

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Amend printed bill, page 5, strike lines 22 through 27 and substitute:

"SECTION 4. 1-45-110 (3), Colorado Revised Statutes, is amended to read:".

Strike page 6.

Page 7, strike lines 1 through 11 and substitute:

1-45-110. Candidate affidavit - disclosure statement.

(3) Failure of any person to file the affidavit or THE disclosure statement required under this BY SUBSECTION (2) OF THIS section shall result in the disqualification of such person as a candidate for the office being sought. Disqualification shall occur only after the appropriate officer DESIGNATED ELECTION OFFICIAL CERTIFYING THE BALLOT PURSUANT TO SECTION 1-5-203 (3) (a) has sent a notice to the person by certified mail, return receipt requested, addressed to the person's residence MAILING address. The notice shall state that the person will be disqualified as a candidate if the person fails to file the appropriate document within five business days of receipt of the notice."

Health & Human Services

After consideration on the merits, the Committee recommends that **SB10-009** 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 5, strike "DEVELOP" and substitute "THROUGH THE METRICS SUBCOMMITTEE OF THE ECONOMIC OPPORTUNITY POVERTY REDUCTION TASK FORCE, DEVELOP".

Health & Human Services

After consideration on the merits, the Committee recommends that **SB10-115** 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 1, before "A" insert "(A)".

Page 3, line 2, before "A" insert "A PERSON LEGALLY AUTHORIZED TO DISPENSE THE MEDICATIONS ON BEHALF OF".

Page 3, after line 6 insert:

"(B) NOTHING IN THIS SUBPARAGRAPH (II) SHALL BE CONSTRUED TO CREATE OR ABROGATE ANY LIABILITY ON BEHALF OF A PRESCRIPTION DRUG MANUFACTURER FOR THE STORAGE, DONATION, ACCEPTANCE, OR DISPENSING OF A MEDICATION OR TO CREATE ANY CIVIL CAUSE OF ACTION AGAINST A PRESCRIPTION DRUG MANUFACTURER, IN ADDITION TO THAT WHICH IS AVAILABLE UNDER APPLICABLE LAW."

Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that **SB10-027** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 4, after "(a)" insert "(I)".

Page 2, line 5, strike "SURFACE WATER OR".

Page 2, line 10, strike "SURFACE WATER OR".

Page 2, after line 12 insert:

"(II) ANY PERSON WHO DIVERTS SURFACE WATER CONTRARY TO A VALID ORDER OF THE STATE ENGINEER OR A DIVISION ENGINEER ISSUED PURSUANT TO SECTION 37-92-502 SHALL FORFEIT AND PAY A SUM NOT TO EXCEED FIVE HUNDRED DOLLARS FOR EACH DAY SUCH VIOLATION CONTINUES."

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Agriculture and Natural Resources

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

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.

Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that **SJR10-004** be referred to the Senate for final action.

Appropriations

After consideration on the merits, the Committee recommends that **SB10-001** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB10-109** be referred to the Committee on with favorable recommendation.

INTRODUCTION OF BILLS -- FIRST READING

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

SB10-119

by Senator(s) Shaffer B.; also Representative(s) May--Concerning payments made to members of the general assembly in connection with the performance of their legislative duties.

State, Veterans & Military Affairs

**THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR**

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB10-024

by Senator(s) Tochtrop, Lundberg, Morse, Williams; also Representative(s) Labuda, Benefield, Gardner B., King S., Liston, Peniston, Riesberg, Schafer S., Waller--Concerning the repeal of the authority of the board of directors of the fire and police pension association to affiliate with a local money purchase pension plan.

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

| 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 | | |

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

was passed.

SB10-023

by Senator(s) Williams, Lundberg, Morse, Tochtrop; also Representative(s) Riesberg and Liston, Benefield, Gardner B., King S., Labuda, Peniston, Schafer S., Waller--Concerning the discretion of the board of directors of the fire and police pension association to adopt rules regarding the return to work by a member participating in the defined benefit system of the association who elects retirement.

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

| 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 | | |

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

SB10-022

by Senator(s) Morse, Lundberg, Tochtrop, Williams; also Representative(s) Riesberg and King S., Benefield, Gardner B., Labuda, Liston, Peniston, Schafer S., Waller--Concerning a member-approved increase in the member contribution rate to the statewide defined benefit plan administered by the fire and police pension association.

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

| 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 | | |

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

SB10-021

by Senator(s) Morse, Lundberg, Tochtrop, Williams; also Representative(s) Labuda, Benefield, Gardner B., King S., Liston, Peniston, Schafer S., Waller--Concerning a volunteer firefighter pension plan.

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

| 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 | | |

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

Co-sponsors added: Kopp and Newell.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB10-001, SB10-109 were made Special Orders at 10:25 a.m.

Committee of the Whole The hour of 10:25 a.m. having arrived, Senator Tochtrop moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Tochtrop was called to the chair to act as Chairman.

SPECIAL 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:

SB10-001 by Senator(s) Shaffer B. and Penry, Bacon, Boyd, Brophy, Carroll M., Foster, Gibbs, Heath, Hodge, Hudak, Johnston, Keller, Kester, Morse, Newell, Romer, Sandoval, Schwartz, Steadman, Tapia, Tochtrop, Whitehead, Williams; also Representative(s) Kerr A.-- Concerning modifications to the public employees' retirement association necessary to reach a one hundred percent funded ratio within the next thirty years.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, January 27, pages 94-96 and placed in members' bill files.)

Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 1:00 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in Recess

Senate in recess. Senate reconvened.

Committee of the Whole Reconvened

GENERAL ORDERS -- SECOND READING OF BILLS -- con't

SB10-001 by Senator(s) Shaffer B. and Penry, Bacon, Boyd, Brophy, Carroll M., Foster, Gibbs, Heath, Hodge, Hudak, Johnston, Keller, Kester, Morse, Newell, Romer, Sandoval, Schwartz, Steadman, Tapia, Tochtrop, Whitehead, Williams; also Representative(s) Kerr A.-- Concerning modifications to the public employees' retirement association necessary to reach a one hundred percent funded ratio within the next thirty years.

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

(For further action, see amendments to the report of the Committee of the Whole.)

SB10-109 by Senator(s) Romer and Spence, Boyd, Bacon, Hodge, Hudak, Johnston, Tapia, Tochtrop; also Representative(s) Massey and McCann, Rice, Frangas, McFadyen--Concerning regulation of the physician-patient relationship for medical marijuana patients.

Amendment No. 1(L.012), by Senator Johnston.

Amend the Health and Human Services Committee Report, dated January 27, 2010, page 2, strike line 18 and substitute:

"Page 6, strike lines 20 through 27 and substitute:

"(4) **Patients age eighteen to twenty-one.** A PATIENT WHO IS BETWEEN EIGHTEEN AND TWENTY-ONE YEARS OF AGE WHO APPLIES TO BE PLACED ON THE CONFIDENTIAL REGISTRY OF MEDICAL MARIJUANA PATIENTS SHALL PROVIDE DOCUMENTATION FOR MEDICAL MARIJUANA

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USE FROM TWO SEPARATE PHYSICIANS WHO ADVISED THE PATIENT AT SEPARATE APPOINTMENTS. THE DOCUMENTATION SHALL PROVIDE THAT THE PHYSICIANS DIAGNOSED THE PATIENT WITH A DEBILITATING MEDICAL CONDITION AND ADVISED THE PATIENT THAT THE PATIENT MIGHT BENEFIT FROM THE MEDICAL USE OF MARIJUANA IN CONNECTION WITH THE DEBILITATING MEDICAL CONDITION."

Renumber succeeding sections accordingly.

Amendment No. 2(L.020), by Senator Carroll.

Amend the Johnston floor amendment (SB109_L.012), page 1, line 5, strike "AGE" and substitute "AGE, UNLESS THE PATIENT IS LEGALLY EMANCIPATED,".

Amendment No. 3(L.011), by Senator Romer.

Amend printed bill, page 3, line 12, strike "NOT HAD HIS OR HER" and substitute "A VALID AND UNRESTRICTED".

Page 3, line 14, strike "REGISTRATION SUSPENDED OR REVOKED AT" and substitute "REGISTRATION.".

Page 3, strike line 15.

Page 4, strike line 3 and substitute "identification card."

Page 4, strike line 4.

Page 4, line 5, strike "CONDITION.".

Page 5, line 25, strike "SEPARATE".

Amendment No. 4(L.014), by Senator Romer.

Amend the Health and Human Services Committee Report, dated January 27, 2010, page 3, strike lines 30 through 38 and substitute:

"(5) Renewal of patient identification card upon criminal conviction. ANY PATIENT WHO IS CONVICTED OF A CRIMINAL OFFENSE UNDER ARTICLE 18 OF TITLE 18, C.R.S., SENTENCED OR ORDERED BY A COURT TO DRUG OR SUBSTANCE ABUSE TREATMENT, OR SENTENCED TO THE DIVISION OF YOUTH CORRECTIONS, SHALL BE SUBJECT TO IMMEDIATE RENEWAL OF HIS OR HER PATIENT REGISTRY IDENTIFICATION CARD, AND THE PATIENT SHALL APPLY FOR THE RENEWAL BASED UPON A RECOMMENDATION OF A COURT-APPOINTED PHYSICIAN."

Page 4, strike lines 1 through 5.

Amendment No. 5(L.017), by Senator Steadman.

Amend printed bill, page 5, after line 19 insert:

"(a) THE PHYSICIAN SHALL HAVE A VALID, UNRESTRICTED COLORADO LICENSE TO PRACTICE MEDICINE, WHICH LICENSE IS IN GOOD STANDING."

Reletter succeeding paragraphs accordingly.

Amend the Health and Human Services Committee Report, dated January 27, 2010, page 2, line 1, strike "(a) OR (b)" and substitute "(a), (b), OR (c)".

Page 2, line 23, strike "(a) OR (b)" and substitute "(a), (b), OR (c)".

Page 2 of the committee report, line 29, strike "(c)" and substitute "(d)".

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Page 3 of the committee report, line 6, strike "(c)" and substitute "(d)".

Amendment No. 6(L.016), by Senator Steadman.

Amend printed bill, page 2, line 18, strike "PROVIDES" and substitute "IS AVAILABLE TO OR OFFERS TO PROVIDE".

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB10-001 by Senator(s) Shaffer B. and Penry, Bacon, Boyd, Brophy, Carroll M., Foster, Gibbs, Heath, Hodge, Hudak, Johnston, Keller, Kester, Morse, Newell, Romer, Sandoval, Schwartz, Steadman, Tapia, Tochtrop, Whitehead, Williams; also Representative(s) Kerr A.-- Concerning modifications to the public employees' retirement association necessary to reach a one hundred percent funded ratio within the next thirty years.

Senator King moved to amend the Report of the Committee of the Whole to show that the following King floor amendment, (L.026) to SB 10-001, did pass.

Amend printed bill, page 43, after line 12 insert:

"SECTION 25. 24-51-1502 (2) (a), Colorado Revised Statutes, is amended to read:

24-51-1502. New state employees - election - definitions. (2) (a) (I) For purposes of this part 15, "eligible employee" means, effective July 1, 2009, any employee who commences employment with an employer and who, if not commencing employment in a state elected official's position, has not been a member of the association's defined benefit plan or the association's defined contribution plan or an active participant of the state defined contribution plan established pursuant to part 2 of article 52 of this title, as said part existed prior to its repeal in 2009, during the twelve months prior to the date that he or she commenced employment. "Eligible employee" includes a retiree of the association who is serving in a state elected official's position but does not include any other retiree of the association or a retiree of the association who has suspended benefits.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), ON AND AFTER JANUARY 1, 2011, FOR PURPOSES OF THIS PART 15, "ELIGIBLE EMPLOYEE" MEANS AN EMPLOYEE WHO BEGAN EMPLOYMENT FOR AN EMPLOYER, AS DEFINED IN SECTION 24-51-101 (20), ON OR AFTER JANUARY 1, 2011; EXCEPT THAT NOT MORE THAN TEN PERCENT OF EMPLOYEES IN ANY DIVISION OF THE ASSOCIATION WHO BEGAN EMPLOYMENT FOR AN EMPLOYER, AS DEFINED IN SECTION 24-51-101 (20), ON OR AFTER JANUARY 1, 2011, SHALL BE ALLOWED TO MAKE THE ELECTION FOR ELIGIBLE EMPLOYEES PURSUANT TO THIS PART 15."

Renumber succeeding sections accordingly.

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

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| YES | 11 | NO | 22 | EXCUSED | 2 | ABSENT | 0 |
|------------|----|----------|----|------------|---|-----------|---|
| Bacon | N | Hodge | N | Morse | N | Spence | Y |
| Boyd | N | Hudak | N | Newell | N | Steadman | N |
| Brophy | N | Johnston | N | Penry | N | Tapia | N |
| Cadman | Y | Keller | N | Renfroe | Y | Tochtrop | E |
| Carroll M. | N | Kester | Y | Romer | N | White | Y |
| Foster | N | King K. | Y | Sandoval | N | Whitehead | N |
| Gibbs | N | Kopp | Y | Scheffel | Y | Williams | N |
| Harvey | Y | Lundberg | Y | Schultheis | Y | President | N |
| Heath | N | Mitchell | E | Schwartz | N | | |

Senator King moved to amend the Report of the Committee of the Whole to show that the following King floor amendment, (L.028) to SB 10-001, did pass.

Amend printed bill, page 10, after line 14 insert:

"SECTION 4. Part 2 of article 51 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-51-211.5. Actuarial necessity. AN ACTUARIAL NECESSITY SHALL EXIST FOR THE ASSOCIATION WHEN THE DEFINED BENEFIT PLAN IS NOT ACTUARIALLY SOUND PURSUANT TO SECTION 24-51-211. IN THE EVENT OF AN ACTUARIAL NECESSITY, THE GENERAL ASSEMBLY MAY MODIFY BY BILL THE BENEFITS ALLOWED TO MEMBERS OF THE DEFINED BENEFIT PLAN, SO LONG AS THE BENEFITS OF MEMBERS WHO ARE ELIGIBLE FOR A SERVICE RETIREMENT BENEFIT OR A REDUCED SERVICE RETIREMENT BENEFIT PURSUANT TO SECTIONS 24-51-602 AND 24-51-604, RESPECTIVELY, ARE NOT MODIFIED."

Renumber succeeding sections accordingly.

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

| YES | 12 | NO | 21 | EXCUSED | 2 | ABSENT | 0 |
|------------|----|----------|----|------------|---|-----------|---|
| Bacon | N | Hodge | N | Morse | N | Spence | Y |
| Boyd | N | Hudak | N | Newell | N | Steadman | N |
| Brophy | N | Johnston | N | Penry | N | Tapia | N |
| Cadman | Y | Keller | N | Renfroe | Y | Tochtrop | E |
| Carroll M. | N | Kester | Y | Romer | N | White | Y |
| Foster | N | King K. | Y | Sandoval | Y | Whitehead | N |
| Gibbs | N | Kopp | Y | Scheffel | Y | Williams | N |
| Harvey | Y | Lundberg | Y | Schultheis | Y | President | N |
| Heath | N | Mitchell | E | Schwartz | N | | |

Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following Renfroe floor amendment, (L.037) to SB 10-001, did pass.

Amend printed bill, page 10, after line 14 insert:

"SECTION 4. Part 2 of article 51 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-51-211.5. Notice of possible change in benefits - actuarial necessity. THE ASSOCIATION SHALL PROVIDE WRITTEN NOTICE TO EACH MEMBER, DPS MEMBER, AND INACTIVE MEMBER OF THE ASSOCIATION THAT IN THE EVENT OF AN ACTUARIAL NECESSITY, THE GENERAL ASSEMBLY MAY MODIFY BY BILL THE BENEFITS ALLOWED TO MEMBERS OF THE DEFINED BENEFIT PLAN, SO LONG AS THE BENEFITS OF MEMBERS WHO ARE ELIGIBLE FOR A SERVICE RETIREMENT BENEFIT OR A REDUCED SERVICE RETIREMENT BENEFIT PURSUANT TO SECTIONS 24-51-602 AND 24-51-604, RESPECTIVELY, ARE NOT MODIFIED."

Renumber succeeding sections accordingly.

A majority of all members elected to the Senate having voted in the affirmative, the

amendment to the report of the Committee of the Whole was **passed** on the following roll call vote:

| YES | 33 | NO | 0 | EXCUSED | 2 | 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 | E |
| 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 | E | Schwartz | Y | | |

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the following Harvey floor amendment, (L.039) to SB 10-001, did pass.

Amend the Finance Committee Report, dated January 26, 2010, page 3, line 22, strike "MORE." and substitute "MORE."

Page 3, after line 22 insert:

"(6) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A MEMBER WHO IS NOT A MEMBER, DPS MEMBER, INACTIVE MEMBER, OR RETIREE AS OF JANUARY 1, 2011, SHALL NOT BE ALLOWED TO DRAW A RETIREMENT BENEFIT UNTIL THE MEMBER HAS MET THE REQUIREMENTS TO DRAW A BENEFIT PURSUANT TO 26 U.S.C. SEC. 401 (k)."

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

| YES | 13 | NO | 20 | EXCUSED | 2 | ABSENT | 0 |
|------------|----|----------|----|------------|---|-----------|---|
| Bacon | N | Hodge | N | Morse | N | Spence | Y |
| Boyd | N | Hudak | N | Newell | Y | Steadman | N |
| Brophy | Y | Johnston | N | Penry | N | Tapia | N |
| Cadman | Y | Keller | N | Renfroe | Y | Tochtrop | E |
| Carroll M. | N | Kester | Y | Romer | N | White | Y |
| Foster | N | King K. | Y | Sandoval | N | Whitehead | N |
| Gibbs | N | Kopp | Y | Scheffel | Y | Williams | N |
| Harvey | Y | Lundberg | Y | Schultheis | Y | President | N |
| Heath | N | Mitchell | E | Schwartz | N | | |

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the following Harvey floor amendment, (L.038) to SB 10-001, did pass.

Amend printed bill, page 33, strike lines 19 through 27.

Strike pages 34 through 37.

Page 38, strike lines 1 through 7 and substitute:

"SECTION 19. 24-51-1002, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-51-1002. Annual percentages to be used. (5) FOR A BENEFIT RECIPIENT WHOSE BENEFITS ARE BASED ON THE ACCOUNT OF A PERSON WHO WAS NOT A MEMBER, DPS MEMBER, INACTIVE MEMBER, OR RETIREE AS OF JANUARY 1, 2011, THE INCREASE APPLIED TO THE BENEFITS PURSUANT TO THIS SECTION SHALL NOT BE APPLIED TO THE BENEFIT OF SUCH BENEFIT RECIPIENT."

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

| YES | 11 | NO | 22 | EXCUSED | 2 | ABSENT | 0 |
|------------|----|----------|----|------------|---|-----------|---|
| Bacon | N | Hodge | N | Morse | N | Spence | Y |
| Boyd | N | Hudak | N | Newell | N | Steadman | N |
| Brophy | N | Johnston | N | Penry | N | Tapia | N |
| Cadman | Y | Keller | N | Renfroe | Y | Tochtrop | E |
| Carroll M. | N | Kester | Y | Romer | N | White | Y |
| Foster | N | King K. | Y | Sandoval | N | Whitehead | N |
| Gibbs | N | Kopp | Y | Scheffel | Y | Williams | N |
| Harvey | Y | Lundberg | Y | Schultheis | Y | President | N |
| Heath | N | Mitchell | E | Schwartz | N | | |

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hodge, the report of the Committee of the Whole was **adopted** on the following roll call vote:

| YES | 33 | NO | 0 | EXCUSED | 2 | 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 | E |
| 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 | E | Schwartz | Y | | |

The Committee of the Whole took the following action:

Passed on second reading: SB10-001 as amended, SB10-109 as amended.

MESSAGE FROM THE GOVERNOR

January 28, 2010

To the Honorable Senate
 Sixty-eighth General Assembly
 First Regular Session
 State Capitol
 Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB10-065 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF EDUCATION.

Approved January 28, 2010 at 2:55pm.

Sincerely,
 (signed)
 Bill Ritter, Jr.
 Governor
 Rec'd 1/28/10, 3:19 p.m.
 Karen Goldman, Secretary of the Senate

MESSAGE FROM THE GOVERNOR

January 19, 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, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
BOARD OF GOVERNORS OF THE
COLORADO STATE UNIVERSITY SYSTEM

for terms expiring December 31, 2013:

Scott C. Johnson of Kit Carson, Colorado, to serve as a member who has substantial experience in the production of agriculture, and as a Republican, appointed;

Ed J. Haselden of Castle Rock, Colorado, to serve as a Republican, reappointed;

Mary Lou Makepeace of Colorado Springs, Colorado, to serve as a Republican, appointed.

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

Committee on Education

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, and submit to your consideration, the following:

MEMBER OF THE
STATE BOARD OF
STOCK INSPECTION COMMISSIONERS

for a term expiring May 1, 2012:

Christopher D. Whitney of Colorado Springs, Colorado, to fill the vacancy occasioned by the resignation of James C. Heird of Fort Collins, Colorado, and to serve as a representative with broad general knowledge of the Colorado livestock industry and shall represent commodity other than confinement and non-confinement cattle industries, with the largest percentage of charged fees, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 11/4/09
Karen Goldman, Secretary of the Senate

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
WATER QUALITY CONTROL COMMISSION

effective February 15, 2010, for terms expiring February 15, 2013:

Chris J. Wiant of Centennial, Colorado, reappointed;

Patricia Wells of Denver, Colorado, reappointed;

Andrew S. Todd of Denver, Colorado, reappointed.

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

Committee on Agriculture and Natural Resources

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
GROUND WATER COMMISSION

effective May 1, 2010, for terms expiring May 1, 2014:

Douglas L. Shriver of Monte Vista, Colorado, to serve as a representative of Water Division 3 and as a Resident Agriculturalist, reappointed;

Carolyn F. Burr of Denver, Colorado, to serve as a representative of municipal or industrial users, reappointed.

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

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, appoint and submit for your consideration, the following:

MEMBER OF THE
COLORADO LIMITED GAMING CONTROL COMMISSION

for a term expiring July 1, 2013:

Chief Philip J. Baca of Commerce City, Colorado, an Unaffiliated from the seventh Congressional District, to serve as a representative of law enforcement, appointed.

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

Committee on Business, Labor and Technology

January 14, 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, appoint, and submit to your consideration, the following:

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF REGULATORY AGENCIES

for a term expiring at the pleasure of the Governor:

Barbara J. Kelley, Esq., of Denver, Colorado

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

Committee on Business, Labor and Technology

January 11, 2010

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building

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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 BOARD OF TRUSTEES FOR ADAMS STATE COLLEGE

for terms expiring December 31, 2013:

Stephen A. Valdez of La Jara, Colorado, a Republican, to serve as a representative of Conejos County, reappointed;

Charles H. Scoggin, M.D. of Boulder, Colorado, a Republican, reappointed;

Arnold Salazar of Alamosa, Colorado, a Democrat, to serve as a representative of Alamosa County, appointed.

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

Committee on Education

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, appoint, reappoint, and submit to your consideration, the following:

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:

John M. Wells of Durango, Colorado, an unaffiliated, appointed;

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

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

Committee on Education

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January 14, 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, appoint, and submit to your consideration, the following:

EXECUTIVE DIRECTOR OF THE
COLORADO COMMISSION ON HIGHER EDUCATION
AND THE EXECUTIVE DIRECTOR
OF THE DEPARTMENT OF HIGHER EDUCATION

for a term expiring at the pleasure of the Governor:

Rico Munn, Esq., of Denver, Colorado

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

Committee on Education

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, appoint and submit to your consideration, the following:

MEMBER OF THE
ENERGY IMPACT ASSISTANCE
ADVISORY COMMITTEE

for a term expiring August 24, 2013:

Honorable George B. Shiohita of Alamosa, Colorado, to fill the vacancy occasioned by the resignation of Honorable Charles J. Griego of Alamosa, Colorado, appointed.

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

Committee on Local Government and Energy

October 6, 2009

To the Honorable
Colorado Senate
Colorado General Assembly

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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 CHANNEL AUTHORITY
BOARD OF DIRECTORS

for terms expiring October 6, 2011:

Luisa F. Collins of Denver, Colorado, an Unaffiliated who has experience in the business operations of broadcast journalism, appointed;

Ken Fellman of Arvada, Colorado, a Democrat, appointed;

John W. Montgomery of Centennial, Colorado, an Unaffiliated who has experience in the business operations of broadcast journalism, appointed.

Sincerely,
(signed)

Bill Ritter, Jr.

Governor

Rec'd: 10/15/09

Cindi Markwell, Asst. Secretary

Committee on State Veterans and Military Affairs

January 19, 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, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO BOARD OF VETERANS AFFAIRS

for a term expiring June 30, 2010:

James C. Bobick of Aurora, Colorado, to fill the vacancy occasioned by the resignation of Joseph V. Potter of Colorado Springs, Colorado, and to serve as a veteran and as a Republican, appointed;

effective June 30, 2010, for terms expiring June 30, 2014:

James C. Bobick of Aurora, Colorado, to serve as a veteran and as a Republican, reappointed;

William L. Robinson of Castle Rock, Colorado, to serve as a veteran and as an Unaffiliated, appointed.

Sincerely,
(signed)

Bill Ritter, Jr.

Governor

Rec'd: 1/21/10

Karen Goldman, Secretary of the Senate

Committee on State Veterans and Military Affairs

SENATE SERVICES REPORT

Correctly Printed: SB10-116, 117 and 118; SJR10-009.

Correctly Engrossed: SB10-021, 022, 023 and 024.

Correctly Reengrossed: SB10-010, 014, 018, 031, 037, 038, 043, 047, 049, 052 and 053.

Correctly Enrolled: SB10-065.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB10-065.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Thursday, January 28, 2010, at 2:31 p.m.:
SB10-065

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 Friday, January 29 was laid over until Monday, February 1, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB10-015, SB10-016, SB10-055.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, February 1, 2010.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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