

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

---

100th Legislative Day Thursday, April 22, 2010

---

Prayer By Senator Brophy. 10  
 Call to Order By the President at 9:00 a.m. 11  
 Pledge By Senator Renfroe. 12  
 Roll Call Present--31. 13  
 Absent-- 1, Sandoval. 14  
 Excused-- 3, Hudak, Newell, Scheffel. 15  
 Present later-- 3, Hudak, Sandoval, Scheffel. 16  
 Quorum The President announced a quorum present. 17  
 Reading of Journal On motion of Senator Johnston, reading of the Journal of Wednesday, April 21, 2010, was 18  
 dispensed with and the Journal was approved as corrected by the Secretary. 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27

---

On motion of Senator Morse, and with a majority of those elected to the Senate having 28  
 voted in the affirmative, the Senate proceeded out of order for consideration of resolutions. 29  
 30  
 31  
 32  
 33

**CONSIDERATION OF RESOLUTIONS**

**SJR10-032** by Senator(s) Williams, Gibbs, Heath, Hodge, Morse, Schwartz, Whitehead; also 34  
 Representative(s) Todd, Fischer, Kerr A., Levy, Miklosi, Ryden, Solano, Tyler--Concerning 35  
 the acknowledgment of April 22, 2010, as Earth Day. 36  
 37  
 38  
 39

Amendment No. 1,(L.001), by Senator Kopp. 40

Amend printed joint resolution, page 2, line 14, strike "economy, ensuring 41  
 that" and substitute "economy; and". 42  
 43  
 44

Page 2, strike lines 15 through 17. 45

Page 2, strike lines 25 through 28 and substitute: 46  
 47

"WHEREAS, The Colorado General Assembly is considering the 48  
 feasibility of implementing technologies that could result in operational 49  
 savings, customer-choice energy management,". 50  
 51  
 52

The amendment was **passed** on the following roll call vote: 53

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	E	Newell	E	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		

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

Amendment No. 2,(L.002), by Senator Lundberg.

Amend printed joint resolution, page 3, line 2, strike "Earth Day." and substitute "our responsibilities as stewards of the Earth."

The amendment 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	E	Newell	E	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 Williams, the resolution, as amended, was read at length and **adopted** by the following roll call vote:

YES	30	NO	3	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	E	Newell	E	Steadman	Y
Brophy	N	Johnston	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	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, Carroll M., Foster, Johnston, Keller, Romer, Sandoval, Shaffer B. and Steadman.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

**HB10-1021** by Representative(s) Frangas and McCann; also Senator(s) Foster, Boyd--Concerning required coverages for reproductive services for health insurance policies.

Senator Foster moved for the adoption of the first majority report of the first conference committee on **HB10-1021**, as printed in Senate journal, April 20, pages 955-956.

On a substitute motion, Senator Scheffel moved for the adoption of the first minority report of the first conference committee on **HB10-1021**, as printed in Senate journal, April 20, pages 956-957.

The motion was **lost** by the following roll call vote:

YES	14	NO	19	EXCUSED	2	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	E	Newell	E	Steadman	N
Brophy	Y	Johnston	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
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	Y	Schwartz	N		

Senator Foster moved for the adoption of the first majority report of the first conference committee on **HB10-1021**, as printed in Senate journal, April 20, pages 955-956.

The motion was **adopted** by the following roll call vote:

YES	21	NO	13	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	E	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	N
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		

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

YES	21	NO	13	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	E	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	N
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, as amended, was **repassed**.

Co-sponsors added: Gibbs, Romer, Tochtrop and Williams.

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 Thursday, April 22 was laid over until Friday, April 23, retaining its place on the calendar.

Third Reading of Bills -- Final Passage: SB10-185, HB10-1332.

General Orders -- Second Reading of Bills -- Consent Calendar: HB10-1362, HB10-1359.

General Orders -- Second Reading of Bills: HB10-1038, HB10-1009, SB10-012, SB10-011, HB10-1122, HB10-1342, SB10-161, HB10-1355, HB10-1221, SB10-180, SB10-179, SB10-144, SB10-084, SB10-013, SB10-002, HB10-1334.

Consideration of Resolutions: SJR10-033, SJR10-039.

Consideration of House Amendments to Senate Bills: SB10-071, SB10-110.

Consideration of Conference Committee Reports: HB10-1171, HB10-1369, HB10-1383, HB10-1388, HB10-1098.

Conference Committees to Report: HB10-1273, HB10-1252, SB10-109.

### COMMITTEE OF REFERENCE REPORTS

Business,  
Labor, &  
Technology

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

#### BOARD OF DIRECTORS OF DENVER METROPOLITAN MAJOR LEAGUE STADIUM DISTRICT

for terms expiring August 1, 2013:

Raymond T. Baker of Lakewood, Colorado, reappointed;

Wil Alston of Denver, Colorado, appointed;

Ruben A. Valdez of Lakewood, Colorado, appointed;

F. Robert Lee of Littleton, Colorado, reappointed;

Patricia D. Baca of Denver, Colorado, reappointed;

John P. Dikeou of Denver, Colorado, reappointed;

Patricia G. Imhoff of Greenwood Village, Colorado, reappointed.

Business,  
Labor, &  
Technology

After consideration on the merits, the Committee recommends that **HB10-1348** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 8, line 3, strike "meeting." and substitute "meeting;"

Page 8, line 4, strike the period and add "EXCEPT THAT, FOR AN APPLICANT THAT HAS COMPLETED THE SECOND PUBLIC MEETING ON OR BEFORE THE EFFECTIVE DATE OF THIS SUB-SUBPARAGRAPH (C), AS AMENDED, THE DEPARTMENT SHALL ACT UPON THE APPLICATION WITHIN THE TIME FRAME PRESCRIBED BY THIS SUB-SUBPARAGRAPH (C) AS IT EXISTED AS OF THE DATE OF THE APPLICATION."

Page 11, strike lines 14 and 15 and substitute:

"(A) THERE ARE NO OUTSTANDING MATERIAL VIOLATIONS OF ANY STATE OR FEDERAL STATUTES, COMPLIANCE ORDERS, OR COURT ORDERS APPLICABLE TO THE FACILITY, AND ANY RELEASES GIVING RISE TO ANY SUCH VIOLATION HAVE BEEN REMEDIATED;"

Page 11, line 16, strike "OPERATOR" and substitute "OPERATOR, AFTER A GOOD FAITH REVIEW OF THE FACILITY AND ITS OPERATIONS,"

Judiciary

After consideration on the merits, the Committee recommends that **SB10-193** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike line 12 and substitute "IS PREGNANT."

Page 3, line 3, strike "RECOVERY," and substitute "RECOVERY WHILE IN A MEDICAL FACILITY,"

Page 3, line 8, strike "HERSELF" and substitute "HERSELF, TO OTHER PATIENTS,"

Page 3, line 10, after "WARDEN" insert "OR HIS OR HER DESIGNEE"

Page 3, line 16, strike "RECOVERY," and substitute "RECOVERY WHILE IN A MEDICAL FACILITY,"

Page 3, line 21, strike "RECOVERY," and substitute "RECOVERY WHILE IN A MEDICAL FACILITY,"

Page 5, strike lines 8 and 9 and substitute "ACTUAL KNOWLEDGE OR A REASONABLE BELIEF THAT THE WOMAN IS PREGNANT."

Page 5, line 12, strike "RECOVERY," and substitute "RECOVERY WHILE IN A MEDICAL FACILITY,"

Page 5, line 19, strike "HERSELF" and substitute "HERSELF, TO OTHER PATIENTS,"

Page 5, line 20, after "SHERIFF" insert "OR HIS OR HER DESIGNEE"

Page 5, line 26, strike "RECOVERY," and substitute "RECOVERY WHILE IN A MEDICAL FACILITY,"

Page 6, line 3, strike "RECOVERY," and substitute "RECOVERY WHILE IN A MEDICAL FACILITY,"

Page 7, strike line 15 and substitute "JUVENILE IS PREGNANT."

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

Page 7, line 19, strike "RECOVERY," and substitute "RECOVERY WHILE IN A MEDICAL FACILITY,".

Page 7, line 25, strike "HERSELF" and substitute "HERSELF, TO OTHER PATIENTS,".

Page 8, line 6, strike "RECOVERY," and substitute "RECOVERY WHILE IN A MEDICAL FACILITY,".

Page 8, line 11, strike "RECOVERY," and substitute "RECOVERY WHILE IN A MEDICAL FACILITY,".

Page 10, strike lines 1 and 2 and substitute "REASONABLE BELIEF THAT THE WOMAN IS PREGNANT.".

Page 10, line 5, strike "RECOVERY," and substitute "RECOVERY WHILE IN A MEDICAL FACILITY,".

Page 10, line 11, strike "HERSELF" and substitute "HERSELF, TO OTHER PATIENTS,".

Page 10, line 20, strike "RECOVERY," and substitute "RECOVERY WHILE IN A MEDICAL FACILITY,".

Page 10, line 24, strike "RECOVERY," and substitute "RECOVERY WHILE IN A MEDICAL FACILITY,".

---

### SENATE SERVICES REPORT

**Correctly Printed:** SB10-197; SCR10-003 and 004; SJM10-004; SJR10-038 and 039.

**Correctly Reengrossed:** SB10-039, 054, 126, 128, 141, 186 and 187.

**Correctly Rerevised:** HB10-1242 and 1328.

---

### SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

**The President has signed:** SB10-098, 166, 172 and 176.

---

### MESSAGE FROM THE GOVERNOR

April 21, 2010

To the Honorable Senate  
Sixty-seventh General Assembly  
Second 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:

**SB10-007** CONCERNING COLLABORATION IN THE PROVISION OF MULTI-AGENCY SERVICES.

Approved April 21, 2010 at 2:21 p.m.

**SB10-008** 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.

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

Approved April 21, 2010 at 2:22 p.m.

**SB10-016** 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.

Approved April 21, 2010 at 2:22 p.m.

**SB10-041** CONCERNING TECHNICAL MODIFICATIONS TO STATUTORY PROVISIONS GOVERNING CAMPAIGN FINANCE.

Approved April 21, 2010 at 2:23 p.m.

**SB10-055** 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.

Approved April 21, 2010 at 2:24 p.m.

**SB10-068** CONCERNING STREAMLINING ELIGIBILITY REQUIREMENTS FOR THE COLORADO WORKS PROGRAM, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Approved April 21, 2010 at 2:31 p.m.

**SB10-079** CONCERNING AUTHORITY TO OFFER ADDITIONAL PROGRAMS AT MESA STATE COLLEGE.

Approved April 21, 2010 at 2:24 p.m.

**SB10-088** CONCERNING AUTHORIZATION OF TWO-YEAR DEGREES WITH ACADEMIC DESIGNATION.

Approved April 21, 2010 at 2:25 p.m.

**SB10-138** CONCERNING THE AWARD OF EXPENSES IN A PROCEEDING TO APPEAL THE VALUATION OF PROPERTY FOR PROPERTY TAX PURPOSES.

Approved April 21, 2010 at 2:27 p.m.

**SB10-140** CONCERNING HUMAN TRAFFICKING.

Approved April 21, 2010 at 2:28 p.m.

**SB10-147** CONCERNING EXEMPTING FROM EXECUTION BY CREDITORS CERTAIN ASSETS THAT ARE PAYABLE UPON DEATH.

Approved April 21, 2010 at 2:20 p.m.

**SB10-154** CONCERNING ADDING CATEGORIES TO THE DEFINITION OF A "HIGH-RISK STUDENT" FOR PURPOSES OF DETERMINING WHETHER A PUBLIC SCHOOL QUALIFIES FOR DESIGNATION AS AN ALTERNATIVE EDUCATION CAMPUS.

Approved April 21, 2010 at 2:29 p.m.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor

Rec'd 4/22/2010, 9:30 a.m.

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  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67

**CORRECTED**

April 14, 2010

Karen Goldman  
Secretary of the Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Dear Ms. Goldman:

Please accept the attached Senate letter, naming BJ Scott to the Colorado Commission on Higher Education, as a replacement for the original letter, dated June 27, 2008. The original letter erroneously listed her terms as expiring July 1, 2011. This scrivener's error is corrected in the attached letter to reflect Ms. Scott's actual term expiration of July 1, 2012.

Please let me know if you have questions, or if there is any additional information I may provide.

Sincerely,  
(signed)  
Shaylisa Hurte  
Director  
Governor's Office of Boards and Commissions  
Office of Governor Bill Ritter, Jr.

June 27, 2008

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  
COLORADO COMMISSION ON HIGHER EDUCATION**

effective July 2, 2008 for a term expiring July 1, 2012:

Barbara J. "BJ" Scott of Colorado Springs, Colorado, a resident of the 5th Congressional District and a Republican, appointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd 04/16/2010  
Cindi Markwell, Assistant 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  
50  
51  
52  
53  
54  
55  
56  
57  
58

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, April 23, 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