

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

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3rd Legislative Day Friday, January 15, 2010

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Prayer	By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.	11
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Call to Order	By the President at 10:00 a.m.	13
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Pledge	By Senator Harvey.	15
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Roll Call	Present--30.	17
	Excused--5, Brophy, Hodge, Mitchell, Schwartz, Williams.	18
	Present later--1, Williams.	19
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Quorum	The President announced a quorum present.	21
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Reading of Journal	On motion of Senator Steadman, reading of the Journal of Thursday, January 14, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.	23
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**MESSAGE FROM THE HOUSE**

January 15, 2010

The House has passed on Third Reading and returns herewith SB10-036.

The House has adopted and returns herewith SJR10-001.

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**COMMITTEE OF REFERENCE REPORTS**

Appropriations	After consideration on the merits, the Committee recommends that <b>SB10-065</b> be referred to the Committee of the Whole with favorable recommendation.	30
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Committee of the Whole	The hour of 10:08 a.m. having arrived, Senator Boyd moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Boyd was called to the chair to act as Chairman.	52
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On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB10-065 was made Special Orders at 10:08 a.m.

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**SPECIAL ORDERS -- SECOND READING OF BILLS**

The Committee of the Whole having risen, the Chairman reported that the following bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

<b>SB10-065</b>	by Senator(s) Keller, Tapia, White; also Representative(s) Pommer, Ferrandino, Lambert-- Concerning a supplemental appropriation to the department of education.	56
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Ordered engrossed and placed on the calendar for third reading and final passage.

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

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	E	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	E	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	E	Schwartz	E		

Passed on Second Reading: SB10-065.

**CONSIDERATION OF RESOLUTIONS**

**SR10-003** by Senator(s) Morse; --Concerning amendments to the rules of the Senate.

Laid over until Friday, January 22, retaining its place on the calendar.

**SR10-005** by Senator(s) Spence; --Concerning amendments to the rules of the Senate, and, in connection therewith, providing for a line of succession for the secretary of the Senate and addressing questions of parliamentary authority.

Laid over until Friday, January 22, retaining its place on the calendar.

**APPOINTMENTS BY THE PRESIDENT**

Legal Services Pursuant to Section 2-3-502, C.R.S., the President appointed Senator Morse as member of the Committee on Legal Services.

On motion of Senator Morse, the appointment was confirmed by the following roll call vote:

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	E	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	E	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	E	Schwartz	E		

Legislative Council Pursuant to Section 2-3-301, C.R.S., the President appointed Senators Gibbs and Hodge as members of the Legislative Council Committee.

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On motion of Senator Morse, the appointments were confirmed by the following roll call vote:

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	E	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	E	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	E	Schwartz	E		

### INTRODUCTION OF RESOLUTIONS

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

- 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.  
Agriculture and Natural Resources

### INTRODUCTION OF BILLS -- FIRST READING

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

- SB10-066** by Senator(s) Hudak, Carroll M., Steadman; also Representative(s) Levy, Ryden--Concerning the requirement that certain persons report child abuse or neglect.  
Judiciary
- SB10-067** by Senator(s) Hodge, Shaffer B.; --Concerning the exemption of certain school wells from the laws governing the administration of water rights.  
Agriculture and Natural Resources
- SB10-068** by Senator(s) Boyd; also Representative(s) Massey--Concerning streamlining eligibility requirements for the Colorado works program.  
Health and Human Services
- SB10-069** by Senator(s) Brophy, Kopp, Mitchell, King K., Harvey, Lundberg, Penry, Renfroe, Scheffel, Schultheis, Spence; also Representative(s) Sonnenberg--Concerning the transfer from the general fund to the highway users tax fund of an amount equal to one percent of kindergarten through twelfth grade education funding beginning in state fiscal year 2011-12 through state fiscal year 2020-21.  
State, Veterans & Military Affairs
- SB10-070** by Senator(s) Kester; --Concerning a statutory mechanism for the referral of a ballot question regarding the term limit of a district attorney.  
State, Veterans & Military Affairs
- SB10-071** by Senator(s) Morse; also Representative(s) Riesberg--Concerning creation of a lifetime pass to state parks and recreation areas that shall be available for purchase by Colorado residents who are of eligible age.  
Agriculture and Natural Resources
- SB10-072** by Senator(s) Schwartz; also Representative(s) Vigil--Concerning creation of the "Colorado Seed Potato Act".  
Agriculture and Natural Resources
- SB10-073** by Senator(s) Tapia; also Representative(s) McFadyen--Concerning the nurse home visitor program duties of the health sciences facility at the university of Colorado.  
Health and Human Services
- SB10-074** by Senator(s) Penry; --Concerning incentives for the generation of electricity from cleaner-burning fuels.  
Agriculture and Natural Resources

- SB10-075 by Senator(s) White; --Concerning the requirement that military vehicles valued for historical purposes bear a license plate. Transportation 1-3
- SB10-076 by Senator(s) Carroll M.; --Concerning unreasonable insurance claims settlement practices. Health and Human Services 4-6
- SB10-077 by Senator(s) Heath; also Representative(s) Ferrandino--Concerning the regulation of appraisal management companies. Business, Labor and Technology 7-10
- SB10-078 by Senator(s) Hodge; --Concerning the use of reusable effluent that has been discharged back to a water body from a domestic wastewater facility after being put to beneficial use. Agriculture and Natural Resources 11-14
- SB10-079 by Senator(s) Penry; also Representative(s) Bradford and King S.--Concerning authority to offer additional programs at Mesa state college. Education 15-18
- SB10-080 by Senator(s) Newell, Steadman; also Representative(s) Frangas--Concerning allowing court-entered civil protection orders to include directives concerning animals. Judiciary 19-22
- SB10-081 by Senator(s) Sandoval; also Representative(s) Solano--Concerning creation of the "Farm-to-School Healthy Kids Act", and, in connection therewith, establishing an interagency task force to develop farm-to-school program policies. Education 23-27
- SB10-082 by Senator(s) Whitehead; also Representative(s) Roberts--Concerning the Southern Ute Indian tribe/state of Colorado environmental commission, and, in connection therewith, repealing term limits applicable to the commission and repealing a moot condition related to the repeal of the commission. Health and Human Services 28-33
- SB10-083 by Senator(s) Kester; also Representative(s) Middleton--Concerning the enforcement of federal law pertaining to the extension of credit for the sale of alcohol beverages. Business, Labor and Technology 34-37

**MESSAGE FROM THE GOVERNOR**

January 5, 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 DEPARTMENT OF NATURAL RESOURCES**

for a term expiring at the pleasure of the Governor:

James B. Martin, Esq., of Boulder, Colorado.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor

Rec'd: 1/12/10  
Karen Goldman, Secretary of the Senate

Committee on Agriculture and Natural Resources

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August 24, 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  
COLORADO AGRICULTURAL DEVELOPMENT AUTHORITY  
BOARD OF DIRECTORS

for a term expiring June 30, 2013:

Randall A. Wilks of Burlington, Colorado, a Democrat, to serve as a member with knowledge of agricultural activity in the state, and who shall represent the various agriculture operations and geographical regions of the state, appointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 9/3/09  
Cindi Markwell, Asst. Secretary

Committee on Agriculture and Natural Resources

May 19, 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, reappoint and submit to your consideration, the following:

MEMBERS OF THE  
STATE BOARD OF THE  
GREAT OUTDOORS COLORADO TRUST FUND

for a term expiring April 15, 2011:

Norma V. Anderson of Lakewood, Colorado, a Republican and resident of the 7th Congressional District, reappointed;

for terms expiring April 15, 2013:

Peggy E. Montano of Denver, Colorado, a Democrat and resident of the 1st Congressional District, appointed;

Christian K. Meyer of Erie, Colorado, a Republican and resident of the 2nd Congressional District, appointed;

James S. Lochhead of Glenwood Springs, Colorado, a Democrat and resident of the 3rd Congressional District, appointed;

Philip J. James of Fort Collins, Colorado, an Unaffiliated and resident of the 4th Congressional District, appointed;

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Heather L. Carroll of Colorado Springs, Colorado, a Democrat and resident of the 5th Congressional District, appointed;

Timothy P. Daly of Evergreen, Colorado, a Democrat and resident of the 6th Congressional District, appointed;

James R. Spaanstra of Lakewood, Colorado, a Democrat and resident of the 7th Congressional District, appointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 5/26/09  
Karen Goldman, Secretary of the Senate

Committee on Agriculture and Natural Resources

August 24, 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, reappoint and submit to your consideration, the following:

MEMBERS OF THE  
FINANCIAL SERVICES BOARD

for terms expiring July 1, 2013:

Keith M. Cowling of Arvada, Colorado, an executive officer of a state credit union and a Republican, appointed;

Stephen R. Williams of Gunnison, Colorado, an executive officer of a state savings and loan association and a Democrat, reappointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 9/15/09  
Cindi Markwell, Asst. Secretary

Committee on Finance

December 11, 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  
FINANCIAL SERVICES BOARD

for a term expiring July 1, 2013:

Nilsa Guerrero-Mahon of Brighton, Colorado, to serve as a public member with expertise in

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finance, appointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 12/28/09  
Karen Goldman, Secretary of the Senate

Committee on Finance

July 2, 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, reappoint and submit to your consideration, the following:

MEMBER OF THE  
PUBLIC EMPLOYEES' RETIREMENT BENEFIT PLANS

for a term expiring July 10, 2013:

Susan G. Murphy of Denver, Colorado, to serve as a representative with experience and competence in investment, management, finance, banking, economics, accounting, pension administration, or actuarial analysis, and as a Democrat, reappointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 7/15/09  
Karen Goldman, Secretary of the Senate

Committee on Finance

December 18, 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:

EXECUTIVE DIRECTOR OF THE  
DEPARTMENT OF PUBLIC HEALTH  
AND ENVIRONMENT

for a term expiring at the pleasure of the Governor:

Martha E. Rudolph, Esq., of Denver, Colorado, appointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 12/28/09  
Karen Goldman, Secretary of the Senate

Committee on Health and Human Services

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August 24, 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:

MEMBERS OF THE  
COVERCOLORADO BOARD OF DIRECTORS

for a term expiring July 1, 2011:

Wanda L. Cason of Hesperus, Colorado, an individual who is currently insured or who has been insured under the program, to fill the vacancy occasioned by the resignation of Donald L. Shovein of Fort Collins, Colorado, appointed;

for a term expiring July 1, 2013:

John W. Martie of Littleton, Colorado, a representative of an insurance carrier, appointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 9/3/09  
Cindi Markwell, Asst. Secretary

Committee on Health and Human Services

July 14, 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, reappoint and submit to your consideration, the following:

MEMBERS OF THE  
STATE BOARD OF HUMAN SERVICES

for a term expiring March 1, 2011:

Hon. Samuel Pace of Crestone, Colorado, a county commissioner, to fill the vacancy occasioned by the resignation of Arn M. Menconi of Eagle, Colorado, appointed;

for terms expiring March 1, 2013:

Karen M. Studen of Pueblo, Colorado, a member of the public, appointed;

Bruce B. Bass of Brush, Colorado, a member of the public, reappointed;

Arnulfo T. Zamora of Denver, Colorado, a member of the public, reappointed;

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Regina D. Richards of Aurora, Colorado, a member of the public, appointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.

Governor

Rec'd: 7/22/09

Karen Goldman, Secretary of the Senate

Committee on Health and Human Services

July 2, 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, reappoint and submit to your consideration, the following:

**MEMBERS OF THE  
STATE HOUSING BOARD**

for terms expiring January 31, 2013:

Sarah "Sally" C. Hatcher of Boulder, Colorado, a Democrat and resident of the 2nd Congressional District, reappointed;

Theophilus D. Gregory of Colorado Springs, Colorado, a Republican and resident of the 5th Congressional District, reappointed;

David L. Zucker of Evergreen, Colorado, a Democrat and resident of the 6th Congressional District, appointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.

Governor

Rec'd: 7/15/09

Karen Goldman, Secretary of the Senate

Committee on Health and Human Services

August 4, 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, reappoint and submit for your consideration, the following:

**MEMBERS OF THE  
TRANSPORTATION COMMISSION**

for terms expiring July 1, 2013:

Michael L. Cheroutes Sr. of Denver, Colorado, to serve as a commissioner from the 1st Transportation District, appointed;

Gary M. Reiff of Englewood, Colorado, to serve as a commissioner from the 3rd

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Transportation District, appointed;

Douglas E. Aden of Grand Junction, Colorado, to serve as a commissioner from the 7th Transportation District, reappointed;

B. Stephens Parker of Durango, Colorado, to serve as a commissioner from the 8th Transportation District, reappointed;

Gilbert Ortiz Sr. of Pueblo, Colorado, to serve as a commissioner from the 10th Transportation District, reappointed.

Sincerely,  
(signed)

Bill Ritter, Jr.

Governor

Rec'd: 8/11/09

Karen Goldman, Secretary of the Senate

Committee on Transportation

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**SENATE SERVICES REPORT**

**Correctly Printed:** SJR10-003.

**Correctly Engrossed:** SR10-001 and 002.

**Correctly Reengrossed:** SB10-036.

**Correctly Enrolled:** SR10-001, 002 and 004.

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, January 19, 2010.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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