

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

35th Legislative Day Tuesday, February 16, 2010

Prayer	By the chaplain, Reverend Dr. Timothy Tyler, Shorter Community AME Church, Denver.	1 2 3 4 5 6 7 8 9 10 11
Call to Order	By the President at 9:00 a.m.	12 13 14 15
Pledge	By Senator Sandoval.	16 17
Roll Call	Present--33. Absent--2, Penry, Romer. Excused-- 1, Boyd. Present later-- 3, Boyd, Penry, Romer.	18 19 20 21 22
Quorum	The President announced a quorum present.	23 24
Reading of Journal	On motion of Senator Hudak, reading of the Journal of Monday, February 15, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.	25 26 27

MESSAGE FROM THE HOUSE

February 15, 2010

The House has adopted and returns herewith SJR10-011.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB10-123 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	38 39 40 41 42 43 44
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB10-091 be postponed indefinitely.	45 46 47 48 49
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB10-087 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	50 51 52 53 54
	Amend printed bill, page 8, line 8, strike "In" and substitute "EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-6-303 (7), in".	55 56 57
	Page 9, line 2, strike "amended" and substitute "amended, and the said 24-6-303 is further amended BY THE ADDITION OF A NEW SUBSECTION,".	58 59 60 61
	Page 9, line 4, strike " registration. (1) Any" and substitute " registration - legislative declaration. (1) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (7) OF THIS SECTION, any".	62 63 64 65
	Page 11, after line 7 insert:	66 67

"(7) (a) (I) IN THE INTERESTS OF PROMOTING TRANSPARENCY IN GOVERNMENT TO THE FULLEST DEGREE AND PROVIDING FULL DISCLOSURE ABOUT THE ACTIVITIES OF VOLUNTEER LOBBYISTS WHO, ALTHOUGH NOT COMPENSATED AS PROFESSIONAL LOBBYISTS, MAY STILL PLAY A SIGNIFICANT ROLE IN THE ENACTMENT OF LEGISLATION, THE GENERAL ASSEMBLY HEREBY ENCOURAGES ALL VOLUNTEER LOBBYISTS TO REGISTER BY MEANS OF THE ON-LINE LOBBYIST REGISTRATION SYSTEM MAINTAINED BY THE SECRETARY OF STATE PURSUANT TO THIS SECTION.

(II) ANY VOLUNTEER LOBBYIST WHO ELECTS TO REGISTER BY MEANS OF THE ON-LINE LOBBYIST REGISTRATION SYSTEM MAINTAINED BY THE SECRETARY OF STATE PURSUANT TO THIS SECTION SHALL BE EXEMPT FROM ANY PENALTY ASSESSED FOR LATE FILING OF A DISCLOSURE STATEMENT UNDER SECTION 24-6-302 (7).

(b) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IN THE ALTERNATIVE TO REGISTERING BY MEANS OF THE ON-LINE REGISTRATION SYSTEM MAINTAINED BY THE SECRETARY OF STATE PURSUANT TO THIS SECTION, ANY VOLUNTEER LOBBYIST MAY ELECT TO REGISTER WITH THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES IN ACCORDANCE WITH THE PROVISIONS OF RULE 36 (c) (2) OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(II) ANY VOLUNTEER LOBBYIST WHO ELECTS TO REGISTER WITH THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES IN ACCORDANCE WITH THE PROVISIONS OF RULE 36 (c) (2) OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES SHALL PROVIDE HIS OR HER MAILING ADDRESS AND TELEPHONE NUMBER IN CONNECTION WITH SUCH REGISTRATION. A VOLUNTARY LOBBYIST WHO REGISTERS IN THIS MANNER MAY ALSO PROVIDE THE CHIEF CLERK WITH HIS OR HER ELECTRONIC MAILING ADDRESS, WHICH THE GENERAL ASSEMBLY STRONGLY ENCOURAGES ALL SUCH VOLUNTEER LOBBYISTS TO PROVIDE."

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR10-014 by Senator(s) Newell; also Representative(s) Gerou--Concerning Awareness Day for Individuals with Developmental Disabilities.

Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS -- FIRST READING

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

SB10-169 by Senator(s) Boyd; also Representative(s) Riesberg--Concerning authority for moneys in the hospital provider fee cash fund generated by an enhanced federal match through the 2010-11 fiscal year to be used to offset general fund expenditures in the medicaid program.
Health and Human Services

HB10-1001 by Representative(s) Tyler; also Senator(s) Schwartz and Whitehead--Concerning incentives for the installation of new distributed renewable energy generation facilities in Colorado, and, in connection therewith, increasing the target percentages under the electric utility portfolio standard to encourage Colorado utilities to generate three percent of their retail electricity sales from distributed renewable sources by the year 2020, adopting standards for the installation of distributed solar electric generation equipment, and making an appropriation therefor.
Local Government and Energy

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

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the Committee recommends that SB10-063 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. Article 2 of title 21, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

21-2-107. Complaints against contracted attorneys - procedure. (1) IF A PERSON FILES A CLAIM FOR DAMAGES ARISING FROM PROFESSIONAL NEGLIGENCE AS A RESULT OF AN ACT OR OMISSION COMMITTED BY AN ATTORNEY DURING THE PERFORMANCE OF THE ATTORNEY'S DUTIES PURSUANT TO A CONTRACT WITH THE OFFICE OF ALTERNATE DEFENSE COUNSEL PURSUANT TO SECTION 21-2-105:

(a) THE COMPLAINANT SHALL FILE WITH THE COURT A CERTIFICATE OF REVIEW IN ACCORDANCE WITH THE PROVISIONS OF PART 6 OF ARTICLE 20 OF TITLE 13, C.R.S.;

(b) THE ATTORNEY SHALL NOT BE REQUIRED TO FILE AN ANSWER TO THE COMPLAINT UNTIL TWENTY DAYS AFTER THE COMPLAINANT FILES THE ACCOMPANYING CERTIFICATE OF REVIEW; AND

(c) THE OFFICE OF THE ATTORNEY GENERAL SHALL REPRESENT THE ATTORNEY FROM THE TIME OF SERVICE OF THE COMPLAINT UNTIL THE CERTIFICATE OF REVIEW IS FILED; EXCEPT THAT, IF THE OFFICE OF ALTERNATE DEFENSE COUNSEL DETERMINES THAT THE ACT OR OMISSION THAT IS THE BASIS OF THE CLAIM DID NOT OCCUR DURING THE PERFORMANCE OF THE ATTORNEY'S DUTIES PURSUANT TO A CONTRACT WITH THE OFFICE OF ALTERNATE DEFENSE COUNSEL PURSUANT TO SECTION 21-2-105:

(I) THE OFFICE OF ALTERNATE DEFENSE COUNSEL SHALL NOTIFY THE ATTORNEY AND THE OFFICE OF THE ATTORNEY GENERAL OF SAID DETERMINATION; AND

(II) THE OFFICE OF THE ATTORNEY GENERAL SHALL NOT REPRESENT THE ATTORNEY.

(2) UPON THE TIMELY FILING OF A CERTIFICATE OF REVIEW AS REQUIRED IN SUBSECTION (1) OF THIS SECTION, THE COURT SHALL:

(a) ALLOW THE OFFICE OF THE ATTORNEY GENERAL TO WITHDRAW FROM REPRESENTATION OF THE ATTORNEY; AND

(b) IF REQUESTED, ALLOW THE ATTORNEY TO SUBSTITUTE NEW COUNSEL TO REPRESENT HIM OR HER.

(3) IF THE OFFICE OF THE ATTORNEY GENERAL REPRESENTS AN ATTORNEY PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION AND THE COURT DETERMINES THAT THE ACT OR OMISSION THAT IS THE BASIS OF THE CLAIM DID NOT OCCUR DURING THE PERFORMANCE OF THE ATTORNEY'S DUTIES PURSUANT TO A CONTRACT WITH THE OFFICE OF ALTERNATE DEFENSE COUNSEL PURSUANT TO SECTION 21-2-105, THE OFFICE OF THE ATTORNEY GENERAL MAY REQUEST, AND IN RESPONSE TO SUCH A REQUEST THE COURT SHALL ORDER, THE ATTORNEY TO REIMBURSE THE OFFICE OF THE ATTORNEY GENERAL FOR REASONABLE COSTS AND REASONABLE ATTORNEY FEES INCURRED BY THE OFFICE OF THE ATTORNEY GENERAL DURING THE COURSE OF THE REPRESENTATION.

(4) IF A PERSON FILES A CLAIM FOR DAMAGES THAT ARISE FROM

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

PROFESSIONAL NEGLIGENCE AS A RESULT OF AN ACT OR OMISSION COMMITTED BY AN ATTORNEY DURING THE PERFORMANCE OF THE ATTORNEY'S DUTIES PURSUANT TO A CONTRACT WITH THE OFFICE OF ALTERNATE DEFENSE COUNSEL PURSUANT TO SECTION 21-2-105 AND THE ATTORNEY'S CONTRACT FOR INSURANCE WITH HIS OR HER MALPRACTICE INSURANCE CARRIER REQUIRES THE ATTORNEY TO NOTIFY THE INSURANCE CARRIER UPON THE FILING OF A CLAIM AGAINST THE ATTORNEY, THE INSURANCE CARRIER MAY NOT CONSIDER THE CLAIM IN DETERMINING THE AMOUNT OF THE ATTORNEY'S FUTURE MALPRACTICE INSURANCE PREMIUMS UNLESS A CERTIFICATE OF REVIEW IS TIMELY FILED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

(2) The provisions of this act shall apply to claims filed on or after the applicable effective date of this act."

Judiciary

After consideration on the merits, the Committee recommends that **SB10-066** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 14 through 19 and substitute:

"(b) THE REPORTING REQUIREMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL NOT APPLY IF THE PERSON WHO IS OTHERWISE REQUIRED TO REPORT DOES NOT:

(I) LEARN OF THE SUSPECTED ABUSE OR NEGLECT UNTIL AFTER THE ALLEGED VICTIM OF THE SUSPECTED ABUSE OR NEGLECT IS EIGHTEEN YEARS OF AGE OR OLDER; AND

(II) HAVE REASONABLE CAUSE TO KNOW OR SUSPECT THAT THE PERPETRATOR OF THE SUSPECTED ABUSE OR NEGLECT HAS SUBJECTED ANY OTHER CHILD CURRENTLY UNDER EIGHTEEN YEARS OF AGE TO ABUSE OR NEGLECT OR TO CIRCUMSTANCES OR CONDITIONS THAT WOULD LIKELY RESULT IN ABUSE OR NEGLECT."

Judiciary

After consideration on the merits, the Committee recommends that **SB10-089** be postponed indefinitely.

**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:

SB10-082

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.

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

YES	33	NO	2	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	N	Lundberg	Y	Schultheis	N	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: Foster, Schwartz, Steadman and Williams.

SB10-032 by Senator(s) Tapia; also Representative(s) Lambert--Concerning the authorization of amendments to existing state information technology contracts for purposes of furthering consolidation of the management of state agency information technology resources in the office of information technology.

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: Foster, Schwartz and Williams.

SB10-130 by Senator(s) Kester; also Representative(s) McCann--Concerning the allocation of powers within the department of corrections.

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: Newell

HB10-1039 by Representative(s) Gardner B., Kagan, Labuda, Levy, Roberts; also Senator(s) Brophy, Carroll M., Mitchell, Morse, Schwartz--Concerning the enactment of Colorado Revised Statutes 2009 as the positive and statutory law of the state of Colorado.

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.

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:

HB10-1046 by Representative(s) Tyler; also Senator(s) Hudak--Concerning the recorded date of receipt of property tax payments by a county treasurer's office when the payment has no United States postal service postmark.

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: Boyd

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.

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

YES	26	NO	9	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	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	N	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	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 was passed.

SB10-159 by Senator(s) Foster; also Representative(s) Miklosi--Concerning defendant's statements at

a community corrections hearing.

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: Boyd and Newell.

SB10-060 by Senator(s) Morse, Carroll M., Mitchell, Schwartz; also Representative(s) Labuda, Gardner B., Kagan, Levy, Roberts--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

Laid over until Wednesday, February 17, retaining its place on the calendar.

MESSAGE FROM THE GOVERNOR

Appointment Letters of designation and appointment from Governor Ritter were read and assigned to committees as follows:

February 3, 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
 COLORADO WATER CONSERVATION BOARD

for terms expiring February 12, 2013:

Geoff Blakeslee of Hayden, Colorado, to serve as a representative from the Yampa-White drainage basin and as a Democrat, reappointed;

John D. Redifer of Grand Junction, Colorado, to serve as a representative from the main Colorado drainage basin and as a Democrat, reappointed;

Barbara J. Biggs of Denver, Colorado, to serve as a representative from the City and County of Denver and as a Democrat, reappointed.

Sincerely,
 (signed)
 Bill Ritter, Jr.

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

Governor	1
Rec'd: 2/9/10	2
Karen Goldman, Secretary of the Senate	3
	4
Committee on Agriculture and Natural Resources	5
	6
	7
February 3, 2010	8
	9
To the Honorable	10
Colorado Senate	11
Colorado General Assembly	12
State Capitol Building	13
Denver, CO 80203	14
	15
Ladies and Gentlemen:	16
	17
Pursuant to the powers conferred upon me by the Constitution and Laws of the State of	18
Colorado, I have the honor to designate, appoint, reappoint and submit to your	19
consideration, the following:	20
	21
<u>MEMBERS OF THE</u>	22
<u>CHARTER SCHOOL INSTITUTE BOARD</u>	23
	24
for terms expiring July 1, 2012:	25
	26
Patricia M. Hayes of Aurora, Colorado to serve as a member with experience as a charter	27
school board member or founder of a charter school, experience as a public school	28
administrator with experience working with charter schools, other board or public service	29
experience, and as a Republican, appointed;	30
	31
Amy B. Anderson of Denver, Colorado, to serve as a member with experience as a charter	32
school board member or founder of a charter school, other board or public service	33
experience, on-line education and on-line curriculum development experience, and as a	34
Democrat, appointed;	35
	36
John G. Schlichting of Greenwood Village, Colorado, to serve as a charter school board	37
member or founder of a charter school, and as a Democrat, reappointed;	38
	39
for a term expiring July 1, 2010:	40
	41
Cecilia K. Sanchez de Ortiz of Denver, Colorado, to fill the vacancy occasioned by the	42
resignation of Van Schoales of Denver, Colorado, and to serve as a member with other	43
board or public service experience, and as a Democrat, appointed;	44
	45
effective July 1, 2010, for terms expiring July 1, 2013:	46
	47
Celeste C. Di Iorio of Fort Collins, Colorado, to serve as a member with experience as a	48
public school teacher, and as an Unaffiliated, reappointed;	49
	50
	51
Cecilia K. Sanchez de Ortiz of Denver, Colorado, to serve as a member with other board	52
or public service experience, and as a Democrat, reappointed.	53
	54
Sincerely,	55
(signed)	56
Bill Ritter, Jr.	57
Governor	58
Rec'd: 2/9/10	59
Karen Goldman, Secretary of the Senate	60
	61
Committee on Education	62
	63
	64
	65

February 3, 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:

MEMBERS OF THE
STATE BOARD FOR COMMUNITY COLLEGES
AND OCCUPATIONAL EDUCATION

for terms expiring December 31, 2013:

Ruth Ann Woods of South Fork, Colorado, an unaffiliated from the Third Congressional District, appointed;

Richard E. Martinez, Jr. of Centennial, Colorado, an unaffiliated from the Sixth Congressional District, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 2/9/10
Karen Goldman, Secretary of the Senate

Committee on Education

February 3, 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:

STATE BOARD OF EQUALIZATION

for terms expiring September 2, 2013:

Sandra M. Adams of Denver, Colorado, to serve as a representative with knowledge of property taxation, appointed;

Charles S. Brown of Littleton, Colorado, to serve as a representative with knowledge of property taxation, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 2/9/10
Karen Goldman, Secretary of the Senate

Committee on Finance

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

February 3, 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
AIR QUALITY CONTROL COMMISSION

for terms expiring January 31, 2013:

Barbara W. Roberts of Broomfield, Colorado, to serve as a representative with legal and scientific experience, reappointed;

Teresa A. Coons of Grand Junction, Colorado, to serve as a representative with scientific experience, reappointed;

James M. Wilson of Superior, Colorado, to serve as a representative with technical and private sector experience, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 2/9/10
Karen Goldman, Secretary of the Senate

Committee on Health and Human Services

February 3, 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 for your consideration, the following:

MEMBERS OF THE
COLORADO AERONAUTICAL BOARD

for a term expiring December 19, 2012:

Harold W. Patton, Jr. of Greenwood Village, Colorado, to serve as a member from the eastern slope and who represents local governments which operate airports, reappointed;

Louis A. Spera of Pueblo West, Colorado, to serve as a member from the eastern slope and who represents local governments which operate airports, reappointed;

David A. Ubell of Olathe, Colorado, to serve as a member from the western slot and who represents local governments which operate airports, reappointed.

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

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 2/9/10
Karen Goldman, Secretary of the Senate

Committee on Transportation

COMMITTEE OF REFERENCE REPORTS

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB10-093** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, after line 1 insert:

"SECTION 1. 38-38-107, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

38-38-107. Fees and costs - definitions - court award. (6) ANY PERSON AGGRIEVED BY A VIOLATION OF A DUTY IMPOSED UNDER THIS ARTICLE AND WHO PREVAILS IN LITIGATION INSTITUTED TO PROTECT HIS OR HER RIGHTS UNDER THIS ARTICLE SHALL BE AWARDED REASONABLE ATTORNEY FEES AND COSTS INCURRED IN SUCH LITIGATION."

Re-number succeeding sections accordingly.

Page 2, strike lines 10 through 14.

Strike pages 3 through 6 and substitute:

"(2) THE HOLDER OF A CERTIFICATE OF PURCHASE MAY PAY A JUNIOR LIENOR THE DEBT SECURED BY THE JUNIOR LIENOR'S LIEN. THE JUNIOR LIENOR SHALL NOT REFUSE THE TENDERED PAYMENT."

Re-number succeeding section accordingly.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB10-163** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 7, line 23, strike "This" and substitute "Sections 5 and 6 of this".

Page 7, strike line 24 and substitute "compensation claims pending or filed on or after the effective".

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB10-127** be postponed indefinitely.

SENATE SERVICES REPORT

Correctly Printed: SJR10-013.
Correctly Engrossed: SB10-032, 060, 082, 083, 130 and 159.
Correctly Reengrossed: SB10-008, 016, 027, 040, 056, 058, 097, 099 and 100.
Correctly Revised: HB10-1039 and 1046.

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

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB10-035.

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 Tuesday, February 16, 2010, was laid over until Wednesday, February 17, 2010, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB10-102
 General Orders -- Second Reading of Bills: SB10-114, SB10-081, SB10-118, SB10-007, SB10-076, SB10-150, HB10-1110, SB10-149, SB10-151, SB10-146, SB10-103, SB10-075, SB10-059
 Consideration of Resolutions: SJR10-010, SJR10-013

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, February 17, 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