

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

29th Legislative Day Wednesday, February 10, 2010

- Prayer 10
 By the chaplain, Reverend Dr. Louise B. Barger, Retired Executive Minister, American Baptist Churches of the Rocky Mountains. 11
- Call to Order 12
 By the President at 9:00 a.m. 13
- Pledge 14
 By Senator Schultheis. 15
- Roll Call 16
 Present--33. 17
 Excused--2, Renfroe, Scheffel. 18
 Present later---2, Renfroe, Scheffel. 19
- Quorum 20
 The President announced a quorum present. 21
- Reading of Journal 22
 On motion of Senator Johnston, reading of the Journal of Tuesday, February 9, 2010, was dispensed with and the Journal was approved as corrected by the Secretary. 23

COMMITTEE OF REFERENCE REPORTS

- Legal Services 24
 After consideration on the merits, the Committee recommends that **SB10-060** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar. 25
- Finance 26
 The Committee on Finance has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed: 27
- MEMBERS OF THE SECURITIES BOARD 28
- for a term expiring July 1, 2012: 29
- Steven W. Palamar of Telluride, Colorado, a member of the public at large, reappointed. 30
- Finance 31
 After consideration on the merits, the Committee recommends that **HB10-1055** be referred to the Committee of the Whole with favorable recommendation. 32

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: 33
- HB10-1189** by Representative(s) Pommer; also Senator(s) Heath--Concerning the elimination of the state sales and use tax exemption for direct mail advertising materials, and making an appropriation therefor. 34
- The question being "Shall the bill pass?", the roll call was taken with the following result: 35

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YES	19	NO	15	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	E	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	N		

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

HB10-1191 by Representative(s) Pommer; also Senator(s) Heath--Concerning the narrowing of the existing exemption from the state sales and use taxes for food, and, in connection therewith, subjecting candy and soft drinks to the state sales and use taxes, and making an appropriation therefor.

A majority of those elected to the Senate having voted in the affirmative, Senator Heath was given permission to offer a third reading amendment.

Third Reading Amendment No. 1,(L.041) by Senator Heath.

Amend revised bill, page 2, line 2, strike "39-26-707 (1)," and substitute "39-26-707,".

Page 2, line 3, strike "PARAGRAPH" and substitute "SUBSECTION".

Page 2, line 4 strike "(1) The".

Page 2, strike lines 5 and 6.

Page 2, line 7 strike "(f) (I)" and substitute "(1.5) (a)".

Page 2, line 8, strike "THIS SUBSECTION (1)," and substitute "SUBSECTION (1) OF THIS SECTION,".

Page 2, line 10 strike "(II)" and substitute "(b)" and strike "PARAGRAPH (f):" and substitute "SUBSECTION (1.5):".

Page 2, line 11, strike "(A)" and substitute "(I)"

Page 2, line 17, strike "(B)" and substitute "(II)".

Page 4, line 8, strike "(f)" and substitute "(b)" and strike "(1)" and substitute "(1.5)".

The amendment was passed on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	E	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 those elected to the Senate having voted in the affirmative, Senator Mitchell was given permission to offer a third reading amendment.

Third Reading Amendment No. 2,(L.040) by Senator Mitchell.

Amend revised bill, page 6, line 8, strike "SHALL, TO THE EXTENT SUCH INFORMATION IS".

Page 6, line 9, strike "AVAILABLE," and substitute "SHALL".

The amendment was lost on the following roll call vote:

YES	16	NO	19	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	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	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	Y		

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	N	Whitehead	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	N		

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

HB10-1194 by Representative(s) Ferrandino; also Senator(s) Heath--Concerning the narrowing of the existing exemptions from the state sales and use taxes for articles sold to sellers of items intended for human consumption that are furnished by the sellers to their customers with such items without the addition of a separate charge, and making an appropriation therefor.

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	N	Whitehead	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	N		

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

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 introduction and consideration of resolutions.

MESSAGE FROM THE HOUSE

February 10, 2010

The House has adopted and transmits herewith HJR10-1011, as printed in House Journal, February 10.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR10-1011 by Representative(s) Weissmann, Carroll T., May; also Senator(s) Morse, Shaffer B., Penry--Concerning the concurrence of the general assembly in the governor's request that the Colorado supreme court render its opinion on questions arising from Citizens United v. Federal Election Comm'n, 558 U.S. ___ (2010).

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

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: Boyd, Carroll M., Heath, Hudak, Johnston, Newell and Steadman.

THIRD READING OF BILLS -- FINAL PASSAGE -- con't

HB10-1195 by Representative(s) Ferrandino; also Senator(s) Heath--Concerning the suspension of the exemption from the state sales and use taxes for certain items used in agricultural production, and making an appropriation therefor.

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	N	Whitehead	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	N		

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

HB10-1196 by Representative(s) Ferrandino; also Senator(s) Heath--Concerning the disqualification of category 7 motor vehicles from the state income tax credit for the purchase of vehicles using alternative fuels.

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	N	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	N		

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

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

THIRD READING OF BILLS -- FINAL PASSAGE -- con't

HB10-1199 by Representative(s) Ferrandino; also Senator(s) Heath--Concerning a temporary limit on the state income tax deduction for a net operating loss.

A majority of those elected to the Senate having voted in the affirmative, Senator King was given permission to offer a third reading amendment.

Third Reading Amendment No. 1,(L.025) by Senator King K.

Amend revised bill, page 2, strike line 18 and substitute:

"JANUARY 1, 2014, IS THE GREATER OF TWO HUNDRED FIFTY THOUSAND DOLLARS OR FIFTY PERCENT OF THE CORPORATION'S COLORADO TAXABLE INCOME.".

The amendment was lost on the following roll call vote:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	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	Y	Whitehead	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	Y		

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

YES	19	NO	16	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	N		

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

HB10-1192 by Representative(s) Pommer; also Senator(s) Heath--Concerning the state sales and use tax of standardized software, and making an appropriation therefor.

A majority of those elected to the Senate having voted in the affirmative, Senator Heath was given permission to offer a third reading amendment.

Third Reading Amendment No. 1,(L.047) by Senator Heath.

Amend revised bill, page 4, line 25, after "SOFTWARE"" insert "OR "SOFTWARE"".

The amendment was passed on the following roll call vote:

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		

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	N	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	N	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	N		

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

HB10-1190 by Representative(s) Pommer; also Senator(s) Heath--Concerning the suspension of the exemption from the state sales and use taxes for fuels used for industrial purposes, and making an appropriation therefor.

A majority of those elected to the Senate having voted in the affirmative, Senator Harvey was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.072), by Senator Harvey.

Amend revised bill, page 1, line 101, strike "EXEMPTION" and substitute "EXCLUSION".

The amendment was lost on the following roll call vote:

YES	15	NO	19	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	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	Y
Gibbs	N	Kopp	*	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senator Kopp.

On a substitute motion, Senator King moved that the Senate lay over **SB10-1190** until May 1. The motion was lost by the following roll call vote:

YES	15	NO	19	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	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	Y	Whitehead	N
Gibbs	N	Kopp	*	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senator Kopp.

A majority of those elected to the Senate having voted in the affirmative, Senator Mitchell was given permission to offer a third reading amendment.

Third Reading Amendment No. 2.(L.071), by Senator Mitchell.

Amend revised bill, page 4, line 10, strike "SHALL, TO THE EXTENT SUCH INFORMATION IS".

Page 4, line 11, strike "AVAILABLE," and substitute "SHALL".

The amendment was lost on the following roll call vote:

YES	15	NO	19	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	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	Y
Gibbs	N	Kopp	*	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senator Kopp.

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

YES	18	NO	16	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	N	Whitehead	N
Gibbs	Y	Kopp	*	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	N		

* Abstaining from voting under Senate Rule 17(c) -- Senator Kopp.

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

HB10-1193 by Representative(s) Pommer; also Senator(s) Heath--Concerning the collection of sales and use taxes on sales made by out-of-state retailers, and making an appropriation therefor.

A majority of those elected to the Senate having voted in the affirmative, Senator Johnston was given permission to offer a third reading amendment.

Third Reading Amendment No. 1,(L.034), by Senator Johnston.

Amend revised bill, page 5, line 5, after "YEAR." insert "SUCH NOTIFICATION SHALL INCLUDE, IF AVAILABLE, THE DATES OF PURCHASES, THE AMOUNTS OF EACH PURCHASE, AND THE CATEGORY OF THE PURCHASE, INCLUDING, IF KNOWN BY THE RETAILER, WHETHER THE PURCHASE IS EXEMPT OR NOT EXEMPT FROM TAXATION.".

Page 5, line 18, strike "SUMMARIZING" and substitute "SHOWING" and after "TOTAL" insert "AMOUNT PAID FOR".

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
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 those elected to the Senate having voted in the affirmative, Senator Heath was given permission to offer a third reading amendment.

Third Reading Amendment No. 2,(L.032) by Senator Heath.

Amend revised bill, page 7, after line 18 insert:

"(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of revenue, for allocation to the taxpayer service division for the fiscal year beginning July 1, 2010, the sum of thirty thousand dollars (\$30,000), or so much thereof as may be necessary, for the implementation of this act."

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of those elected to the Senate having voted in the affirmative, Senator Heath was given permission to offer a third reading amendment.

Third Reading Amendment No. 3,(L.035) by Senator Heath.

Amend revised bill, page 4, line 21, strike "ALL" and substitute "CERTAIN".

Page 4, line 22, strike "COLORADO DEPARTMENT OF REVENUE" and substitute "STATE OF COLORADO".

Page 5, line 3, after "SHOWING" insert "SUCH INFORMATION AS THE COLORADO DEPARTMENT OF REVENUE SHALL REQUIRE BY RULE AND".

Page 5, line 6, strike "COLORADO DEPARTMENT OF REVENUE" and substitute "STATE OF COLORADO".

Page 5, line 7, strike "THE" and substitute "CERTAIN".

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

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		

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

YES	19	NO	16	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	N
Carroll M.	Y	Kester	N	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	N		

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

SB10-019 by Senator(s) Schwartz, Brophy, Hodge, White, Whitehead; also Representative(s) Fischer, Baumgardner, Curry, Gardner C., McKinley--Concerning the valuation of new hydroelectric energy facilities for the purpose of property taxation.

Laid over until Thursday, February 11, retaining its place on the calendar.

COMMITTEE OF REFERENCE REPORTS

Local Government and Energy After consideration on the merits, the Committee recommends that **HB10-1046** be referred to the Committee of the Whole with favorable recommendation.

Local Government and Energy After consideration on the merits, the Committee recommends that **HB10-1069** be referred to the Committee of the Whole with favorable recommendation.

Local Government and Energy After consideration on the merits, the Committee recommends that **SB10-096** be postponed indefinitely.

SENATE SERVICES REPORT

Correctly Printed: SB10-166, 167 and 168.
Correctly Engrossed: SJR10-011.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HJR10-1011.

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 Wednesday, February 10 was laid over until Thursday, February 11 retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB10-082.
 General Orders -- Second Reading of Bills: SB10-016, SB10-100, SB10-099, SB10-114, SB10-040, SB10-097, SB10-056, SB10-027, SB10-008, SB10-058.
 Consideration of Resolutions: HJR10-1010.
 Consideration of Governor's Appointments:

- Members of the Board of Governors of the Colorado State University System
- Executive Director of the Colorado Commission on Higher Education and the Executive Director of the Department of Higher Education
- Member of the Higher Education Competitive Research Authority Board of Directors
- Members of the Board of Real Estate Appraisers
- Members of the Colorado Lottery Commission

Members of the Ground Water Commission 1
Member of the Colorado Agricultural Development Authority Board of Directors 2

TRIBUTES

Honoring: 8
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Coach Rob Graham - - By Senators Scheffel and Harvey and Representative Murray 10
The 2009 Ponderosa High School Girls Volleyball Team - - By Senators Scheffel and 11
Harvey and Representative Murray 12
Hilltop Community resources - - By Senator Penry 13
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On motion of Senator Morse, the Senate adjourned until 9:15 a.m., Thursday, February 11, 2010. 15
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Approved: 22
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Brandon C. Shaffer 26
President of the Senate 27
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Attest: 30
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Karen Goldman 33
Secretary of the Senate 34
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