

**HOUSE JOURNAL**  
**SIXTY-SEVENTH GENERAL ASSEMBLY**  
**STATE OF COLORADO**  
**Second Regular Session**

One hundred-fifteenth Legislative Day Friday, May 7, 2010

1 Prayer by Rabbi Yaakov Meyer, Aish Denver Synagogue, Greenwood  
 2 Village.

3  
 4 The Speaker called the House to order at 9:00 a.m.

5  
 6 Pledge of Allegiance led by Gabriela and Christian Ojala, Nativity of Our  
 7 Lord Catholic School, Broomfield.

8  
 9 The roll was called with the following result:

10  
 11 Present--63.  
 12 Excused--Representative(s) Middleton, Scanlan--2.  
 13 Present after roll call--Representative(s) Middleton, Scanlan.

14  
 15 The Speaker declared a quorum present.

16  
 17  
 18 On motion of Representative Nikkel, the reading of the journal of  
 19 May 6, 2010, was declared dispensed with and approved as corrected by  
 20 the Chief Clerk.

**THIRD READING OF BILL(S)--FINAL PASSAGE**

21  
 22  
 23  
 24  
 25  
 26 The following bill(s) was(were) considered on Third Reading. The  
 27 title(s) was(were) publicly read. Reading of the bill at length was  
 28 dispensed with by unanimous consent.

29  
 30 **SB10-028** by Senator(s) Heath; also Representative(s) Pace--  
 31 Concerning the establishment of the Colorado "Work  
 32 Share Program" to allow payment of unemployment  
 33 compensation benefits to eligible employees who have  
 34 received a reduction in work hours.

35  
 36 The question being "Shall the bill pass?".  
 37 A roll call vote was taken. As shown by the following recorded vote, a  
 38 majority of those elected to the House voted in the affirmative and the bill  
 39 was declared **passed**.

40  
 41

	YES	38	NO	27	EXCUSED	0	ABSENT	0
42	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
43	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y

1	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
2	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
3	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
4	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
5	Casso	Y	Kerr J.	N	Murray	N	Stephens	N
6	Court	Y	King S.	N	Nikkel	N	Summers	N
7	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
8	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N
9	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
10	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
11	Frangas	Y	Looper	N	Priola	N	Vaad	N
12	Gagliardi	Y	Massey	N	Rice	Y	Vigil	Y
13	Gardner B.	N	May	N	Riesberg	Y	Waller	N
14	Gardner C.	N	McCann	Y	Roberts	N	Weissmann	Y
15							Speaker	Y

16 Co-sponsor(s) added: Representative(s) Apuan, Fischer, Frangas, Hullinghorst,  
17 Kagan, Labuda, Merrifield, Middleton, Pommer, Rice, Ryden, Vigil.

18

19 **SB10-114** by Senator(s) Carroll M.; also Representative(s)  
20 Weissmann--Concerning the "Colorado Taxpayer  
21 Transparency Act of 2010".  
22

23 Laid over until May 10, retaining place on Calendar.  
24

25 **SB10-139** by Senator(s) Kester; also Representative(s) Sonnenberg--  
26 Concerning the addition of a line to Colorado state  
27 individual income tax return forms whereby individual  
28 taxpayers may make a voluntary contribution benefiting  
29 the unwanted horse fund.  
30

31 The question being "Shall the bill pass?".

32 A roll call vote was taken. As shown by the following recorded vote, a  
33 majority of those elected to the House voted in the affirmative and the bill  
34 was declared **passed**.  
35

	YES	42	NO	23	EXCUSED	0	ABSENT	0
37	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	N
38	Apuan	Y	Hullinghorst	N	McKinley	N	Scanlan	N
39	Balmer	N	Judd	Y	McNulty	Y	Schafer S.	N
40	Baumgardner	Y	Kagan	N	Merrifield	N	Solano	Y
41	Benefield	N	Kefalas	Y	Middleton	N	Sonnenberg	Y
42	Bradford	Y	Kerr A.	N	Miklosi	Y	Soper	Y
43	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
44	Court	N	King S.	Y	Nikkel	Y	Summers	N
45	Curry	Y	Labuda	N	Pace	Y	Swalm	Y
46	DelGrosso	Y	Lambert	N	Peniston	N	Tipton	Y
47	Ferrandino	Y	Levy	N	Pommer	N	Todd	Y
48	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
49	Frangas	N	Looper	Y	Priola	Y	Vaad	Y
50	Gagliardi	N	Massey	Y	Rice	Y	Vigil	N
51	Gardner B.	Y	May	Y	Riesberg	N	Waller	Y
52	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	N
53							Speaker	Y

54 Co-sponsor(s) added: Representative(s) Baumgardner, Fischer, Looper, Priola,  
55 Roberts.  
56

1 **SB10-087** by Senator(s) Steadman; also Representative(s) Liston--  
 2 Concerning the authority of the secretary of state in  
 3 connection with the regulation of lobbyists, and making an  
 4 appropriation therefor.  
 5

6 The question being "Shall the bill pass?".  
 7 A roll call vote was taken. As shown by the following recorded vote, a  
 8 majority of those elected to the House voted in the affirmative and the bill  
 9 was declared **passed**.

	YES	58	NO	7	EXCUSED	0	ABSENT	0
12	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
13	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
14	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
15	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	N
16	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
17	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
18	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	N
19	Court	Y	King S.	Y	Nikkel	N	Summers	Y
20	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
21	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	N
22	Ferrandino	Y	Levy	N	Pommer	Y	Todd	Y
23	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
24	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
25	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
26	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
27	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
28							Speaker	Y

29 Co-sponsor(s) added: Representative(s) Apuan, Priola, Schafer S.

30  
 31  
 32 **SB10-076** by Senator(s) Carroll M.; also Representative(s)  
 33 Primavera--Concerning unreasonable insurance claims  
 34 settlement practices.  
 35

36 The question being "Shall the bill pass?".  
 37 A roll call vote was taken. As shown by the following recorded vote, a  
 38 majority of those elected to the House voted in the affirmative and the bill  
 39 was declared **passed**.

	YES	47	NO	18	EXCUSED	0	ABSENT	0
42	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
43	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
44	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
45	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
46	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
47	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
48	Casso	Y	Kerr J.	N	Murray	Y	Stephens	N
49	Court	Y	King S.	N	Nikkel	Y	Summers	Y
50	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
51	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	Y
52	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
53	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
54	Frangas	Y	Looper	Y	Priola	Y	Vaad	N
55	Gagliardi	Y	Massey	N	Rice	Y	Vigil	Y
56	Gardner B.	N	May	N	Riesberg	Y	Waller	N

1 Gardner C. N McCann Y Roberts Y Weissmann Y  
 2 Speaker Y

3 Co-sponsor(s) added: Representative(s) Apuan, Fischer, Frangas, Hullinghorst,  
 4 Labuda, Levy, Merrifield, Pommer, Ryden, Solano, Todd.

5  
 6 **SB10-141** by Senator(s) King K.; also Representative(s) Lambert--  
 7 Concerning the transfer of responsibility for the regulation  
 8 of games of chance from the secretary of state to the  
 9 department of revenue in accordance with House  
 10 Concurrent Resolution 09-1003, and making an  
 11 appropriation therefor.

12  
 13 The question being "Shall the bill pass?".  
 14 A roll call vote was taken. As shown by the following recorded vote, a  
 15 majority of those elected to the House voted in the affirmative and the bill  
 16 was declared **passed**.

	YES	53	NO	12	EXCUSED	0	ABSENT	0
19	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
20	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
21	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
22	Baumgardner	N	Kagan	Y	Merrifield	N	Solano	Y
23	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
24	Bradford	Y	Kerr A.	N	Miklosi	Y	Soper	Y
25	Casso	Y	Kerr J.	Y	Murray	N	Stephens	Y
26	Court	Y	King S.	Y	Nikkel	N	Summers	Y
27	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
28	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
29	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	N
30	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
31	Frangas	Y	Looper	N	Priola	Y	Vaad	Y
32	Gagliardi	Y	Massey	Y	Rice	N	Vigil	Y
33	Gardner B.	N	May	N	Riesberg	Y	Waller	Y
34	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	N
35							Speaker	Y

36 Co-sponsor(s) added: Representative(s) McFadyen, Vigil.

37  
 38 **SB10-187** by Senator(s) Tochtrop; also Representative(s) Riesberg--  
 39 Concerning workers' compensation.

40  
 41 The question being "Shall the bill pass?".  
 42 A roll call vote was taken. As shown by the following recorded vote, a  
 43 majority of those elected to the House voted in the affirmative and the bill  
 44 was declared **passed**.

	YES	41	NO	24	EXCUSED	0	ABSENT	0
47	Acree	Y	Gerou	N	McFadyen	Y	Ryden	Y
48	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
49	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
50	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
51	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
52	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
53	Casso	Y	Kerr J.	N	Murray	N	Stephens	N
54	Court	Y	King S.	N	Nikkel	N	Summers	N
55	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
56	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N

1	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
2	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
3	Frangas	Y	Looper	N	Priola	Y	Vaad	N
4	Gagliardi	Y	Massey	N	Rice	Y	Vigil	Y
5	Gardner B.	N	May	N	Riesberg	Y	Waller	N
6	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
7							Speaker	Y

8 Co-sponsor(s) added: Representative(s) Apuan, Labuda.

9  
10 **SB10-194** by Senator(s) Boyd; also Representative(s) Riesberg--  
11 Concerning the requirement that entities operating  
12 pursuant to certain federal waivers that provide certain  
13 services to persons with developmental disabilities obtain  
14 licensure as home care agencies.

15  
16 The question being "Shall the bill pass?".

17 A roll call vote was taken. As shown by the following recorded vote, a  
18 majority of those elected to the House voted in the affirmative and the bill  
19 was declared **passed**.

21	YES	65	NO	0	EXCUSED	0	ABSENT	0
22	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
23	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
24	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
25	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
26	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
27	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
28	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
29	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
30	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
31	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
32	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
33	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
34	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
35	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
36	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
37	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
38							Speaker	Y

39 Co-sponsor(s) added: Representative(s) Apuan, Fischer, Gerou, Labuda,  
40 Looper, Pommer, Schafer S., Soper, Todd.

41  
42 **SB10-128** by Senator(s) Hudak, Newell, Carroll M., Steadman; also  
43 Representative(s) Rice--Concerning invasion of privacy,  
44 and making an appropriation in connection therewith.

45  
46 As shown by the following roll call vote, a majority of all members  
47 elected to the House voted in the affirmative, and Representative Casso  
48 was given permission to offer a Third Reading amendment:

50	YES	60	NO	5	EXCUSED	0	ABSENT	0
51	Acree	Y	Gerou	Y	McFadyen	N	Ryden	Y
52	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
53	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
54	Baumgardner	Y	Kagan	Y	Merrifield	N	Solano	Y
55	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
56	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y

1	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
2	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
3	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
4	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
5	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
6	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
7	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
8	Gagliardi	N	Massey	Y	Rice	Y	Vigil	Y
9	Gardner B.	N	May	Y	Riesberg	Y	Waller	Y
10	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	N
11							Speaker	Y

12  
13 **Third Reading amendment No. 1**, by Representative Casso.

14  
15 Amend revised bill, page 8, line 25, strike "and 10" and substitute "10, 12,  
16 and 13".

17  
18 The amendment was declared **passed** by the following roll call vote:

20	YES	65	NO	0	EXCUSED	0	ABSENT	0
21	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
22	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
23	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
24	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
25	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
26	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
27	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
28	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
29	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
30	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
31	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
32	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
33	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
34	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
35	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
36	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
37							Speaker	Y

38  
39 The question being, "Shall the bill, as amended, pass?"

40 A roll call vote was taken. As shown by the following recorded vote, a  
41 majority of those elected to the House voted in the affirmative, and the  
42 bill, as amended, was declared **passed**.

44	YES	64	NO	1	EXCUSED	0	ABSENT	0
45	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
46	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
47	Balmer	Y	Judd	N	McNulty	Y	Schafer S.	Y
48	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
49	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
50	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
51	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
52	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
53	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
54	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
55	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
56	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y

1	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
2	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
3	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
4	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
5							Speaker	Y

6 Co-sponsor(s) added: Representative(s) Labuda, Looper, Primavera, Stephens.

7  
 8 **SB10-054** by Senator(s) Hudak, Steadman; also Representative(s)  
 9 Levy--Concerning the provision of educational services  
 10 for juveniles against whom charges have been filed in  
 11 district court, and making an appropriation therefor.

12  
 13 The question being "Shall the bill pass?".  
 14 A roll call vote was taken. As shown by the following recorded vote, a  
 15 majority of those elected to the House voted in the affirmative and the bill  
 16 was declared **passed**.

17	YES	52	NO	13	EXCUSED	0	ABSENT	0
19	Acree	N	Gerou	Y	McFadyen	Y	Ryden	Y
20	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
21	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
22	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
23	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
24	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
25	Casso	Y	Kerr J.	N	Murray	N	Stephens	Y
26	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
27	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
28	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N
29	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
30	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
31	Frangas	Y	Looper	Y	Priola	Y	Vaad	N
32	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
33	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
34	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
35							Speaker	Y

36 Co-sponsor(s) added: Representative(s) Apuan, Court, Hullinghorst, Kagan,  
 37 Kefalas, Labuda, May, McCann, Merrifield, Nikkel, Pace, Pommer, Schafer S.,  
 38 Stephens, Todd, Speaker.

39  
 40 **SB10-184** by Senator(s) Romer and Gibbs, Penry, Schwartz, Hodge,  
 41 Kopp, Williams, Bacon, Boyd, Carroll M., Foster, Heath,  
 42 Hudak, Johnston, Kester, Lundberg, Mitchell, Morse,  
 43 Newell, Renfroe, Scheffel, Schultheis, Shaffer B., Spence,  
 44 Steadman, Tapia, Tochtrop, Whitehead; also  
 45 Representative(s) Scanlan and King S., Casso, Court,  
 46 Curry, Ferrandino, Fischer, Frangas, Kerr A., Kerr J.,  
 47 Levy, Looper, Massey, McCann, McFadyen, Miklosi,  
 48 Pace, Peniston, Pommer, Primavera, Rice, Schafer S.,  
 49 Soper, Swalm, Todd, Tyler--Concerning transportation  
 50 demand management solutions for traffic congestion in the  
 51 interstate 70 mountain corridor, and, in connection  
 52 therewith, authorizing the high-performance transportation  
 53 enterprise to contract with the department of transportation  
 54 to provide and operate reversible highway lanes within a  
 55 specified portion of the corridor.  
 56

1 The question being "Shall the bill pass?".  
 2 A roll call vote was taken. As shown by the following recorded vote, a  
 3 majority of those elected to the House voted in the affirmative and the bill  
 4 was declared **passed**.

	YES	60	NO	5	EXCUSED	0	ABSENT	0
7	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
8	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
9	Balmer	N	Judd	Y	McNulty	Y	Schafer S.	Y
10	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
11	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
12	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
13	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
14	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
15	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
16	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
17	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
18	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
19	Frangas	Y	Looper	Y	Priola	N	Vaad	Y
20	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
21	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
22	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
23							Speaker	Y

24 Co-sponsor(s) added: Representative(s) Labuda, Merrifield, Summers, Vigil.

25  
 26 **SB10-180** by Senator(s) Williams, Penry, Schwartz, Kester, Boyd,  
 27 Carroll M., Hudak, Johnston, Morse, Romer, Bacon,  
 28 Heath, Hodge, Keller, Newell, Shaffer B., Tapia; also  
 29 Representative(s) Kerr A., Casso, Court, Curry, Fischer,  
 30 Hullinghorst, Miklosi, Solano--Concerning the  
 31 development of a smart grid for Colorado, and, in  
 32 connection therewith, convening a task force to  
 33 recommend legislative and administrative measures to  
 34 encourage the orderly implementation of smart grid  
 35 technology in Colorado.

36  
 37 The question being "Shall the bill pass?".  
 38 A roll call vote was taken. As shown by the following recorded vote, a  
 39 majority of those elected to the House voted in the affirmative and the bill  
 40 was declared **passed**.

	YES	38	NO	27	EXCUSED	0	ABSENT	0
43	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
44	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
45	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
46	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
47	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
48	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
49	Casso	Y	Kerr J.	N	Murray	N	Stephens	N
50	Court	Y	King S.	N	Nikkel	N	Summers	N
51	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
52	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N
53	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
54	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
55	Frangas	Y	Looper	N	Priola	N	Vaad	N
56	Gagliardi	Y	Massey	N	Rice	Y	Vigil	Y



1	Gardner B.	N	May	N	Riesberg	Y	Waller	N
2	Gardner C.	N	McCann	Y	Roberts	N	Weissmann	Y
3							Speaker	Y

4 Co-sponsor(s) added: Representative(s) Frangas, Labuda, Pace, Pommer, Todd,  
5 Tyler.

6  
7 **SB10-201** by Senator(s) Mitchell and Romer, Foster, Hodge, Kester,  
8 Kopp, Morse, Newell, Penry, Scheffel, Shaffer B., Tapia;  
9 also Representative(s) Soper and Balmer, Baumgardner,  
10 Bradford, Casso, DelGrosso, Hullinghorst, Kagan, Liston,  
11 Looper, McNulty, Merrifield, Priola, Rice, Scanlan,  
12 Sonnenberg, Stephens--Concerning enforcement of the  
13 motor vehicle franchise laws against certain types of  
14 licensees.

15  
16 The question being "Shall the bill pass?".  
17 A roll call vote was taken. As shown by the following recorded vote, a  
18 majority of those elected to the House voted in the affirmative and the bill  
19 was declared **passed**.

21	YES	54	NO	11	EXCUSED	0	ABSENT	0
22	Acree	Y	Gerou	Y	McFadyen	N	Ryden	Y
23	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
24	Balmer	Y	Judd	N	McNulty	Y	Schafer S.	Y
25	Baumgardner	Y	Kagan	Y	Merrifield	N	Solano	N
26	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
27	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
28	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
29	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
30	Curry	Y	Labuda	N	Pace	Y	Swalm	N
31	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
32	Ferrandino	Y	Levy	N	Pommer	N	Todd	Y
33	Fischer	N	Liston	Y	Primavera	Y	Tyler	Y
34	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
35	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
36	Gardner B.	Y	May	Y	Riesberg	N	Waller	Y
37	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	N
38							Speaker	Y

39 Co-sponsor(s) added: Representative(s) Frangas, Gardner C., Kefalas,  
40 Middleton, Summers.

## 44 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

### 46 **APPROPRIATIONS**

47 After consideration on the merits, the Committee recommends the  
48 following:

49  
50 **HCR10-1005** be referred to the Committee of the Whole with favorable  
51 recommendation.

52  
53  
54 **SB10-002** be amended as follows, and as so amended, be referred to  
55 the Committee of the Whole with favorable  
56 recommendation:

1 Amend the Health and Human Services Committee Report, dated May 3,  
2 2010, page 1, strike lines 1 through 16 and substitute:

3  
4 "Amend reengrossed bill, page 3, line 7, after "state;" insert "and".

5  
6 Page 3, strike lines 8 through 12.

7  
8 Reletter succeeding paragraph accordingly.

9  
10 Page 3, strike lines 16 through 27.

11  
12 Strike page 4.

13  
14 Page 5, strike lines 1 through 16.

15  
16 Renumber succeeding sections accordingly.

17  
18 Page 6, strike lines 16 through 27.

19  
20 Page 7, line 1, strike "(c)" and substitute "(b)".

21  
22 Page 7, line 13, strike "THE FOLLOWING NEW PARAGRAPHS," and  
23 substitute "A NEW PARAGRAPH,".

24  
25 Page 2 of the Committee Report, strike lines 1 through 5.

26  
27 Page 2 of the Committee Report, after line 14, insert:

28  
29 "Page 8, strike lines 20 through 27 and substitute:

30  
31 "(III) (A) THE STATE TREASURER SHALL TRANSFER FROM THE  
32 GENERAL FUND TO THE CHILDREN'S WAITING LIST REDUCTION FUND,  
33 WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS  
34 SUBPARAGRAPH (III) AS THE "FUND", AN AMOUNT EQUAL TO THE MONEYS  
35 RECOVERED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (e).  
36 THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION  
37 BY THE GENERAL ASSEMBLY TO THE STATE DEPARTMENT OR THE  
38 DEPARTMENT OF HUMAN SERVICES TO REDUCE THE NUMBER OF CHILDREN  
39 ON WAITING LISTS FOR SERVICES UNDER ARTICLE 6 OF THIS TITLE.

40  
41 (B) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES  
42 STATED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) MAY BE  
43 INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST  
44 AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS  
45 IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND  
46 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A  
47 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR  
48 TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND."

49  
50 Page 2 of the Committee Report, line 6, strike "2" and substitute "1".

51  
52 Page 9, strike lines 1 through 11 and substitute:

53  
54 "(IV) THIS PARAGRAPH (e) IS REPEALED, EFFECTIVE JULY 1,  
55 2013."

56

1 Page 9 of the bill, strike lines 12 through 27.

2

3 Page 10 of the bill, strike lines 1 through 12.

4

5 Renumber succeeding section accordingly."."

6

7

8

9 **SB10-064** be referred to the Committee of the Whole with favorable  
10 recommendation.

11

12

13 **SB10-124** be referred to the Committee of the Whole with favorable  
14 recommendation.

15

16

17 **SB10-144** be referred to the Committee of the Whole with favorable  
18 recommendation.

19

20

21

22

### 23 **EDUCATION**

24 After consideration on the merits, the Committee recommends the  
25 following:

26

27 **SB10-191** be amended as follows, and as so amended, be referred to  
28 the Committee on Appropriations with favorable  
29 recommendation:

30

31 Amend reengrossed bill, page 4, line 14, strike "(4)." and substitute  
32 "(10).".

33

34 Page 4, line 21, strike "(4)." and substitute "(10).".

35

36 Page 6, line 9, strike "(3)" and substitute "(10)"

37

38 Page 6, line 13, strike "(3)," and substitute "(10).".

39

40 Page 6, line 14, strike "(3)" and substitute "(10)".

41

42 Page 6, line 18, strike "THE" and substitute "ON OR BEFORE FEBRUARY 15,  
43 2012, THE".

44

45 Page 6, line 25, after "BOARD." add "IF ONE OR MORE RULES IS NOT  
46 APPROVED BY THE GENERAL ASSEMBLY PURSUANT TO THIS  
47 SUBPARAGRAPH (II), THE STATE BOARD SHALL PROMULGATE EMERGENCY  
48 RULES PURSUANT TO SECTION 24-4-103 (6), C.R.S., ON SUCH ISSUE OR  
49 ISSUES AND RESUBMIT TO THE GENERAL ASSEMBLY ON OR BEFORE MAY 1,  
50 2012. THE GENERAL ASSEMBLY SHALL REVIEW THE EMERGENCY RULES  
51 PROMULGATED ACCORDING TO THE PROCESS OUTLINED IN THIS  
52 SUBPARAGRAPH (II).".

53

54 Page 14, line 16, strike "A GROUP OF" and substitute "THE DEPARTMENT  
55 AND".

56

1 Page 17, line 18, strike "THE" and substitute "ON OR BEFORE FEBRUARY  
2 15, 2012, THE".

3  
4 Page 17, line 19, strike "(4)" and substitute "(10)".

5  
6 Page 17, line 25, after "BOARD." add "IF ONE OR MORE RULES IS NOT  
7 APPROVED BY THE GENERAL ASSEMBLY PURSUANT TO THIS PARAGRAPH  
8 (b), THE STATE BOARD SHALL PROMULGATE EMERGENCY RULES PURSUANT  
9 TO SECTION 24-4-103 (6), C.R.S., ON SUCH ISSUE OR ISSUES AND RESUBMIT  
10 TO THE GENERAL ASSEMBLY ON OR BEFORE MAY 1, 2012. THE GENERAL  
11 ASSEMBLY SHALL REVIEW THE EMERGENCY RULES PROMULGATED  
12 ACCORDING TO THE PROCESS OUTLINED IN THIS PARAGRAPH (b).".

13  
14 Page 18, line 26, strike "PUBLIC OR PRIVATE GIFTS, GRANTS, OR  
15 DONATIONS" and substitute "FEDERAL GRANTS".

16  
17 Page 19, line 1, after "DONATION" insert "EXCEPT FROM FEDERAL  
18 MONEYS".

19  
20 Page 19, line 3, strike "PRIVATE AND" and substitute "FEDERAL MONEYS  
21 RECEIVED TO".

22  
23 Page 19, strike line 4.

24  
25 Page 19, after line 17 insert:

26  
27       "(3) FOR FISCAL YEARS 2010-2011 AND 2011-2012, IF TWO  
28 HUNDRED FIFTY THOUSAND DOLLARS IS NOT CREDITED TO THE FUND  
29 THROUGH FEDERAL GRANTS ON OR BEFORE SEPTEMBER 30, 2010, THE  
30 COMMISSIONER SHALL NOTIFY THE STATE TREASURER OF THE DIFFERENCE.  
31 UPON RECEIPT OF SUCH NOTICE, THE STATE TREASURER SHALL TRANSFER  
32 TO THE FUND THE AMOUNT OF THE DIFFERENCE OUT OF THE CONTINGENCY  
33 RESERVE FUND, CREATED PURSUANT TO SECTION 22-54-117 FOR THE  
34 IMPLEMENTATION OF SECTION 22-9-105.5. IF THERE IS AN INSUFFICIENT  
35 AMOUNT IN THE CONTINGENCY RESERVE FUND, THE STATE TREASURER  
36 SHALL TRANSFER TO THE FUND ANY REMAINING AMOUNT OF THE  
37 DIFFERENCE FROM THE STATE EDUCATION FUND, CREATED IN SECTION 17  
38 (4) OF ARTICLE IX OF THE STATE CONSTITUTION FOR THE IMPLEMENTATION  
39 OF SECTION 22-9-105.5.".

40  
41 Renumber succeeding subsection accordingly.

42  
43 Page 26, line 4, after "(b)" insert "(I)".

44  
45 Page 26, line 8, strike "THE LICENSED PERSONNEL'S" and substitute "HIS  
46 OR HER".

47  
48 Page 26, strike line 9 and substitute "PERFORMANCE, AND IDENTIFICATION  
49 OF DEFICIENCIES.".

50  
51 Page 26, after line 9, insert:

52  
53       "(II) EACH SCHOOL".

54  
55 Page 26, line 19, after "APPROPRIATE." insert "IF THERE IS NO COLLECTIVE  
56 BARGAINING AGREEMENT IN PLACE, FOLLOWING THE RULING OF THE

1 SUPERINTENDENT OR HIS OR HER DESIGNEE, THE APPEALING TEACHER MAY  
2 REQUEST A REVIEW BY A MUTUALLY AGREED-UPON THIRD PARTY. THE  
3 DECISION OF THE THIRD PARTY SHALL REVIEW WHETHER THE DECISION  
4 WAS ARBITRARY OR CAPRICIOUS AND SHALL BE BINDING ON BOTH PARTIES.  
5 THE COST OF ANY SUCH REVIEW SHALL BE BORNE EQUALLY BY BOTH  
6 PARTIES. WHERE A COLLECTIVE BARGAINING AGREEMENT IS IN PLACE,  
7 EITHER PARTY MAY CHOOSE TO OPT INTO THIS PROCESS."

8  
9 Page 26, line 20, strike "A" and substitute "FOR A NONPROBATIONARY  
10 TEACHER, A".

11  
12 Page 26, line 24, before "TEACHER" insert "NONPROBATIONARY", and  
13 strike "OR PRINCIPAL".

14  
15 Page 26, line 25, before "TEACHER" insert "NONPROBATIONARY".

16  
17 Page 26, line 26, strike "OR PRINCIPAL".

18  
19 Page 27, strike line 2 and substitute "EFFECTIVENESS."

20  
21 Page 27, after line 2, insert:

22  
23           "(III) THIS PARAGRAPH (b) SHALL TAKE EFFECT AT SUCH TIME".

24  
25 Strike pages 32 and 33.

26  
27 Page 34, strike lines 1 through 13 and substitute:

28  
29 "FINDS THAT, FOR THE FAIR EVALUATION OF A PRINCIPAL BASED ON THE  
30 DEMONSTRATED EFFECTIVENESS OF HIS OR HER TEACHERS, THE PRINCIPAL  
31 NEEDS THE ABILITY TO SELECT TEACHERS WHO HAVE DEMONSTRATED  
32 EFFECTIVENESS, HAVE UNIQUE QUALIFICATIONS AND TEACHING  
33 EXPERIENCES THAT SUPPORT THE INSTRUCTIONAL MODEL OF HIS OR HER  
34 SCHOOL, AND ARE ALIGNED TO THE SCHOOL'S CULTURE AND MISSION.  
35 THEREFORE, EACH EMPLOYMENT CONTRACT EXECUTED PURSUANT TO THIS  
36 SECTION SHALL CONTAIN A PROVISION STATING THAT A TEACHER MAY BE  
37 ASSIGNED TO A PARTICULAR SCHOOL ONLY WITH THE CONSENT OF THE  
38 HIRING PRINCIPAL AND WITH INPUT FROM AT LEAST TWO PRACTICING  
39 TEACHERS, AND AFTER A REVIEW OF THE TEACHER'S DEMONSTRATED  
40 EFFECTIVENESS, UNIQUE QUALIFICATIONS AND POTENTIAL CONTRIBUTIONS  
41 TO THE SCHOOL'S EDUCATIONAL PROGRAMS, SUCCESSFUL YEARS OF  
42 TEACHING EXPERIENCE, AND FIT WITH THE SCHOOL'S CULTURE AND  
43 MISSION.

44  
45           (II) (A) ANY ACTIVE NONPROBATIONARY TEACHER WHO, DURING  
46 THE PRIOR SCHOOL YEAR, WAS DEEMED SATISFACTORY, OR WAS DEEMED  
47 EFFECTIVE IN A DISTRICT THAT HAS IMPLEMENTED A MULTI-TIERED  
48 EVALUATION SYSTEM AND HAS IDENTIFIED RATINGS EQUIVALENT TO  
49 EFFECTIVE, AND HAS NOT SECURED A MUTUAL CONSENT PLACEMENT  
50 SHALL BE A MEMBER OF A PRIORITY HIRING POOL, WHICH PRIORITY HIRING  
51 POOL SHALL ENSURE THE NONPROBATIONARY TEACHER A FIRST  
52 OPPORTUNITY TO INTERVIEW FOR AVAILABLE POSITIONS FOR WHICH HE OR  
53 SHE IS QUALIFIED IN A SCHOOL DISTRICT.

54  
55           (B) WHEN A DETERMINATION IS MADE THAT A NONPROBATIONARY  
56 TEACHER'S SERVICES ARE NO LONGER REQUIRED FOR THE REASONS SET

1 FORTH IN SUBPARAGRAPH (VII) OF THIS PARAGRAPH (c.5), THE  
2 NONPROBATIONARY TEACHER SHALL BE NOTIFIED OF HIS OR HER REMOVAL  
3 FROM THE SCHOOL. IN MAKING DECISIONS PURSUANT TO THIS PARAGRAPH  
4 (c.5), A SCHOOL DISTRICT SHALL CONSIDER PROBATIONARY AND  
5 NONPROBATIONARY STATUS AND THE NUMBER OF YEARS A TEACHER HAS  
6 BEEN TEACHING IN THE SCHOOL DISTRICT; EXCEPT THAT THESE CRITERIA  
7 MAY BE CONSIDERED ONLY AFTER THE CONSIDERATION OF THE CRITERIA  
8 OF EFFECTIVENESS DESCRIBED IN SECTION 22-9-106. UPON NOTICE TO THE  
9 NONPROBATIONARY TEACHER, THE DEPARTMENT OF HUMAN RESOURCES  
10 FOR THE SCHOOL DISTRICT SHALL IMMEDIATELY PROVIDE THE  
11 NONPROBATIONARY TEACHER WITH A LIST OF ALL VACANT POSITIONS FOR  
12 WHICH HE OR SHE IS QUALIFIED, AS WELL AS A LIST OF VACANCIES IN ANY  
13 AREA IDENTIFIED BY THE SCHOOL DISTRICT TO BE AN AREA OF CRITICAL  
14 NEED. AN APPLICATION FOR A VACANCY SHALL BE MADE TO THE  
15 PRINCIPAL OF A LISTED SCHOOL, WITH A COPY OF THE APPLICATION  
16 PROVIDED BY THE NONPROBATIONARY TEACHER TO THE SCHOOL DISTRICT.  
17 THE NONPROBATIONARY TEACHER SHALL BE INTERVIEWED BY THE  
18 PRINCIPAL UNLESS THE POSITION IS FILLED BEFORE AN INTERVIEW OCCURS.  
19 WHEN A PRINCIPAL RECOMMENDS APPOINTMENT OF A NONPROBATIONARY  
20 TEACHER APPLICANT TO A VACANT POSITION, THE NONPROBATIONARY  
21 TEACHER SHALL BE TRANSFERRED TO THAT POSITION.

22  
23 (C) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE AT SUCH  
24 TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY  
25 STANDARDS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES  
26 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5  
27 HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN  
28 IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE  
29 OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE  
30 JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE  
31 IMPLEMENTATION OCCURS.

32  
33 (III) (A) ANY ACTIVE NONPROBATIONARY TEACHER WHO WAS  
34 DEEMED EFFECTIVE DURING THE PRIOR SCHOOL YEAR AND HAS NOT  
35 SECURED A MUTUAL CONSENT PLACEMENT SHALL BE A MEMBER OF A  
36 PRIORITY HIRING POOL, WHICH PRIORITY HIRING POOL SHALL ENSURE THE  
37 NONPROBATIONARY TEACHER A FIRST OPPORTUNITY TO INTERVIEW FOR  
38 AVAILABLE POSITIONS FOR WHICH HE OR SHE IS QUALIFIED IN THE SCHOOL  
39 DISTRICT.

40  
41 (B) WHEN A DETERMINATION IS MADE THAT A NONPROBATIONARY  
42 TEACHER'S SERVICES ARE NO LONGER REQUIRED FOR THE REASONS SET  
43 FORTH IN SUBPARAGRAPH (VII) OF THIS PARAGRAPH (c.5), THE  
44 NONPROBATIONARY TEACHER SHALL BE NOTIFIED OF HIS OR HER  
45 REMOVAL. IN MAKING DECISIONS PURSUANT TO THIS PARAGRAPH (c.5), A  
46 SCHOOL DISTRICT SHALL CONSIDER PROBATIONARY AND  
47 NONPROBATIONARY STATUS AND THE NUMBER OF YEARS A TEACHER HAS  
48 BEEN TEACHING IN THE SCHOOL DISTRICT; EXCEPT THAT THESE CRITERIA  
49 MAY BE CONSIDERED ONLY AFTER THE CONSIDERATION OF THE CRITERIA  
50 OF EFFECTIVENESS DESCRIBED IN SECTION 22-9-106. UPON NOTICE TO  
51 THE NONPROBATIONARY TEACHER, THE SCHOOL DISTRICT SHALL  
52 IMMEDIATELY PROVIDE THE NONPROBATIONARY TEACHER WITH A LIST OF  
53 ALL VACANT POSITIONS FOR WHICH HE OR SHE IS QUALIFIED, AS WELL AS  
54 A LIST OF VACANCIES IN ANY AREA IDENTIFIED BY THE SCHOOL DISTRICT  
55 TO BE AN AREA OF CRITICAL NEED. AN APPLICATION FOR A VACANCY  
56 SHALL BE MADE TO THE PRINCIPAL OF A LISTED SCHOOL, WITH A COPY OF

1 THE APPLICATION PROVIDED BY THE NONPROBATIONARY TEACHER TO THE  
2 SCHOOL DISTRICT. THE NONPROBATIONARY TEACHER SHALL BE  
3 INTERVIEWED BY THE PRINCIPAL UNLESS THE POSITION IS FILLED BEFORE  
4 AN INTERVIEW OCCURS. WHEN A PRINCIPAL RECOMMENDS APPOINTMENT  
5 OF A NONPROBATIONARY TEACHER APPLICANT TO A VACANT POSITION,  
6 THE NONPROBATIONARY TEACHER SHALL BE TRANSFERRED TO THAT  
7 POSITION.

8  
9 (C) THIS SUBPARAGRAPH (III) SHALL TAKE EFFECT AT SUCH TIME  
10 AS THE PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY  
11 STANDARDS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES  
12 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5  
13 HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN  
14 IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE  
15 OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE  
16 JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE  
17 IMPLEMENTATION OCCURS.

18  
19 (IV) IF A NONPROBATIONARY TEACHER IS UNABLE TO SECURE A  
20 MUTUAL CONSENT ASSIGNMENT AT A SCHOOL OF THE SCHOOL DISTRICT  
21 AFTER TWO HIRING CYCLES, THE SCHOOL DISTRICT SHALL PLACE THE  
22 TEACHER ON UNPAID LEAVE UNTIL SUCH TIME AS THE TEACHER IS ABLE TO  
23 SECURE AN ASSIGNMENT. IF THE TEACHER SECURES AN ASSIGNMENT AT  
24 A SCHOOL OF THE SCHOOL DISTRICT WHILE PLACED ON UNPAID LEAVE, THE  
25 SCHOOL DISTRICT SHALL REINSTATE THE TEACHER'S SALARY AND BENEFITS  
26 AT THE LEVEL THEY WOULD HAVE BEEN IF THE TEACHER HAD NOT BEEN  
27 PLACED ON UNPAID LEAVE.

28  
29 (V) NOTHING IN THIS SECTION SHALL LIMIT THE ABILITY OF A  
30 SCHOOL DISTRICT TO PLACE A TEACHER IN A TWELVE-MONTH OR OTHER  
31 LIMITED-TERM ASSIGNMENTS, INCLUDING, BUT NOT LIMITED TO, A  
32 TEACHING ASSIGNMENT, SUBSTITUTE ASSIGNMENT, OR INSTRUCTIONAL  
33 SUPPORT ROLE DURING THE PERIOD IN WHICH THE TEACHER IS ATTEMPTING  
34 TO SECURE A MUTUAL CONSENT ASSIGNMENT. SUCH AN ASSIGNMENT  
35 SHALL NOT CONSTITUTE A MUTUAL CONSENT ASSIGNMENT AND SHALL NOT  
36 BE DEEMED TO INTERRUPT THE PERIOD IN WHICH THE TEACHER IS  
37 REQUIRED TO SECURE A MUTUAL CONSENT ASSIGNMENT BEFORE THE  
38 DISTRICT SHALL PLACE THE TEACHER ON UNPAID LEAVE.

39  
40 (VI) THE PROVISIONS OF THIS PARAGRAPH (c.5) MAY BE WAIVED  
41 IN WHOLE OR IN PART FOR A RENEWABLE FOUR-YEAR PERIOD BY THE  
42 STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-117, PROVIDED  
43 THAT THE LOCAL SCHOOL BOARD APPLYING FOR THE WAIVER, IN  
44 CONJUNCTION WITH THE SUPERINTENDENT AND TEACHERS ASSOCIATION,  
45 IF APPLICABLE, DEMONSTRATES THAT THE WAIVER IS IN THE BEST  
46 INTEREST OF STUDENTS ENROLLED IN THE SCHOOL DISTRICT, SUPPORTS  
47 THE EQUITABLE DISTRIBUTION OF EFFECTIVE TEACHERS, AND WILL NOT  
48 RESULT IN PLACEMENT OTHER THAN BY MUTUAL CONSENT OF THE  
49 TEACHER IN A SCHOOL DISTRICT OR PUBLIC SCHOOL THAT IS REQUIRED TO  
50 IMPLEMENT A PRIORITY IMPROVEMENT PLAN OR TURNAROUND PLAN  
51 PURSUANT TO ARTICLE 11 OF THIS TITLE. NOTWITHSTANDING THE  
52 PROVISIONS OF THIS PARAGRAPH (c.5), A WAIVER SHALL NOT BE GRANTED  
53 FOR A REQUEST THAT EXTENDS THE TIME FOR SECURING A MUTUAL  
54 CONSENT ASSIGNMENT FOR MORE THAN TWO YEARS.

55  
56 (VII) THIS PARAGRAPH (c.5) SHALL APPLY AS A RESULT OF SCHOOL

1 CLOSURE, CONSOLIDATION, RECONSTITUTION, DROP IN ENROLLMENT,  
2 REDUCTION IN BUILDING, PHASE OUT, OR REDUCTION IN PROGRAM."

3  
4 Page 35, line 13, after "POSITIONS." add "EFFECTIVE FEBRUARY 15, 2012,  
5 THE CONTRACT OR POLICY SHALL INCLUDE CONSIDERATION OF  
6 PROBATIONARY AND NONPROBATIONARY STATUS AND THE NUMBER OF  
7 YEARS A TEACHER HAS BEEN TEACHING IN THE SCHOOL DISTRICT; EXCEPT  
8 THAT THESE CRITERIA MAY BE CONSIDERED ONLY AFTER THE  
9 CONSIDERATION OF THE CRITERIA DESCRIBED IN SECTION 22-9-106 AND  
10 ONLY IF THE CONTRACT OR POLICY IS IN THE BEST INTEREST OF THE  
11 STUDENTS ENROLLED IN THE SCHOOL DISTRICT."

12  
13 Page 36, line 26, after "(a.5)" insert "(I)".

14  
15 Page 37, after line 6 insert:

16 "(II) A PROBATIONARY TEACHER WHO IS DEEMED TO BE  
17 PERFORMING SATISFACTORILY IN ANY OF SCHOOL YEARS 2010-2011,  
18 2011-2012, AND 2012-2013 SHALL, FOR PURPOSES OF ARTICLE 9 OF THIS  
19 TITLE, BE DEEMED TO HAVE PERFORMED EFFECTIVELY DURING THE SAME  
20 SCHOOL YEAR OR YEARS. BEGINNING WITH THE 2013-2014 SCHOOL YEAR,  
21 ALL TEACHERS SHALL BE EVALUATED IN ACCORDANCE WITH THE NEW  
22 PERFORMANCE EVALUATION SYSTEM THAT IS BASED ON MEASURES OF  
23 EFFECTIVENESS; HOWEVER, A SCHOOL DISTRICT MAY EXTEND THE  
24 PROBATIONARY STATUS OF A TEACHER WHO HAS THREE CONSECUTIVE  
25 SATISFACTORY RATINGS AS OF JULY 1, 2013 BY NO MORE THAN ONE YEAR.

26  
27 **SECTION 15.** Part 2 of article 63 of title 22, Colorado Revised  
28 Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION  
29 to read:

30  
31 **22-63-203.5. Nonprobationary portability.** BEGINNING WITH  
32 THE 2014-2015 SCHOOL YEAR, A NONPROBATIONARY TEACHER, EXCEPT  
33 FOR A NONPROBATIONARY TEACHER WHO HAS HAD TWO CONSECUTIVE  
34 PERFORMANCE EVALUATIONS WITH AN INEFFECTIVE RATING, WHO IS  
35 EMPLOYED BY A SCHOOL DISTRICT AND IS SUBSEQUENTLY HIRED BY A  
36 DIFFERENT SCHOOL DISTRICT MAY PROVIDE TO THE HIRING SCHOOL  
37 DISTRICT EVIDENCE OF HIS OR HER STUDENT ACADEMIC GROWTH DATA  
38 AND PERFORMANCE EVALUATIONS FOR THE PRIOR TWO YEARS FOR THE  
39 PURPOSES OF RETAINING NONPROBATIONARY STATUS. IF, UPON PROVIDING  
40 SUCH DATA, THE NONPROBATIONARY TEACHER CAN SHOW TWO  
41 CONSECUTIVE PERFORMANCE EVALUATIONS WITH EFFECTIVENESS RATINGS  
42 IN GOOD STANDING, HE OR SHE SHALL BE GRANTED NONPROBATIONARY  
43 STATUS IN THE HIRING SCHOOL DISTRICT."

44  
45 Renumber succeeding sections accordingly.

46  
47  
48  
49  
50 **HEALTH & HUMAN SERVICES**

51 After consideration on the merits, the Committee recommends the  
52 following:

53  
54 **SB10-167** be amended as follows, and as so amended, be referred to  
55 the Committee on Appropriations with favorable  
56 recommendation:



1 Amend reengrossed bill, page 4, after line 17 insert:

2

3           **"SECTION 4.** 24-50-104 (5) (b), Colorado Revised Statutes, is  
4 amended to read:

5

6           **24-50-104. Job evaluation and compensation. (5) Pay plans.**  
7 (b) No employee in any pay plan may exceed an established maximum  
8 salary amount for such plan, except as provided in paragraph (e) of  
9 subsection (1) of this section. The maximum monthly salary for any  
10 employee whose position is assigned to a nonmedical pay plan in effect  
11 prior to July 1, 1991, shall be calculated based on the 1991 maximum of  
12 five thousand seven hundred ninety-four dollars, plus the subsequent  
13 adjustments made under this paragraph (b) since July 1, 1991; except that  
14 classes in the medical pay plan requiring licensure as a physician or  
15 dentist shall be subject to a maximum monthly salary calculated on the  
16 basis of the 1991 maximum of seven thousand eight hundred twelve  
17 dollars, plus the subsequent adjustments made under this paragraph (b)  
18 since July 1, 1991. EFFECTIVE JULY 1, 2010, THE MAXIMUM MONTHLY  
19 SALARY IN THE MEDICAL PAY PLAN SHALL BE SEVENTEEN THOUSAND NINE  
20 HUNDRED TWENTY-SEVEN DOLLARS, PLUS ANY SUBSEQUENT  
21 ADJUSTMENTS MADE UNDER THIS PARAGRAPH (b). Such amounts shall be  
22 adjusted by the state personnel director in accordance with the change in  
23 the employment cost index for the preceding calendar year or the  
24 percentage increase in state general fund appropriations in relation to  
25 such appropriations for the preceding fiscal year, whichever is greater.  
26 In no event shall such amounts exceed the maximum found in the market  
27 as determined by the annual compensation survey. The maximum  
28 monthly salary for the senior executive service plan shall not exceed the  
29 maximum monthly salary of any nonmedical pay plan by more than  
30 twenty-five percent."

31

32 Renumber succeeding sections accordingly.

33

34

35

36

### 37 **JUDICIARY**

38 After consideration on the merits, the Committee recommends the  
39 following:

40

41 **SB10-011** be amended as follows, and as so amended, be referred to  
42 the Committee of the Whole with favorable  
43 recommendation:

44

45 Amend reengrossed bill, page 4, strike line 8 and substitute "TO BE  
46 WRONGFULLY DENIED OR DELAYED, OR TO ENCOURAGE THE WRONGFUL  
47 DENIAL OR DELAY OF MEDICAL CARE OR".

48

49 Page 4, line 10, strike "OR RECEIPT".

50

51 Page 4, line 12, strike "PERSON WHO PAYS OR RECEIVES" and substitute  
52 "INSURER OR SELF-INSURED EMPLOYER WHO PAYS OR DIRECTS THE  
53 PAYMENT OF".

54

55 Page 4, line 16, strike "A PERSON" and substitute "AN INSURER OR  
56 SELF-INSURED EMPLOYER".

1 Page 4, after line 18 insert:

2

3 "(3) NOTHING IN THIS SECTION:

4

5 (a) RESTRICTS OR LIMITS THE ABILITY OF A CLAIMS ADJUSTER OR  
6 EMPLOYEE OR CONTRACTED CLAIMS PERSONNEL TO INVESTIGATE, DETECT,  
7 OR PREVENT FRAUD; OR

8

9 (b) LIMITS THE PAYMENT OR RECEIPT OF FINANCIAL INCENTIVES  
10 FOR ANY OTHER LAWFUL PURPOSE."

11

12 Page 5, line 15, strike "PROVISION," and substitute "PROVISION".

13

14 Page 5, line 16, strike "INCLUDING ONE IN AN EXISTING CONTRACT,".

15

16

17

18 **SB10-199** be amended as follows, and as so amended, be referred to  
19 the Committee of the Whole with favorable  
20 recommendation:

21

22 Amend reengrossed bill, page 9, after line 24 insert:

23

24 **"SECTION 13.** 15-12-203 (1) (b.5), Colorado Revised Statutes,  
25 is amended to read:

26

27 **15-12-203. Priority among persons seeking appointment as**  
28 **personal representative.** (1) Whether the proceedings are formal or  
29 informal, persons who are not disqualified have priority for appointment  
30 in the following order:

31

32 (b.5) A person ~~nominated~~ GIVEN PRIORITY to be a personal  
33 representative ~~by a power conferred~~ in a designated beneficiary  
34 agreement MADE PURSUANT TO ARTICLE 22 OF THIS TITLE;".

35

36 Renumber succeeding sections accordingly.

37

38 Page 12, after line 14 insert:

39

40 **"SECTION 18.** 15-14-310 (1) (b), Colorado Revised Statutes, is  
41 amended to read:

42

43 **15-14-310. Who may be guardian - priorities - prohibition of**  
44 **dual roles.** (1) Subject to subsection (4) of this section, the court in  
45 appointing a guardian shall consider persons otherwise qualified in the  
46 following order of priority:

47

48 (b) A person nominated as guardian by the respondent, including  
49 the respondent's specific nomination of a guardian made in a durable  
50 power of attorney or GIVEN PRIORITY TO BE A GUARDIAN in a designated  
51 beneficiary agreement made pursuant to article 22 of this title;

52

53 **SECTION 19.** 15-14-413 (1) (b), Colorado Revised Statutes, is  
54 amended to read:

55

56 **15-14-413. Who may be conservator - priorities - prohibition**

1 **of dual roles.** (1) Except as otherwise provided in subsection (4) of this  
2 section, the court, in appointing a conservator, shall consider persons  
3 otherwise qualified in the following order of priority:  
4

5 (b) A person nominated as conservator by the respondent,  
6 including the respondent's specific nomination of a conservator made in  
7 a durable power of attorney or GIVEN PRIORITY TO BE A CONSERVATOR in  
8 a designated beneficiary agreement MADE pursuant to article 22 of this  
9 title, if the respondent has attained twelve years of age;

10

11 **SECTION 20.** 15-18.5-103 (1), Colorado Revised Statutes, is  
12 amended to read:  
13

14

15 **15-18.5-103. Proxy decision-makers for medical treatment**  
16 **authorized.** (1) A health care provider or health care facility may rely,  
17 in good faith, upon the medical treatment decision of a proxy  
18 decision-maker selected in accordance with subsection (4) of this section  
19 if an adult patient's attending physician determines that such patient lacks  
20 the decisional capacity to provide informed consent to or refusal of  
21 medical treatment and no guardian with medical decision-making  
22 authority, agent appointed in a medical durable power of attorney, person  
23 ~~designated as a designated beneficiary~~ with the right to act as a proxy  
24 decision-maker IN A DESIGNATED BENEFICIARY AGREEMENT MADE  
25 pursuant to article 22 of this title, or other known person has the legal  
26 authority to provide such consent or refusal on the patient's behalf.

27

28 **SECTION 21.** 15-18.5-104 (1), Colorado Revised Statutes, is  
29 amended to read:  
30

31

32 **15-18.5-104. Surrogate decision-makers for health care**  
33 **benefits.** (1) A proxy decision-maker for medical treatment selected in  
34 accordance with section 15-18.5-103 or a person ~~designated as a~~  
35 ~~designated beneficiary~~ with the right to act as a surrogate decision-maker  
36 IN A DESIGNATED BENEFICIARY AGREEMENT MADE pursuant to article 22  
37 of this title shall have authority to make health care benefit decisions on  
38 behalf of an adult patient and may be known additionally as a surrogate  
39 decision-maker for health care benefits.

40

41 **SECTION 22.** 15-19-106 (1) (c.5), Colorado Revised Statutes, is  
42 amended to read:  
43

44

45 **15-19-106. Right to dispose of remains.** (1) Subject to section  
46 15-19-105 (2), the right to control disposition of the last remains or  
47 ceremonial arrangements of a decedent vests in and devolves upon the  
48 following persons, at the time of the decedent's death, in the following  
49 order:  
50

51

52 (c.5) A ~~designated beneficiary who was designated in a designated~~  
53 ~~beneficiary agreement pursuant to article 22 of this title as having~~ PERSON  
54 WITH the right to direct the disposition of the decedent's last remains IN A  
55 DESIGNATED BENEFICIARY AGREEMENT MADE PURSUANT TO ARTICLE 22  
56 OF THIS TITLE;

57

58 **SECTION 23.** 15-22-106, Colorado Revised Statutes, is amended  
59 to read:  
60

61

1 **15-22-106. Statutory form of a designated beneficiary**  
2 **agreement.** (1) The following statutory form shall be the standard form  
3 for a designated beneficiary agreement:  
4

5 **DESIGNATED BENEFICIARY AGREEMENT**  
6

7  
8 **DISCLAIMER**  
9

10 **Warning: While this document may indicate your wishes, certain**  
11 **additional documents may be needed to protect these rights.**  
12 **This designated beneficiary agreement is operative in the absence of**  
13 **other estate planning documents and will be superseded and set aside**  
14 **to the extent it conflicts with valid instruments such as a will, power**  
15 **of attorney, or beneficiary designation on an insurance policy or**  
16 **pension plan. This designated beneficiary agreement is superseded**  
17 **by such other documents and does not cause any changes to be made**  
18 **to those documents or designations. The parties understand that**  
19 **executing and signing this agreement is not sufficient to designate the**  
20 **other party for purposes of any insurance policy, pension plan,**  
21 **payable upon death designation or manner in which title to property**  
22 **is held and that additional action will be required to make or change**  
23 **such designations. The parties understand that this designated**  
24 **beneficiary agreement may be one component of estate planning**  
25 **instructions and that they are encouraged to consult an attorney to**  
26 **ensure their estate planning wishes are accomplished.**  
27

28  
29 We, \_\_\_\_\_, (insert full name and address) referred to as party  
30 A, and \_\_\_\_\_, (insert full name and address) referred to as  
31 party B, hereby designate each other as the other's designated beneficiary  
32 with the following rights and protections, granted or withheld as indicated  
33 by our initials:  
34

35 TO GRANT ONE OR MORE OF THE RIGHTS OR PROTECTIONS  
36 SPECIFIED IN THIS FORM, INITIAL THE LINE TO THE LEFT OF  
37 EACH RIGHT OR PROTECTION YOU ARE GRANTING. TO  
38 WITHHOLD A RIGHT OR PROTECTION, INITIAL THE LINE TO  
39 THE RIGHT OF EACH RIGHT OR PROTECTION YOU ARE  
40 WITHHOLDING.  
41

42 A DESIGNATED BENEFICIARY AGREEMENT SHALL BE  
43 PRESUMED TO GRANT ALL OF THE RIGHTS AND PROTECTIONS  
44 LISTED IN THIS FORM UNLESS THE PARTIES WITHHOLD A  
45 RIGHT OR PROTECTION IN THE MANNER SET FORTH  
46 IMMEDIATELY ABOVE.  
47

48 TO GRANT A RIGHT TO WITHHOLD A RIGHT  
49 OR PROTECTION OR PROTECTION  
50 INITIAL INITIAL  
51 Party A Party B Party A Party B

52 \_\_\_\_\_ The right to acquire, hold title to, own \_\_\_\_\_  
53 jointly, or transfer inter vivos or at death real or personal property as a  
54 joint tenant with me with right of survivorship or as a tenant in common  
55 with me;  
56

- 1 \_\_\_\_\_ The right to be designated by me as a \_\_\_\_\_  
2 beneficiary, payee, or owner as a trustee named in an inter vivos or  
3 testamentary trust for the purposes of a nonprobate transfer on death;  
4
- 5 \_\_\_\_\_ The right to be designated by me as a \_\_\_\_\_  
6 beneficiary and recognized as a dependent in an insurance policy for life  
7 insurance;  
8
- 9 \_\_\_\_\_ The right to be designated by me as a \_\_\_\_\_  
10 beneficiary and recognized as a dependent in a health insurance policy if  
11 my employer elects to provide health insurance coverage for designated  
12 beneficiaries;  
13
- 14 \_\_\_\_\_ The right to be designated by me as a \_\_\_\_\_  
15 beneficiary in a retirement or pension plan;  
16
- 17 \_\_\_\_\_ The right to petition for and have  
18 priority for appointment as a conservator, guardian, or personal  
19 representative for me;  
20
- 21 \_\_\_\_\_ The right to visit me in a hospital,  
22 nursing home, hospice, or similar health care facility in which a party to  
23 a designated beneficiary agreement resides or is receiving care;  
24
- 25 \_\_\_\_\_ The right to initiate a formal  
26 complaint regarding alleged violations of my rights as a nursing home  
27 patient as provided in section 25-1-120, Colorado Revised Statutes;  
28
- 29 \_\_\_\_\_ The right to act as a proxy  
30 decision-maker or surrogate decision-maker to make medical care  
31 decisions for me pursuant to section 15-18.5-103 or 15-18.5-104,  
32 Colorado Revised Statutes;  
33
- 34 \_\_\_\_\_ The right to notice of the withholding  
35 or withdrawal of life-sustaining procedures for me pursuant to section  
36 15-18-107, Colorado Revised Statutes;  
37
- 38 \_\_\_\_\_ The right to challenge the validity of  
39 a declaration as to medical or surgical treatment of me pursuant to section  
40 ~~15-18-107~~ 15-18-108, Colorado Revised Statutes;  
41
- 42 \_\_\_\_\_ The right to act as my agent to make,  
43 revoke, or object to anatomical gifts involving my person pursuant to the  
44 "Revised Uniform Anatomical Gift Act", part 1 of article 34 of title 12,  
45 Colorado Revised Statutes;  
46
- 47 \_\_\_\_\_ The right to inherit real or personal  
48 property from me through intestate succession;  
49
- 50 \_\_\_\_\_ The right to have standing to receive  
51 benefits pursuant to the "Workers' Compensation Act of Colorado",  
52 article 40 of title 8, Colorado Revised Statutes, in the event of my death  
53 on the job;  
54
- 55 \_\_\_\_\_ The right to have standing to sue for  
56 wrongful death in the event of my death; and

1 \_\_\_\_\_ The right to direct the disposition of  
2 my last remains pursuant to article 19 of title 15, Colorado Revised  
3 Statutes.

4  
5 THIS DESIGNATED BENEFICIARY AGREEMENT IS EFFECTIVE  
6 WHEN RECEIVED FOR RECORDING BY THE COUNTY CLERK  
7 AND RECORDER OF THE COUNTY IN WHICH ONE OF THE  
8 DESIGNATED BENEFICIARIES RESIDES. THIS DESIGNATED  
9 BENEFICIARY AGREEMENT WILL CONTINUE IN EFFECT UNTIL  
10 ONE OF THE DESIGNATED BENEFICIARIES REVOKES THIS  
11 AGREEMENT BY RECORDING A REVOCATION OF DESIGNATED  
12 BENEFICIARY FORM WITH THE COUNTY CLERK AND  
13 RECORDER OF THE COUNTY IN WHICH THIS AGREEMENT  
14 WAS RECORDED OR UNTIL THIS AGREEMENT IS SUPERSEDED  
15 IN PART OR IN WHOLE BY A SUPERSEDING LEGAL  
16 DOCUMENT.

17 \_\_\_\_\_  
18 Signature of designated beneficiary    Signature of designated beneficiary

19  
20 STATE OF COLORADO  
21 County of \_\_\_\_\_

22  
23 This document was ~~subscribed, sworn to, and~~ acknowledged before me  
24 on \_\_\_\_\_ date

25  
26 by

27 \_\_\_\_\_  
28 My commission expires \_\_\_\_\_  
29 [Seal]

30  
31 \_\_\_\_\_  
32 Notary Public

33 (2) The instructions to each party regarding how to grant or  
34 withhold a right or protection by initialing and the words "Party A" and  
35 "Party B" shall appear at the top of each page of the statutory form above  
36 the columns for the initials of the designated beneficiaries.

37  
38 (3) A designated beneficiary agreement shall be presumed to  
39 extend all of the rights and protections listed in the statutory form unless  
40 the parties to the agreement explicitly exclude a right or protection.

41  
42 (4) A party to a designated beneficiary agreement may limit the  
43 scope of a designated beneficiary agreement by the terms of the  
44 agreement or by executing a superseding legal document that controls and  
45 supersedes part or all of the designated beneficiary agreement."

46  
47 Renumber succeeding sections accordingly.

48 \_\_\_\_\_  
49

50  
51 **MESSAGE(S) FROM THE SENATE**

52  
53 In response to the request of the House for a Conference Committee on  
54 HB10-1188, the President appoints Senators Hodge, chair, Tapia and  
55 White as conferees on the First Conference Committee on HB10-1188.

56 \_\_\_\_\_

1 The Senate has adopted and transmits herewith:

2

3 SJR10-039 amended as printed in Senate Journal, May 7, 2010.

4

5

6 The Senate has passed on Third Reading and transmitted to the Revisor  
7 of Statutes:

8

9 HB10-1284 amended as printed in Senate Journal, May 5, 2010,  
10 pages 1224-1233 and May 6, 2010.

11

12 The Senate has adopted and transmits herewith: SJR10-049.

13

14 The Senate has postponed indefinitely HB10-1407, HB10-1217. The  
15 bills are returned herewith.

16

17

### 18 MESSAGE(S) FROM THE REVISOR

19

20 We herewith transmit:

21 Without comment, as amended, HB10-1284.

22

23

24

25 On motion of Representative Weissmann, **SB10-003, 012, 013, 197, 199,**  
26 **196, 179, 124, 144, HCR10-1005** were made Special Orders on Friday,  
27 May 7, 2010, at 10:05 a.m.

28

29

30 The hour of 10:05 a.m., having arrived, on motion of Representative  
31 Judd, the House resolved itself into Committee of the Whole for  
32 consideration of Special Orders and he was called to the Chair to act as  
33 Chairman.

34

35

### 36 SPECIAL ORDERS--SECOND READING OF BILLS

37

38 The Committee of the Whole having risen, the Chairman reported the  
39 titles of the following bills had been read (reading at length had been  
40 dispensed with by unanimous consent), the bills considered and action  
41 taken thereon as follows:

42

43 (Amendments to the committee amendment are to the printed committee  
44 report which was printed and placed in the members' bill file.)

45

46 **SB10-003** by Senator(s) Morse and Penry, Heath; also  
47 Representative(s) Middleton and May, Court--Concerning  
48 higher education flexibility to improve the financial  
49 position of state institutions of higher education.

50

51 Amendment No. 1, Education Report, dated May 6, 2010, and placed in  
52 member's bill file; Report also printed in House Journal, May 6,  
53 page 1676.

54

55 As amended, ordered revised and placed on the Calendar for Third  
56 Reading and Final Passage.

1 **SB10-012** by Senator(s) Tochtrop, Carroll M., Hodge; also  
2 Representative(s) Pace, Miklosi, Ryden--Concerning  
3 increased penalties for violations of the workers'  
4 compensation laws.

5  
6 Amendment No. 1, by Representative(s) Pace.

7  
8 Amend reengrossed bill, page 3, line 11, strike "benefits." and substitute  
9 "benefits; EXCEPT THAT NO PENALTY IS DUE IF THE INSURER OR  
10 SELF-INSURED EMPLOYER PROVES THAT THE DELAY WAS THE RESULT OF  
11 EXCUSABLE NEGLIGENCE."

12  
13 As amended, ordered revised and placed on the Calendar for Third  
14 Reading and Final Passage.

15  
16 **SB10-013** by Senator(s) Hodge, Carroll M., Tochtrop; also  
17 Representative(s) Ryden, Miklosi, Pace--Concerning  
18 accountability for workers' compensation insurers, and  
19 making an appropriation therefor.

20  
21 Amendment No. 1, Business Affairs & Labor Report, dated May 5, 2010,  
22 and placed in member's bill file; Report also printed in House Journal,  
23 May 5, page 1653.

24  
25 As amended, ordered revised and placed on the Calendar for Third  
26 Reading and Final Passage.

27  
28 **SB10-197** by Senator(s) Hodge; also Representative(s) Riesberg--  
29 Concerning exempting the transfer of prescription drugs  
30 purchased with public funds by public entities from the  
31 definition of "wholesale distribution" of prescription  
32 drugs.

33  
34 Ordered revised and placed on the Calendar for Third Reading and Final  
35 Passage.

36  
37 **SB10-196** by Senator(s) Gibbs; also Representative(s) Scanlan--  
38 Concerning the minimum speed at which a motor vehicle  
39 may travel on interstate 70.

40  
41 Amendment No. 1, by Representative(s) Lambert.

42  
43 Amend reengrossed bill, page 2, line 5, strike "SPEED LIMIT" and  
44 substitute "MINIMUM SPEED".

45  
46 As amended, ordered revised and placed on the Calendar for Third  
47 Reading and Final Passage.

48 (For change in action, see Amendments to Report, page 1705.)

49  
50 **SB10-179** by Senator(s) Steadman; also Representative(s)  
51 Weissmann and Casso--Concerning the voting rights of  
52 persons involved in the criminal justice system, and  
53 making an appropriation in connection therewith.

54  
55 Declared **lost** on Second Reading.

56



1 **SB10-124** by Senator(s) Carroll M.; also Representative(s) Ryden--  
2 Concerning a requirement that certain health care  
3 providers disclose information about their practice history,  
4 and making an appropriation therefor.  
5

6 Amendment No. 1, Health & Human Services Report, dated  
7 April 12, 2010, and placed in member's bill file; Report also printed in  
8 House Journal, April 13, page 1213.  
9

10 As amended, ordered revised and placed on the Calendar for Third  
11 Reading and Final Passage.  
12

13 **SB10-144** by Senator(s) Scheffel; also Representative(s) Rice--  
14 Concerning the registration of equipment mounted on a  
15 motor vehicle.  
16

17 Ordered revised and placed on the Calendar for Third Reading and Final  
18 Passage.  
19

20 **HCR10-1005** by Representative(s) Baumgardner; also Senator(s) Kopp--  
21 Submitting to the registered electors of the state of  
22 Colorado an amendment to section 3 (1) (b) of article X of  
23 the constitution of the state of Colorado, concerning an  
24 exemption from property taxation for possessory interests  
25 in real property with specified actual values.  
26

27 Ordered engrossed and placed on the Calendar for Third Reading and  
28 Final Passage.  
29

30 **SB10-199** by Senator(s) Carroll M.; also Representative(s) Court--  
31 Concerning clarifying revisions to certain provisions of the  
32 Colorado probate code.  
33

34 Amendment No. 1, Judiciary Report, dated May 6, 2010, and placed in  
35 member's bill file; Report also printed in House Journal, May 7,  
36 pages 1698-1702.  
37

38 As amended, ordered revised and placed on the Calendar for Third  
39 Reading and Final Passage.  
40

41

42

43

44 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**

45

46 Representative Lambert moved to amend the Report of the Committee of  
47 the Whole to reverse the action taken by the Committee in adopting  
48 Amendment No. 1, by Representative Lambert (printed in House Journal  
49 page 1704, lines 41-44), to SB10-196, to show that said amendment lost  
50 and that SB10-196 passed.  
51

52 Amend reengrossed bill, page 2, line 5, strike "SPEED LIMIT" and  
53 substitute "MINIMUM SPEED".  
54

55 The amendment was declared **passed** by the following roll call vote:  
56

	YES	65	NO	0	EXCUSED	0	ABSENT	0
1								
2	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
3	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
4	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
5	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
6	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
7	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
8	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
9	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
10	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
11	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
12	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
13	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
14	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
15	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
16	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
17	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
18							Speaker	Y
19								

20 Representatives Looper, Kerr J., Liston, Stephens, and Bradford moved  
 21 to amend the Report of the Committee of the Whole to reverse the action  
 22 taken by the Committee in not adopting the following Looper and Kerr J.  
 23 amendment, to SB10-013, to show that said amendment passed, and that  
 24 **SB10-013**, as amended, passed.

25  
 26 Amend reengrossed bill, strike everything below the enacting clause and  
 27 substitute:

28  
 29 **"SECTION 1.** Part 2 of article 43 of title 8, Colorado Revised  
 30 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
 31 read:

32  
 33 **8-43-220. Injured worker audit.** ON OR BEFORE JANUARY 10,  
 34 2011, THE STATE AUDITOR SHALL CAUSE TO BE CONDUCTED AN AUDIT OF  
 35 THE FINANCIAL AND PERFORMANCE OF PINNACOL ASSURANCE. THE AUDIT  
 36 SHALL BE TRANSMITTED TO THE AUDIT COMMITTEE AND THE BUSINESS  
 37 AFFAIRS AND LABOR COMMITTEE OF THE SENATE AND THE HOUSE OF  
 38 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEE, FOR REVIEW.

39  
 40 **SECTION 2. Safety clause.** The general assembly hereby finds,  
 41 determines, and declares that this act is necessary for the immediate  
 42 preservation of the public peace, health, and safety."

43  
 44 The amendment was declared **lost** by the following roll call vote:

	YES	28	NO	37	EXCUSED	0	ABSENT	0
47	Acree	Y	Gerou	Y	McFadyen	N	Ryden	N
48	Apuan	N	Hullinghorst	N	McKinley	Y	Scanlan	N
49	Balmer	Y	Judd	N	McNulty	Y	Schafer S.	N
50	Baumgardner	Y	Kagan	N	Merrifield	N	Solano	N
51	Benefield	N	Kefalas	N	Middleton	N	Sonnenberg	Y
52	Bradford	Y	Kerr A.	N	Miklosi	N	Soper	N
53	Casso	N	Kerr J.	Y	Murray	Y	Stephens	Y
54	Court	N	King S.	Y	Nikkel	Y	Summers	Y
55	Curry	N	Labuda	N	Pace	N	Swalm	Y
56	DelGrosso	Y	Lambert	Y	Peniston	N	Tipton	Y

1	Ferrandino	N	Levy	N	Pommer	N	Todd	N
2	Fischer	N	Liston	Y	Primavera	N	Tyler	N
3	Frangas	N	Looper	Y	Priola	Y	Vaad	Y
4	Gagliardi	N	Massey	Y	Rice	N	Vigil	N
5	Gardner B.	Y	May	Y	Riesberg	N	Waller	Y
6	Gardner C.	Y	McCann	N	Roberts	Y	Weissmann	N
7							Speaker	N

8  
9  
10  
11 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

12  
13 Passed Second Reading: **SB10-003 amended, 012 amended, 013**  
14 **amended, 197, 196, 124 amended, 144, HCR10-1005, SB10-199**  
15 **amended.**

16  
17 Lost on Second Reading: **SB10-179.**

18  
19 The Chairman moved the adoption of the Committee of the Whole  
20 Report. As shown by the following roll call vote, a majority of those  
21 elected to the House voted in the affirmative, and the Report was  
22 **adopted.**

23	YES	65	NO	0	EXCUSED	0	ABSENT	0
24	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
25	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
26	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
27	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
28	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
29	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
30	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
31	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
32	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
33	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
34	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
35	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
36	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
37	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
38	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
39	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
40							Speaker	Y

41  
42  
43  
44 **ANNOUNCEMENT**

45  
46  
47 The Speaker announced the House was in the last two days of session.

48  
49  
50 House in recess. House reconvened.

51  
52  
53 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

54  
55 The Speaker has signed: SB10-066, 177.

56

**DELIVERY OF BILL TO GOVERNOR**

The Chief Clerk of the House of Representatives reports the following bill has been delivered to the Office of the Governor: **HB10-1096** at 11:21 a.m. on May 7, 2010.

---

**MESSAGE(S) FROM THE SENATE**

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes:

SB10-200, SB10-208, SB10-198, SB10-216, SB10-212, SB10-211, SB10-217.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes:

SB10-205 amended as printed in Senate Journal, May 6, 2010, pages 1255-1256.

SB10-210 amended as printed in Senate Journal, May 6, 2010, page 1256 and May 7.

SB10-202 amended as printed in Senate Journal, May 6, 2010, pages 1256-1257.

SB10-213 amended as printed in Senate Journal, May 6, 2010, page 1257.

SB10-203 amended as printed in Senate Journal, May 6, 2010, pages 1260-1262 and May 7.

SB10-209 amended as printed in Senate Journal, May 6, 2010, page 1262.

SB10-204 amended as printed in Senate Journal, May 6, 2010, page 1270.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes:

HB10-1172 amended as printed in Senate Journal, May 6, 2010, pages 1270-1271.

HB10-1358 amended as printed in Senate Journal, May 6, 2010, page 1257.

The Senate has passed on Third Reading and returns herewith: HB10-1398.

The Senate has postponed indefinitely HB10-1103. The bill is returned herewith.

---

**MESSAGE(S) FROM THE REVISOR**

We herewith transmit:

Without comment, SB10-200, 208, 216, 211, and 217.

With comments, SB10-212.

Without comment, as amended, SB10-205, 210, 202, 213, 203, 209, and 204 and HB10-1358.

With comment, as amended, HB10-1172.

---

We herewith transmit:

Without comment, SB10-198.

---

**INTRODUCTION OF BILLS**  
**First Reading**

- 1  
2  
3  
4 The following bills were read by title and referred to the committees  
5 indicated:  
6  
7 **SB10-198** by Senator(s) Whitehead and Cadman; also  
8 Representative(s) McKinley--Concerning a reduction in  
9 the amount of the penalty for late vehicle registration for  
10 certain vehicles without motive power.  
11 Committee on State, Veterans, & Military Affairs  
12  
13 **SB10-200** by Senator(s) Schwartz; also Representative(s) Fischer and  
14 Kefalas--Concerning amendments to the "Colorado  
15 Recovery and Reinvestment Finance Act of 2009" that are  
16 necessary to conform to amendments made to the federal  
17 "American Recovery and Reinvestment Act of 2009" by  
18 the federal "Hiring Incentives to Restore Employment  
19 Act".  
20 Committee on Finance  
21  
22 **SB10-202** by Senator(s) Whitehead; also Representative(s) Kerr A.--  
23 Concerning savings accounts for job retraining.  
24 Committee on Education  
25  
26 **SB10-203** by Senator(s) Carroll M., Morse, Shaffer B.; also  
27 Representative(s) Weissmann and Middleton--Concerning  
28 independent expenditures in Colorado elections after the  
29 United States supreme court case of *Citizens United v.*  
30 *Federal Election Comm'n*, and making an appropriation  
31 therefor.  
32 Committee on State, Veterans, & Military Affairs  
33  
34 **SB10-204** by Senator(s) Shaffer B.; also Representative(s) Solano--  
35 Concerning the penalty for careless driving resulting in  
36 death.  
37 Committee on Judiciary  
38  
39 **SB10-205** by Senator(s) Bacon, Scheffel; also Representative(s)  
40 Scanlan and Murray--Concerning the authority of a school  
41 district to submit to the eligible electors of the district the  
42 question of contracting a bonded indebtedness for the  
43 purpose of paying costs that may be paid from the general  
44 fund of the school district.  
45 Committee on Education  
46  
47 **SB10-208** by Senator(s) Keller; also Representative(s) Acree--  
48 Concerning repealing references to the referral and  
49 placement committee to reflect current usage of  
50 interdisciplinary teams in developing individualized plans  
51 for persons with developmental disabilities.  
52 Committee on Health and Human Services  
53  
54 **SB10-209** by Senator(s) Schwartz, Gibbs, Hodge, Kester, Penry,  
55 Scheffel, Steadman, White, Whitehead; also  
56 Representative(s) Vigil--Concerning the allocation of 2009

- 1 national forest payments in counties as said payments  
 2 relate to federal payments in lieu of taxes.  
 3 Committee on Local Government  
 4  
 5 **SB10-210** by Senator(s) Romer and Penry, Spence, Heath, Gibbs,  
 6 Steadman, Tapia; also Representative(s) Ferrandino and  
 7 Massey--Concerning authorization of funding for  
 8 educational programs that provide incentives for students  
 9 to read.  
 10 Committee on Education  
 11  
 12 **SB10-211** by Senator(s) Morse and Gibbs, Harvey, Bacon, Boyd,  
 13 Brophy, Foster, Heath, Hodge, Johnston, Kester, King K.,  
 14 Kopp, Lundberg, Mitchell, Penry, Renfroe, Romer,  
 15 Scheffel, Schultheis, Shaffer B., Tapia, Tochtrop, White,  
 16 Whitehead, Williams; also Representative(s) Looper and  
 17 Scanlan, Apuan, Balmer, DelGrosso, Kerr J., Nikkel,  
 18 Priola, Swalm--Concerning big game hunting licenses for  
 19 members of the United States armed services wounded  
 20 warrior programs who have sustained severe combat-  
 21 related injuries while serving in post-September 11, 2001,  
 22 overseas contingency operations.  
 23 Committee on Agriculture, Livestock, & Natural Resources  
 24  
 25 **SB10-212** by Senator(s) Cadman, Shaffer B., Penry, Tapia, Romer,  
 26 Boyd; also Representative(s) Weissmann--Concerning the  
 27 repeal of mechanisms to refund excess state revenues.  
 28 Committee on Finance  
 29  
 30 **SB10-213** by Senator(s) Shaffer B., Morse, Penry; also  
 31 Representative(s) Weissmann, Carroll T., May--  
 32 Concerning committees created by the Colorado general  
 33 assembly that operate during the interim.  
 34 Committee on State, Veterans, & Military Affairs  
 35  
 36 **SB10-216** by Senator(s) Heath; also Representative(s) Court--  
 37 Concerning the order in which statewide ballot measures  
 38 appear on a ballot.  
 39 Committee on State, Veterans, & Military Affairs  
 40  
 41 **SB10-217** by Senator(s) Boyd; also Representative(s) Riesberg--  
 42 Concerning a modification to the nursing-sensitive quality  
 43 measures required to be included in the comprehensive  
 44 hospital information system.  
 45 Committee on Health and Human Services  
 46  
 47  
 48

---

## INTRODUCTION OF RESOLUTIONS

- 51 The following resolutions were read by title and laid over one day under  
 52 the rules:  
 53  
 54 **SJR10-039** by Senator(s) Scheffel; also Representative(s) Murray--  
 55 Concerning the danger of carbon monoxide poisoning  
 56 from marine engine emissions.

1 **SJR10-049** by Senator(s) Penry and Gibbs; also Representative(s)  
2 King S. and Scanlan--Concerning the Colorado general  
3 assembly's support for the Colorado roadless rule petition.  
4  
5

6 The following resolution was read by title and referred to the committee  
7 indicated:  
8

9 **SJM10-002** by Senator(s) Kopp, Cadman, Mitchell, Johnston, Shaffer  
10 B., Harvey, Kester, King K., Morse, Penry, Scheffel,  
11 Schultheis, White; also Representative(s) King S.--  
12 Memorializing Congress to adopt the Honor and  
13 Remember Flag.

14 Committee on Judiciary  
15  
16

17  
18 **LAY OVER OF CALENDAR ITEM(S)**  
19

20 On motion of Representative Weissmann, the following item(s) on the  
21 Calendar (was)were laid over until May 10, retaining place on Calendar:  
22

23 Consideration of General Orders--**HCR10-1002, SB10-190.**

24 Consideration of Resolution(s)--**HJR10-1024, 1025, 1028, 1033, 1035.**  
25  
26

27  
28 On motion of Representative Weissmann, the House adjourned until  
29 10:00 a.m., May 10, 2010.  
30

31 Approved:  
32 TERRANCE D. CARROLL,  
33 Speaker

34 Attest:  
35 MARILYN EDDINS,  
36 Chief Clerk

