

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

One hundred-thirteenth Legislative Day Wednesday, May 5, 2010

1 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian
2 Church, Denver.

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

5
6 Pledge of Allegiance led by Krista Peterson, Paige Sattler, Kasey
7 Malouff, Rocky Ridge Elementary, Castle Rock.

8
9 The roll was called with the following result:

10
11 Present--61.
12 Excused--Representative(s) Levy, Pommer, Scanlan, Carroll T.--4.
13 Present after roll call--Representative(s) Carroll T., Levy, Pommer,
14 Scanlan.

15
16 The Speaker declared a quorum present.

17
18
19 On motion of Representative Nikkel, the reading of the journal of
20 May 4, 2010, was declared dispensed with and approved as corrected by
21 the Chief Clerk.

22
23
24
25
26 On motion of Representative Schafer, the House resolved itself into
27 Committee of the Whole for consideration of General Orders, and she
28 was called to the Chair to act as Chairman.

29
30
31 **GENERAL ORDERS--SECOND READING OF BILLS**

32
33 The Committee of the Whole having risen, the Chairman reported the
34 titles of the following bills had been read (reading at length had been
35 dispensed with by unanimous consent), the bills considered and action
36 taken thereon as follows:

37
38 (Amendments to the committee amendment are to the printed committee
39 report which was printed and placed in the members' bill file.)

40
41 **HB10-1426** by Representative(s) Riesberg and Todd; also Senator(s)
42 Williams and Spence--Concerning creation of a separate
43 fund for the Trinidad state nursing home.

1 Amendment No. 1, Health & Human Services Report, dated
2 April 29, 2010, and placed in member's bill file; Report also printed in
3 House Journal, April 30, page 1516.

4
5 Amendment No. 2, Appropriations Report, dated May 3, 2010, and placed
6 in member's bill file; Report also printed in House Journal, May 3,
7 page 1576.

8
9 Amendment No. 3, by Representative(s) Riesberg.

10
11 Amend the Appropriations Committee Report, dated May 3, 2010, page
12 1, after line 17, insert:

13
14 **"SECTION 4. Appropriation.** In addition to any other
15 appropriation, there is hereby appropriated, out of any moneys in the
16 general fund not otherwise appropriated, to the department of human
17 services, for allocation to services for people with disabilities, Homelake
18 domiciliary and state and veterans nursing homes, for subsidy of the
19 Trinidad state nursing home, for the fiscal year beginning July 1, 2010,
20 the sum of four hundred thirty-one thousand two hundred sixty-nine
21 dollars (\$431,269), or so much thereof as may be necessary, for the
22 implementation of this act."

23
24 Renumber succeeding sections accordingly.

25
26 Page 2 of the committee report, line 1, strike "4" and substitute "5".

27
28 Page 2 of the committee report, line 7, strike "4" and substitute "5".

29
30 Amendment No. 4, by Representative(s) Riesberg.

31
32 Amend the Appropriations Committee Report, dated May 3, 2010, page
33 2, strike lines 2 through 5 and substitute:

34
35 "(a) The final fiscal estimate for House Bill 10-1281 shows a net
36 increase in the amount of general fund revenues for state fiscal year
37 2010-11 that is equal to or greater than the amount of the general fund".

38
39 Amendment No. 5, by Representative(s) Riesberg.

40
41 Amend Appropriations Committee Report, dated May 3, 2010, page 1,
42 strike line 6 and substitute:

43
44 **"SECTION 4.** 26-12-108 (1.5) (b), Colorado Revised Statutes, as
45 enacted in House Bill 10-1426 is amended BY THE ADDITION OF A
46 NEW SUBPARAGRAPH to read:

47
48 **26-12-108. Payments for care - funds - annual report -**
49 **collections for charges - central fund for state nursing homes created**
50 **- Trinidad state nursing home cash fund created.** (1.5) (b) (I.5) IF THE
51 CASH FUND RECEIVES ADDITIONAL MONEYS FROM THE GENERAL FUND DUE
52 TO THE ENACTMENT OF HOUSE BILL 10-1281, ENACTED IN 2010, THE
53 STATE TREASURER IS DIRECTED TO TRANSFER FROM THE CASH FUND:

54
55 (A) TO THE GENERAL FUND AN AMOUNT EQUAL TO ANY GENERAL
56 FUND MONEYS APPROPRIATED TO THE CASH FUND; AND

1 (B) FROM THE MONEYS REMAINING AFTER THE TRANSFER
2 REQUIRED BY SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I.5), TO
3 THE CENTRAL FUND AN AMOUNT EQUAL TO THE OPERATING LOSSES
4 ACCRUING AT THE TRINIDAD STATE NURSING HOME AND SUBSIDIZED BY
5 THE CENTRAL FUND.

6

7 **SECTION 5. Appropriation.** (1) In addition to any other".

8

9 Page 2 of the Committee Report, line 1, strike "Section 4" and substitute
10 "Sections 4 and 5".

11

12 Page 2 of the Committee Report, line 7, strike "4" and substitute "5".

13

14 As amended, ordered engrossed and placed on the Calendar for Third
15 Reading and Final Passage.

16

17 **SB10-178** by Senator(s) Hodge and Mitchell; also Representative(s)
18 Gerou and Miklosi--Concerning fairness in workers'
19 compensation health care provider review processes, and,
20 in connection therewith, requiring Performance program
21 programs to be transparent, include objective and
22 standardized criteria that are applied consistently, and
23 provide minimum due process to providers.

24

25 Amendment No. 1, Business Affairs & Labor Report, dated
26 April 27, 2010, and placed in member's bill file; Report also printed in
27 House Journal, April 27, page 1440.

28

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

31

32 **SB10-126** by Senator(s) Carroll M.; also Representative(s) Tyler--
33 Concerning increased transparency reporting requirements
34 for certain pharmaceutical manufacturers.

35

36 Ordered revised and placed on the Calendar for Third Reading and Final
37 Passage.

38

39 **SB10-189** by Senator(s) Steadman, Boyd, Carroll M., Heath, Romer,
40 Tochtrop; also Representative(s) Weissmann, Levy,
41 Riesberg--Concerning authorization for government
42 agencies to approve clean syringe exchange programs to
43 reduce the spread of blood-borne disease.

44

45 Ordered revised and placed on the Calendar for Third Reading and Final
46 Passage.

47

48 **SB10-028** by Senator(s) Heath; also Representative(s) Pace--
49 Concerning the establishment of the Colorado "Work
50 Share Program" to allow payment of unemployment
51 compensation benefits to eligible employees who have
52 received a reduction in work hours.

53

54 Ordered revised and placed on the Calendar for Third Reading and Final
55 Passage.

56

1 **SB10-114** by Senator(s) Carroll M.; also Representative(s)
2 Weissmann--Concerning the "Colorado Taxpayer
3 Transparency Act of 2010".
4

5 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
6 March 25, 2010, and placed in member's bill file; Report also printed in
7 House Journal, March 26, page 896.
8

9 Amendment No. 2, by Representative(s) Weissmann.
10

11 Amend the State, Veterans, & Military Affairs Committee Report, dated
12 March 25, 2010, page 1, strike lines 4 through 6 and substitute:
13

14 "Page 3 of the bill, strike lines 21 and 22 and substitute:
15

16 "GOVERNMENTAL BODY. EXCEPT AS OTHERWISE PROVIDED IN
17 PARAGRAPHS (c) AND (d) OF THIS SUBSECTION (2), THOSE RECORDS SHALL
18 BE AVAILABLE FOR PUBLIC INSPECTION UPON A REQUEST MADE OF THE
19 CUSTODIAN OF RECORDS FOR THE GOVERNMENTAL BODY PURSUANT TO
20 THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF THIS
21 TITLE."."
22

23 Page 1 of the report, strike lines 10 through 12 and substitute:
24

25 "Page 4 of the bill, strike lines 7 through 27 and substitute:
26

27 "(d) UPON RECEIPT OF ANY RECORDS REQUEST PURSUANT TO THIS
28 SUBSECTION (2), THE GOVERNMENTAL BODY SHALL NOTIFY THE
29 GOVERNMENT CONTRACTOR OF THE REQUEST. NOTWITHSTANDING
30 SECTION 24-72-204 (3) (b), THE GOVERNMENTAL BODY SHALL PROVIDE
31 SUCH RECORDS TO THE APPLICANT UNLESS THE GOVERNMENT
32 CONTRACTOR DESIGNATES AND ATTESTS THAT A PORTION OF ANY
33 CONTRACT OR OTHER RECORD REQUESTED IS EXEMPT FROM DISCLOSURE
34 PURSUANT TO STATE OR FEDERAL STATUTE WITHIN TWENTY-ONE DAYS OF
35 SUCH NOTIFICATION. ANY SUCH RECORD THAT IS DESIGNATED AND
36 ATTESTED TO BE EXEMPT FROM DISCLOSURE SHALL INITIALLY BE
37 WITHHELD FROM PUBLIC INSPECTION BY THE GOVERNMENTAL BODY,
38 PENDING DETERMINATION OF THE APPLICABILITY OF AN EXEMPTION FROM
39 INSPECTION PURSUANT TO SECTION 24-72-204."."
40

41 Amendment No. 3, by Representative(s) Weissmann.
42

43 Amend reengrossed bill, page 2, after line 15 insert:
44

45 "SECTION 3. 24-72-204 (3) (a) (IV), Colorado Revised Statutes,
46 is amended to read:
47

48 **24-72-204. Allowance or denial of inspection - grounds -
49 procedure - appeal - definitions.** (3) (a) The custodian shall deny the
50 right of inspection of the following records, unless otherwise provided by
51 law; except that any of the following records, other than letters of
52 reference concerning employment, licensing, or issuance of permits, shall
53 be available to the person in interest under this subsection (3):
54

55 (IV) Trade secrets, privileged information, and confidential
56 commercial, financial, PRICING, geological, or geophysical data, including
a social security number unless disclosure of the number is required,
permitted, or authorized by state or federal law, furnished by or obtained

1 from any person;".

2

3 Renumber succeeding sections accordingly.

4

5 Amendment No. 4, by Representative(s) Weissmann.

6 Amend reengrossed bill, page 2, after line 3 insert:

7

8 "SECTION 2. 24-51-412 (2), Colorado Revised Statutes, is
9 amended to read:

10

11 **24-51-412. Denver public schools district - contributions and**
12 **disbursements - legislative declaration.** (2) Due to the circumstances
13 specified in subsection (1) of this section, contributions required to be
14 made by employers in the Denver public schools division pursuant to
15 section 24-51-401 (1.7) (a) and disbursements required to be made
16 pursuant to section 24-51-411 shall be reduced by an amount in each year
17 equal to the obligations of the Denver public schools with respect to
18 outstanding PCOPS, or any obligations incurred to refinance the PCOPS,
19 at a fixed effective annual interest rate of eight and one-half percent and
20 with principal maturities as they exist on January 1, 2010, or on the date
21 of issuance of any obligations to refinance the PCOPS, recognizing that
22 it is not the intention to increase substantially the offset by accelerating
23 principal maturities through refinancing. The annual offset may be
24 applied by the Denver public schools in installments as it determines so
25 long as there are sufficient monthly contributions to fund the DPS health
26 care trust fund and the annual increase reserve required pursuant to section
27 24-51-1009, taking into account the true-up provisions in section
28 24-51-401, and the calculation of the offset shall be included in the
29 contribution reports required by section 24-51-401 (1.7) (a). Since, as
30 stated in paragraph (b) of subsection (1) of this section, the funded ratio
31 of the Denver public schools retirement system trust fund presently
32 exceeds that of the school division of the association, the anticipated
33 equalization of the funded ratios over a thirty-year period of the two
34 divisions provided in section 24-51-401 (2) may necessarily result in a
35 decline in the funded ratio of the Denver public schools division trust
36 fund. Denver public schools shall annually submit to the association
37 audited financial statements showing the actual debt service experience
38 related to the PCOPS. SUCH FINANCIAL STATEMENTS SHALL BE PUBLIC
39 RECORDS SUBJECT TO DISCLOSURE PURSUANT TO THE "COLORADO OPEN
40 RECORDS ACT", PART 2 OF ARTICLE 72 OF THIS TITLE."

41

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

44

45 **SB10-139** by Senator(s) Kester; also Representative(s) Sonnenberg--
46 Concerning the addition of a line to Colorado state
47 individual income tax return forms whereby individual
48 taxpayers may make a voluntary contribution benefiting
49 the unwanted horse fund.

50

51 Amendment No. 1, Finance Report, dated April 28, 2010, and placed in
52 member's bill file; Report also printed in House Journal, April 28,
53 pages 1476-1477.

54

55 As amended, declared **lost** on Second Reading.

56 (For change in action, see Amendments to Report, page 1636.)

1 On motion of Representative Weissmann, the remainder of the General
 2 Orders Calendar (**HCR10-1002, SB10-087, 076, 141, 187, HB10-1282,**
 3 **SB10-194, 012, 128**) was laid over until May 6, retaining place on
 4 Calendar.

5
 6
 7
 8 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**
 9

10 Representative Sonnenberg moved to amend the Report of the Committee
 11 of the Whole to reverse the action taken by the Committee in not adopting
 12 SB10-139, to show that **SB10-139**, as amended, passed.

13
 14 The amendment was declared **passed** by the following roll call vote:
 15

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

34
 35
 36
 37 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**
 38

39 Passed Second Reading: **HB10-1426 amended, SB10-178 amended,**
 40 **126, 189, 028, 114 amended, 139 amended.**

41
 42 Laid over until date indicated retaining place on Calendar: **HCR10-1002,**
 43 **SB10-087, 076, 141, 187, HB10-1282, SB10-194, 012, 128--**
 44 May 6, 2010.

45
 46 The Chairman moved the adoption of the Committee of the Whole
 47 Report. As shown by the following roll call vote, a majority of those
 48 elected to the House voted in the affirmative, and the Report was
 49 **adopted.**
 50

	YES	65	NO	0	EXCUSED	0	ABSENT	0
52	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
53	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
54	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
55	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
56	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y

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

THIRD READING OF BILL(S)--FINAL PASSAGE

The following bill(s) was(were) considered on Third Reading. The title(s) was(were) publicly read. Reading of the bill at length was dispensed with by unanimous consent.

HB10-1415 by Representative(s) Gagliardi; also Senator(s) Morse-- Concerning the registration of persons who assist surgeons, and making an appropriation therefor.

The question being "Shall the bill pass?".

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

	YES	51	NO	14	EXCUSED	0	ABSENT	0
33	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
34	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
35	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
36	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
37	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
38	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
39	Casso	Y	Kerr J.	Y	Murray	N	Stephens	Y
40	Court	Y	King S.	Y	Nikkel	N	Summers	Y
41	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
42	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	Y
43	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
44	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
45	Frangas	Y	Looper	N	Priola	Y	Vaad	Y
46	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
47	Gardner B.	Y	May	N	Riesberg	Y	Waller	N
48	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	N
49							Speaker	Y

Co-sponsor(s) added: Representative(s) Apuan, Labuda, Merrifield, Primavera, Riesberg, Schafer S., Todd, Vigil.

HB10-1427 by Representative(s) Todd, Hullinghorst, Kerr A., Levy, Primavera, Solano, Summers, Ryden; also Senator(s) Heath, Bacon, Hodge, Hudak, King K., Williams-- Concerning the authority of institutions of higher

1 education to offer group benefit coverage to employees of
2 the institution who are in the state personnel system.

3
4 The question being "Shall the bill pass?".

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

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

27 Co-sponsor(s) added: Representative(s) Apuan, Labuda, McFadyen, Merrifield,
28 Priola, Speaker.

29
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31
32 **HB10-1281** by Representative(s) Casso; also Senator(s) Spence--
33 Concerning the deregulation of telecommunications
34 service in areas where sufficient market competition
35 exists, and making an appropriation therefor.

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	57	NO	8	EXCUSED	0	ABSENT	0
43 Acree	Y		Gerou	Y	McFadyen	Y	Ryden	N
44 Apuan	Y		Hullinghorst	Y	McKinley	Y	Scanlan	Y
45 Balmer	Y		Judd	N	McNulty	Y	Schafer S.	Y
46 Baumgardner	Y		Kagan	Y	Merrifield	N	Solano	N
47 Benefield	N		Kefalas	Y	Middleton	Y	Sonnenberg	Y
48 Bradford	Y		Kerr A.	Y	Miklosi	Y	Soper	Y
49 Casso	Y		Kerr J.	Y	Murray	Y	Stephens	Y
50 Court	Y		King S.	Y	Nikkel	Y	Summers	Y
51 Curry	Y		Labuda	Y	Pace	Y	Swalm	Y
52 DelGrosso	Y		Lambert	Y	Peniston	Y	Tipton	Y
53 Ferrandino	Y		Levy	Y	Pommer	N	Todd	Y
54 Fischer	N		Liston	Y	Primavera	Y	Tyler	Y
55 Frangas	Y		Looper	Y	Priola	Y	Vaad	Y
56 Gagliardi	Y		Massey	Y	Rice	Y	Vigil	Y

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

4 Co-sponsor(s) added: Representative(s) King S., Looper.

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REPORT(S) OF COMMITTEE(S) OF REFERENCE

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AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

HB10-1432 be postponed indefinitely.

EDUCATION

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

SB10-064 be referred favorably to the Committee on Appropriations.

FINANCE

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

HCR10-1005 be referred favorably to the Committee on Appropriations.

SB10-124 be referred favorably to the Committee on Appropriation.

STATE, VETERANS, & MILITARY AFFAIRS

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

HCR10-1006 be postponed indefinitely.

HJR10-1031 be postponed indefinitely.

1 **TRANSPORTATION & ENERGY**

2 After consideration on the merits, the Committee recommends the
3 following:

4
5 **HB10-1420** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend printed bill, strike everything below the enacting clause and
10 substitute:

11
12 **"SECTION 1. Legislative declaration.** (1) The general
13 assembly finds that, on account of the mobility of drivers and the frequent
14 use of driver improvement schools as a sentencing option for violators of
15 traffic laws, the competence of driver improvement schools is important
16 to the entire traveling public and the citizens of Colorado. Therefore, the
17 general assembly hereby declares that this is a matter of statewide
18 concern and applies to all courts and driver improvement schools that
19 teach students within Colorado.

20
21 (2) In 2009, the general assembly passed House Bill 09-1246 to
22 provide some oversight and evaluation of driver improvement schools
23 because members of the general assembly heard from concerned citizens
24 about the quality of services provided by driver improvement schools.
25 The passage of House Bill 09-1246 did not give the department of
26 revenue sufficient tools to adequately implement a program of oversight
27 and evaluation of driver improvement schools. The department of
28 revenue, through rule-making, plans to meet with stakeholders to provide
29 further input into the development of an oversight mechanism for driver
30 improvement schools. Therefore, the general assembly determines that
31 this act is necessary to adequately provide the department of revenue with
32 the tools it needs to oversee driver improvement schools.

33
34 **SECTION 2.** 42-1-223 (1) and (2), Colorado Revised Statutes,
35 are amended, and the said 42-1-223 is further amended BY THE
36 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

37
38 **42-1-223. Monitoring driver improvement schools - fund -**
39 **registration - rules.** (1) The defensive driving school fund, referred to
40 in this section as the "fund", is hereby created in the state treasury. The
41 fund shall consist of ~~penalty surcharges~~ FEES collected pursuant to section
42 42-4-1717 (3). The moneys in the fund shall be used to implement a
43 program to monitor and evaluate driver improvement schools pursuant to
44 this section, INCLUDING THE REGISTRATION OF DRIVER IMPROVEMENT
45 SCHOOLS. The moneys in the fund at the end of each fiscal year shall not
46 revert to the general fund.

47
48 (2) (a) The department shall, in accordance with article 103 of title
49 24, C.R.S., contract with a private entity by ~~July 1, 2010~~, MARCH 1, 2011,
50 to monitor and evaluate the curriculum and effectiveness of driver
51 improvement classes required by section 42-4-1717.

52
53 (b) The ~~private entity~~ VENDOR shall submit a report to the
54 referring court within three months after a school has been evaluated
55 summarizing the curriculum, location, security, quality, and effectiveness
56 of the classes. The private entity shall also submit an abstract of such

1 reports to the department annually.

2

3 (4) NO PERSON WHO OPERATES A DRIVER IMPROVEMENT SCHOOL,
4 INCLUDING INTERNET SCHOOLS, SHALL ACCEPT STUDENTS WHO ARE
5 LICENSED DRIVERS UNLESS THE PERSON REGISTERS THE SCHOOL WITH THE
6 DEPARTMENT OF REVENUE OR THE VENDOR IN COMPLIANCE WITH THIS
7 SUBSECTION (4). THE PERSON SHALL ANNUALLY RENEW THE SCHOOL'S
8 REGISTRATION.

9

10 (5) FOR THE PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
11 OTHERWISE REQUIRES:

12

13 (a) "DRIVER IMPROVEMENT SCHOOL" MEANS A SCHOOL THAT
14 ACCEPTS STUDENTS WHO POSSESS A VALID DRIVER'S LICENSE. "DRIVER
15 IMPROVEMENT SCHOOL" DOES NOT MEAN A DRIVING SCHOOL THAT
16 TEACHES DRIVING SKILLS TO NEW OR UNSKILLED DRIVERS FOR THE
17 PURPOSES OF LICENSING OR A COMMERCIAL DRIVING SCHOOL OR
18 INSTRUCTOR REGULATED PURSUANT TO ARTICLE 15 OF TITLE 12, C.R.S.

19

20 (b) "VENDOR" MEANS THE PRIVATE ENTITY WHO CONTRACTS WITH
21 THE DEPARTMENT OF REVENUE TO MONITOR AND EVALUATE THE
22 CURRICULUM AND EFFECTIVENESS OF DRIVER IMPROVEMENT CLASSES
23 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

24

25 **SECTION 3.** 42-4-1717 (3), Colorado Revised Statutes, is
26 amended to read:

27

28 **42-4-1717. Conviction - attendance at driver improvement**
29 **school - rules.** (3) (a) (I) Effective January 1, 2010, a ~~person~~ LICENSED
30 DRIVER who is ~~required to attend~~ ATTENDS a course of instruction
31 ~~pursuant to subsection (1) or (2) of this section~~ TO IMPROVE THE PERSON'S
32 DRIVING SAFETY AND COMPLIANCE WITH TRAFFIC LAWS shall pay, in
33 addition to any other penalties, a ~~penalty surcharge~~ FEE as determined by
34 rules promulgated by the department.

35

36 (II) The driver improvement school shall collect the ~~penalty~~
37 ~~surcharge~~ FEE and remit it to the department OR VENDOR AS DEFINED IN
38 SECTION 42-1-223 at least monthly in accordance with rules promulgated
39 by the department.

40

41 (III) The department shall set the ~~penalty surcharge~~ FEE in an
42 amount to offset the direct and indirect cost of implementing section
43 42-1-223. The ~~penalty surcharge~~ FEE shall be transferred to the state
44 treasurer and credited to the defensive driving school fund created in
45 section 42-1-223.

46

47 (b) The court shall include on the referral form information
48 concerning the amount and purpose of the ~~penalty surcharge~~ FEE. If the
49 court determines that a person is unable to pay the cost of the ~~penalty~~
50 ~~surcharge~~ FEE, the court may waive the ~~surcharge~~ FEE and the driver
51 improvement school shall not collect nor remit the ~~penalty surcharge~~ FEE
52 to the department.

53

54 (c) A person who is required to attend a course of instruction
55 pursuant to subsection (1) or (2) of this section shall register with the
56 entity that monitors the driver improvement school pursuant to section

1 42-1-223. If the person satisfactorily completes the course, the driver
2 improvement school shall electronically notify the entity.
3

4 **SECTION 4. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety."
7

8
9
10 **HB10-1431** be amended as follows, and as so amended, be referred to
11 the Committee of the Whole with favorable
12 recommendation:
13

14 Amend printed bill, strike everything below the enacting clause and
15 substitute:
16

17 **"SECTION 1.** 39-4-102 (1) (e) (I) (A) and (1.5) (b) (IV),
18 Colorado Revised Statutes, are amended to read:
19

20 **39-4-102. Valuation of public utilities.** (1) The administrator
21 shall determine the actual value of the operating property and plant of
22 each public utility as a unit, giving consideration to the following factors
23 and assigning such weight to each of such factors as in the administrator's
24 judgment will secure a just value of such public utility as a unit:
25

26 (e) (I) When determining the actual value of a renewable energy
27 facility that primarily produces more than two megawatts of alternating
28 current electricity, the administrator shall:
29

30 (A) Consider the additional incremental cost per kilowatt of the
31 construction of the renewable energy facility over that of the construction
32 cost of a comparable nonrenewable energy facility, INCLUSIVE OF THE
33 COST OF ALL PROPERTY REQUIRED TO GENERATE AND DELIVER ENERGY TO
34 THE INTERCONNECTION METER, that primarily produces alternating current
35 electricity to be an investment cost and shall not include such additional
36 incremental cost in the valuation of the facility; and
37

38 (1.5) The administrator shall determine the actual value of a wind
39 energy facility or a solar energy facility as follows:
40

41 (b) (IV) As used in this paragraph (b), "tax factor" means a factor
42 annually established by the administrator. The tax factor shall be a
43 number that when applied to the selling price at the interconnection meter
44 results in approximately the same tax revenue over a twenty-year period
45 on a nominal dollar basis that would have been collected using the cost
46 basis method of taxation as determined by the administrator for a
47 renewable energy facility pursuant to paragraph (e) of subsection (1) of
48 this section. FOR A RENEWABLE ENERGY FACILITY THAT BEGINS
49 GENERATING ENERGY ON OR AFTER JANUARY 1, 2012, THE
50 ADMINISTRATOR SHALL INCLUDE ONLY THE COST OF ALL PROPERTY
51 REQUIRED TO GENERATE AND DELIVER RENEWABLE ENERGY TO THE
52 INTERCONNECTION METER THAT DOES NOT EXCEED THE COST OF PROPERTY
53 REQUIRED TO DELIVER NONRENEWABLE ENERGY TO THE
54 INTERCONNECTION METER.
55

56 **SECTION 2. Act subject to petition - effective date.** This act

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

10

11

12

13 **SB10-144** be referred favorably to the Committee on Appropriations.

14

15

16 **SB10-180** be amended as follows, and as so amended, be referred to
17 the Committee of the Whole with favorable
18 recommendation:

19

20 Amend reengrossed bill, page 3, line 23, strike "FOUR" and substitute
21 "SIX".

22

23 Page 4, line 5, strike "SIX" and substitute "FOUR".

24

25 Page 5, line 2, after "TO" insert "THE UTILITY SIDE OF THE METER IN".

26

27 Page 5, line 10, strike "AND".

28

29 Page 5, after line 10 insert:

30

31 "(II) ISSUES RELATED TO THE CUSTOMER SIDE OF THE METER IN
32 THE DEVELOPMENT OF A SMART GRID, INCLUDING:

33

34 (A) CONSUMER METERING PROTOCOLS;

35

36 (B) DRIVING INCREASES IN CONSUMER EFFICIENCY;

37

38 (C) PROVIDING EFFECTIVE CONSUMER INFORMATION;

39

40 (D) INTEGRATION OF DEMAND RESPONSE PROGRAMS; AND

41

42 (E) INTEGRATION OF VARIABLE PRICING MECHANISMS; AND".

43

44 Page 5, line 11, strike "(II)" and substitute "(III)".

45

46

47

48 **SB10-184** be referred to the Committee of the Whole with favorable
49 recommendation.

50

51

52 **MESSAGE(S) FROM THE SENATE**

53

54 In response to the request of the House, HB 10-1273 is returned herewith.

55

56

House in recess. House reconvened.

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4
5 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

6
7 **APPROPRIATIONS**

8 After consideration on the merits, the Committee recommends the
9 following:

10
11 **HB10-1428** be referred to the Committee of the Whole with favorable
12 recommendation.
13

14
15 **HB10-1430** be amended as follows, and as so amended, be referred to
16 the Committee of the Whole with favorable
17 recommendation:
18

19 Amend printed bill, page 26, after line 21 insert:
20

21 **"SECTION 13. Appropriation - adjustments to the 2010 long**
22 **bill.** For the implementation of this act, appropriations made in the
23 general appropriation act for the fiscal year beginning July 1, 2010, shall
24 be adjusted as follows:
25

26 (a) The cash funds appropriation to the department of education,
27 management and administration, administration and centrally-
28 appropriated line items, assessments and data analyses, Colorado student
29 assessment program, from the state education fund created in section 17
30 (4) of article IX of the state constitution, is decreased by four million one
31 hundred ten thousand two hundred sixty-nine dollars (\$4,110,269).
32

33 (b) The cash funds appropriation to the department of education,
34 management and administration, administration and centrally-
35 appropriated line items, assessments and data analyses, Colorado student
36 assessment program, from the state education fund created in section 17
37 (4) of article IX of the state constitution, is increased by 1.7 FTE."
38

39 Renumber succeeding section accordingly.
40

41 Page 1, line 102, strike "SYSTEM." and substitute "SYSTEM, AND MAKING
42 AN APPROPRIATION IN CONNECTION THEREWITH."
43

44
45
46 **SB10-054** be referred to the Committee of the Whole with favorable
47 recommendation.
48

49
50 **SB10-179** be referred to the Committee of the Whole with favorable
51 recommendation.
52

53
54 **SB10-190** be referred to the Committee of the Whole with favorable
55 recommendation.
56

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FINANCE

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

HB10-1279 be postponed indefinitely.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
on HB10-1125**

This Report Amends the Rerevised Bill.

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB10-1125, concerning the authority of the department of public health and environment to regulate certain activities with respect to waste grease derived from food preparation, and making an appropriation therefor, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill.

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 5, line 17, strike "ON" and substitute "EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ON".

Page 12, after line 1 insert:

"(12) (a) A PERSON MAY STORE ON THE PERSON'S PROPERTY GREASE THAT THE PERSON INTENDS TO USE.

(b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE DEPARTMENT HAS EXCLUSIVE AUTHORITY TO REGULATE THE STORAGE OF GREASE."

Page 12, strike lines 2 through 27.

Page 13, strike line 1.

Renumber succeeding sections accordingly.

Respectfully submitted,

House Committee:
(signed)
Dickey Lee Hullinghorst
Buffie McFadyen
Marsha Looper

Senate Committee:
(signed)
Gail Schwartz
Joyce Foster
Ken Kester

1
2 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
3 **on HJR10-1015**
4

5 This Report Amends the Revised Joint Resolution.
6

7 To the President of the Senate and the
8 Speaker of the House of Representatives:
9

10 Your first conference committee appointed on HJR10-1015,
11 concerning the removal of FCC broadcasting restrictions to allow access
12 to Denver television stations in southwestern Colorado, has met and
13 reports that it has agreed upon the following:
14

15 That the House accede to the Senate amendments made to the joint
16 resolution, as the amendments appear in the revised joint resolution, with
17 the following changes:
18

19 Amend revised joint resolution, page 3, line 18, after "legislation;" add
20 "and".
21

22 Page 3, strike lines 19 through 21.
23

24 Page 3, line 22, strike "(3)" and substitute "(2)".
25

26 Respectfully submitted,
27

28 House Committee:

29 (signed)

30 Ellen Roberts

31 Jeanne Labuda

32 Su Ryden
33

Senate Committee:

(signed)

Bruce Whitehead

Pat Steadman

Al White
34

35
36 **MESSAGE(S) FROM THE SENATE**
37

38 The Senate has passed on Third Reading and transmitted to the Revisor
39 of Statutes: SB10-196.
40

41 The Senate has passed on Third Reading and transmitted to the Revisor
42 of Statutes:
43

44 SB10-193 amended as printed in Senate Journal, May 4, 2010,
45 page 1182.

46 SB10-192 amended as printed in Senate Journal, May 4, 2010,
47 pages 1182-1183.

48 SB10-003 amended as printed in Senate Journal, May 4, 2010,
49 pages 1183-1187 and May 5, 2010.
50

51 The Senate has voted to concur in House amendments to Senate bills 071,
52 153, 159, 162, 006, 061, 103, 120, 171, 156, 106 and repassed the bills as
53 amended.
54

55 The Senate has voted to concur in House amendments to SJR10-040 and
56 repassed the resolution as amended.

1 The Senate has adopted the First Report of the Second Conference
2 Committee on SB10-109, as printed in Senate Journal, April 23, 2010,
3 pages 996-997, and repassed the bill as amended.
4

5 The Senate has adopted the First Report of the First Conference
6 Committee on HJR10-1015, as printed in Senate Journal, May 3, 2010,
7 page 1167, and repassed the resolution as amended. The resolution is
8 returned herewith.
9

10 The Senate has adopted the First Report of the First Conference
11 Committee on HB10-1125, as printed in Senate Journal, May 5, 2010, and
12 repassed the bill as amended. The bill is returned herewith.
13

14 MESSAGE(S) FROM THE REVISOR

15
16 We herewith transmit:
17 Without comment, SB10-196.
18 Without comment, as amended, SB10-193, 192, and 003.
19
20
21

22
23
24 On motion of Representative Weissmann, **HB10-1430, 1428, 1431, 1420**
25 were made Special Orders on Wednesday, May 5, 2010, at 2:10 p.m.
26

27
28 The hour of 2:10 p.m., having arrived, on motion of Representative
29 Frangas, the House resolved itself into Committee of the Whole for
30 consideration of Special Orders and he was called to the Chair to act as
31 Chairman.
32

33 SPECIAL ORDERS--SECOND READING OF BILLS

34
35
36 The Committee of the Whole having risen, the Chairman reported the
37 titles of the following bills had been read (reading at length had been
38 dispensed with by unanimous consent), the bills considered and action
39 taken thereon as follows:
40

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

44 **HB10-1430** by Representative(s) Solano and Scanlan, Benefield,
45 Ferrandino, Fischer, Massey, Merrifield, Middleton,
46 Peniston, Ryden, Schafer S., Todd, Vigil; also Senator(s)
47 Hudak--Concerning assessments in the elementary and
48 secondary education system.
49

50 Amendment No. 1, Education Report, dated May 3, 2010, and placed in
51 member's bill file; Report also printed in House Journal, May 4,
52 pages 1625-1626.
53

54 Amendment No. 2, Appropriations Report, dated May 5, 2010, and placed
55 in member's bill file; Report also printed in House Journal, May 5,
56 page 1644.

1 Amendment No. 3, by Representative(s) Solano.

2

3 Amend printed bill, page 20, line 23, strike "READING, WRITING," and
4 substitute "READING".

5

6 Page 21, line 2, strike "WRITING,".

7

8 As amended, ordered engrossed and placed on the Calendar for Third
9 Reading and Final Passage.

10

11 **HB10-1428** by Representative(s) Middleton; also Senator(s) Romer--
12 Concerning student loans.

13

14 Amendment No. 1, Education Report, dated May 3, 2010, and placed in
15 member's bill file; Report also printed in House Journal, May 3,
16 pages 1578-1579.

17

18 Amendment No. 2, by Representative(s) Middleton.

19

20 Amend printed bill, page 18, line 27, strike "10-____," and substitute
21 "10-1428,".

22

23 As amended, ordered engrossed and placed on the Calendar for Third
24 Reading and Final Passage.

25

26 **HB10-1431** by Representative(s) McKinley; also Senator Penry--
27 Concerning the methodology used to value renewable
28 energy facilities for purposes of property taxation.

29

30 Amendment No. 1, Transportation & Energy Report, dated May 4, 2010,
31 and placed in member's bill file; Report also printed in House Journal,
32 May 5, pages 1642-1643.

33

34 As amended, ordered engrossed and placed on the Calendar for Third
35 Reading and Final Passage.

36

37 **HB10-1420** by Representative(s) Peniston; also Senator(s) Morse--
38 Concerning collection of the penalty surcharge imposed on
39 persons referred to a driver improvement school by a court
40 for a traffic violation.

41

42 Amendment No. 1, Transportation & Energy Report, dated May 4, 2010,
43 and placed in member's bill file; Report also printed in House Journal,
44 May 5, pages 1640-1642.

45

46 Amendment No. 2, by Representative(s) Peniston.

47

48 Amend the Transportation and Energy Committee Report, dated May 4,
49 2010, page 2, line 7, strike "~~penalty surcharges~~ FEES" and substitute
50 "penalty surcharges".

51

52 Page 2, strike lines 17 through 21.

53

54 Page 2, strike lines 29 through 35 and substitute "OTHERWISE REQUIRES,
55 "DRIVER IMPROVEMENT SCHOOL" MEANS A SCHOOL THAT ACCEPTS
56 STUDENTS WHO POSSESS A VALID DRIVER'S LICENSE. "DRIVER

1 IMPROVEMENT SCHOOL" DOES NOT MEAN A DRIVING SCHOOL THAT IS
 2 TEACHING DRIVING SKILLS FOR THE PURPOSES OF LICENSING; PROVIDING
 3 CLASSES TO STUDENTS PURSUANT TO A CONTRACT WITH THE STUDENT'S
 4 EMPLOYER; PROVIDING CLASSES FOR DRIVERS OVER FIFTY YEARS OF AGE
 5 TO REACQUIRE OR IMPROVE DECLINING DRIVING SKILLS; PROVIDING
 6 TRAINING FOR COMMERCIAL DRIVERS; OR A COMMERCIAL DRIVING COURSE
 7 REGULATED PURSUANT TO ARTICLE 15 OF TITLE 12, C.R.S."

8

9 Page 3, strike lines 1 through 5 and substitute:

10

11 **"SECTION 3.** 42-4-1717 (3) (a), Colorado Revised Statutes, is".

12

13 Page 3, strike lines 8 through 33 and substitute **"school - rules.**
 14 (3) (a) Effective January 1, 2010, a person who is required to attend a
 15 course of instruction ~~pursuant to subsection (1) or (2) of this section~~ AS
 16 A RESULT OF A TRAFFIC VIOLATION shall pay, in addition to any other
 17 penalties, a penalty surcharge as determined by rules promulgated by the
 18 department. The driver improvement school shall collect the penalty
 19 surcharge and remit it to the department at least monthly in accordance
 20 with rules promulgated by the department. The department shall set the
 21 penalty surcharge in an amount to offset the direct and indirect cost of
 22 implementing section 42-1-223. The penalty surcharge shall be
 23 transferred to the state treasurer and credited to the defensive driving
 24 school fund created in section 42-1-223."

25

26 As amended, ordered engrossed and placed on the Calendar for Third
 27 Reading and Final Passage.

28

29

30

31

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

32

33 Passed Second Reading: **HB10-1430 amended, 1428 amended, 1431**
 34 **amended, 1420 amended.**

35

36

37 The Chairman moved the adoption of the Committee of the Whole
 38 Report. As shown by the following roll call vote, a majority of those
 39 elected to the House voted in the affirmative, and the Report was
 40 **adopted.**

41

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	YES	63	NO	0	EXCUSED	2	ABSENT	0
Acree	Y		Gerou	Y	McFadyen	Y	Ryden	Y
Apuan	Y		Hullinghorst	Y	McKinley	Y	Scanlan	Y
Balmer	Y		Judd	Y	McNulty	Y	Schafer S.	Y
Baumgardner	Y		Kagan	Y	Merrifield	Y	Solano	E
Benefield	Y		Kefalas	Y	Middleton	Y	Sonnenberg	Y
Bradford	Y		Kerr A.	Y	Miklosi	Y	Soper	Y
Casso	Y		Kerr J.	Y	Murray	Y	Stephens	Y
Court	Y		King S.	Y	Nikkel	Y	Summers	Y
Curry	Y		Labuda	Y	Pace	Y	Swalm	Y
DelGrosso	Y		Lambert	Y	Peniston	Y	Tipton	Y
Ferrandino	Y		Levy	Y	Pommer	Y	Todd	Y
Fischer	Y		Liston	Y	Primavera	Y	Tyler	Y
Frangas	Y		Looper	Y	Priola	Y	Vaad	Y
Gagliardi	Y		Massey	Y	Rice	Y	Vigil	Y

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

CONSIDERATION OF RESOLUTION(S)

8
9 **SJR10-025** by Senator(s) Kester; also Representative(s) Gardner C.--
10 Concerning the designation of the portion of State
11 Highway 96 located in Crowley County as the "All
12 Veterans Memorial Highway".
13

14 (Printed and placed in members' file)

15
16 On motion of Representative Gardner C., the resolution was **adopted** by
17 **viva voce** vote.
18

19 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Apuan,
20 Balmer, Baumgardner, Benefield, Bradford, Casso, Court, Curry, DelGrosso,
21 Ferrandino, Fischer, Frangas, Gagliardi, Gardner B., Gerou, Hullinghorst, Judd,
22 Kagan, Kefalas, Kerr A., Kerr J., King S., Labuda, Lambert, Levy, Liston,
23 Looper, Massey, May, McFadyen, McKinley, McNulty, Merrifield, Middleton,
24 Miklosi, Murray, Nikkel, Pace, Peniston, Pommer, Primavera, Priola, Rice,
25 Riesberg, Roberts, Ryden, Scanlan, Schafer S., Sonnenberg, Soper, Stephens,
26 Summers, Swalm, Tipton, Todd, Tyler, Vaad, Vigil, Waller, Weissmann,
27 Speaker.
28

29
30 **HJR10-1023** by Representative(s) Vaad, Baumgardner, Bradford,
31 DelGrosso, Frangas, Gardner C., King S., Lambert,
32 Looper, Massey, McFadyen, Merrifield, Primavera, Rice,
33 Sonnenberg, Stephens; also Senator(s) Gibbs--Concerning
34 a recommendation to lift the freeze on longer combination
35 vehicles in western states.
36

37 (Printed and placed in members' file)

38
39 On motion of Representative Vaad, the resolution was **adopted** by the
40 following roll call vote:
41

	YES	56	NO	7	EXCUSED	2	ABSENT	0
43	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
44	Apuan	Y	Hullinghorst	N	McKinley	Y	Scanlan	Y
45	Balmer	Y	Judd	N	McNulty	Y	Schafer S.	Y
46	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	E
47	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
48	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	N
49	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
50	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
51	Curry	Y	Labuda	N	Pace	Y	Swalm	Y
52	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
53	Ferrandino	Y	Levy	N	Pommer	Y	Todd	Y
54	Fischer	N	Liston	Y	Primavera	Y	Tyler	Y
55	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
56	Gagliardi	N	Massey	Y	Rice	Y	Vigil	Y

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

4 Co-sponsor(s) added: Representative(s) Gardner B., Kerr J., Murray, Nikkel,
5 Pace, Vigil.

6
7 **HJR10-1019** by Representative(s) Baumgardner, Acree, Balmer,
8 Bradford, Curry, DelGrosso, Fischer, Gardner B.,
9 Gardner C., Gerou, Kerr J., King S., Labuda, Lambert,
10 Liston, Looper, Massey, May, McKinley, McNulty,
11 Murray, Priola, Roberts, Scanlan, Sonnenberg, Soper,
12 Stephens, Summers, Swalm, Tipton, Tyler, Vaad, Vigil,
13 Waller; also Senator(s) Penry, White--Concerning the
14 distribution of federal mineral leasing revenues to counties
15 in Colorado.

16
17 (Printed and placed in member's files.)

18
19 Representative Baumgardner moved that the resolution be adopted.

20
21 Representative Baumgardner moved the following amendment:

22
23 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
24 dated April 14, 2010, and placed in member's bill file; Report also printed
25 in House Journal, April 15, page 1249.

26
27 The amendment was declared **passed** by **viva voce** vote.

28
29 On motion of Representative Baumgardner, the resolution as amended
30 was **adopted** by **viva voce** vote.

31
32 Current Roll Call added as co-sponsor(s): Representative(s) Apuan, Benefield,
33 Casso, Court, Ferrandino, Frangas, Gagliardi, Hullinghorst, Judd, Kagan,
34 Kefalas, Kerr A., Levy, McFadyen, Merrifield, Middleton, Miklosi, Nikkel,
35 Pace, Peniston, Pommer, Primavera, Rice, Riesberg, Ryden, Schafer S., Todd,
36 Weissmann, Speaker.

37
38 **HJR10-1026** by Representative(s) Massey, Middleton; also Senator(s)
39 Bacon--Concerning the expansion of broadband access to
40 all areas of the state through Colorado's application to the
41 Broadband Technology Opportunities Program.

42
43 (Printed and placed in members' file)

44
45 Representative Massey moved that the resolution be adopted.

46
47 Amendment No. 1, moved by Representative Massey.

48
49 Amend printed joint resolution, page 3, after line 30 insert:

50
51 "WHEREAS, The final report of the Colorado Broadband
52 Mapping Project found that 97.53% of Colorado households have
53 broadband service and private providers must continue to invest and
54 upgrade these services; and".

55
56 Page 3, line 41, strike "now, therefore," and substitute "and".

1 Page 3, after line 41 insert:

2

3 "WHEREAS, Every effort should be made to prioritize the
4 provision of broadband service to unserved customers through the
5 efficient distribution of resources to avoid over-building of existing
6 facilities and to strongly encourage the use of private sector local
7 telecommunications providers; now, therefore,"

8

9 The amendment was declared **passed by viva voce** vote.

10

11 On motion of Representative Massey, the resolution as amended was
12 **adopted by viva voce** vote.

13

14 Co-sponsor(s) added: Representative(s) Benefield, Bradford, Casso, Court,
15 Curry, DelGrosso, Fischer, Gagliardi, Gardner B., Gerou, Hulinghorst, Kagan,
16 Kefalas, Kerr J., King S., Labuda, Liston, Looper, McFadyen, McKinley,
17 Merrifield, Miklosi, Murray, Peniston, Pommer, Primavera, Priola, Rice,
18 Riesberg, Ryden, Scanlan, Schafer S., Sonnenberg, Soper, Tipton, Todd, Vaad,
19 Vigil, Speaker.

20

21 **HJR10-1027** by Representative(s) Curry and Sonnenberg; also
22 Senator(s) Williams, White--Concerning the recognition
23 of industrial hemp as a valuable agricultural commodity,
24 and, in connection therewith, urging Congress to clarify
25 the federal definition of industrial hemp, facilitate
26 domestic production of industrial hemp, and remove
27 barriers to state regulation of the production of industrial
28 hemp.

29

30 (Printed and placed in members' file)

31

32 On motion of Representative Curry, the resolution was **adopted by viva**
33 **voce** vote.

34

35 Co-sponsor(s) added: Representative(s) Apuan, Benefield, Court, Ferrandino,
36 Fischer, Frangas, Hulinghorst, Kefalas, Kerr A., Labuda, Lambert, McFadyen,
37 McKinley, Merrifield, Nikkel, Pommer, Primavera, Ryden, Schafer S., Todd,
38 Vigil, Weissmann.

39

40 **HJR10-1032** by Representative(s) May, Carroll T., Weissmann; also
41 Senator(s) Shaffer B., Morse, Penry--Concerning
42 complaints filed pursuant to rule 36 (d) of the joint rules of
43 the Senate and House of Representatives addressing
44 lobbying practices.

45

46 (Printed and placed in members' file)

47

48 On motion of Representative May, the resolution was **adopted by viva**
49 **voce** vote.

50

51 Co-sponsor(s) added: Representative(s) Apuan, Benefield, Curry, Fischer,
52 Hulinghorst, Kagan, Kefalas, Kerr A., Kerr J., Labuda, Lambert, Levy,
53 McFadyen, Merrifield, Middleton, Pommer, Riesberg, Ryden, Scanlan, Soper,
54 Summers, Todd, Vigil.

55

56

1 House in recess. House reconvened.
2
3

4
5 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**
6

7 **BUSINESS AFFAIRS & LABOR**

8 After consideration on the merits, the Committee recommends the
9 following:

10
11 **SB10-013** be amended as follows, and as so amended, be referred to
12 the Committee of the Whole with favorable
13 recommendation:
14

15 Amend reengrossed bill, page 2, line 9, strike "8-43-203." and substitute
16 "8-43-101."
17

18 Page 2, line 10, after the period insert "THE DIRECTOR SHALL DEVELOP
19 THE FORM AND MANNER OF THE SURVEY WITH INPUT FROM INSURERS
20 THAT PROVIDE WORKERS' COMPENSATION POLICIES PURSUANT TO
21 ARTICLES 40 THROUGH 55 OF THIS TITLE, AND WITH THE LEAST
22 ADMINISTRATIVE BURDEN AS POSSIBLE."
23
24
25

26 **SB10-185** be postponed indefinitely.
27
28

29
30 **MESSAGE(S) FROM THE SENATE**
31

32 The Senate has voted to recall HB10-1394 for the purpose of
33 reconsideration and requests the return of the bill.
34
35

36
37 **MESSAGE(S) FROM THE GOVERNOR**
38

39 I certify I received the following on the 5th day of May, 2010, at
40 3:30 p.m. The original is on file in the records of the House of
41 Representatives of the General Assembly.
42

43 Marilyn Eddins,
44 Chief Clerk of the House

45 May 5, 2010
46

47 To the Honorable House of Representatives
48 Sixty-seventh General Assembly
49 Second Regular Session
50 State Capitol
51 Denver, CO 80203
52

53 Ladies and Gentlemen:
54

55 I have the honor to inform you that I have approved and filed with the
56 Secretary of State the following Acts:

- 1 **HB10-1114** CONCERNING THE REGISTRATION OF AGENTS OF
2 PERSONS IN THE BUSINESS OF TRANSMITTING MONEY,
3 AND MAKING AN APPROPRIATION THEREFOR.
4
5 Approved May 5, 2010 at 1:25 p.m.
6
- 7 **HB10-1116** CONCERNING THE REVISION OF CERTAIN
8 ADMINISTRATIVE PROVISIONS RELATING TO THE
9 CONDUCT OF ELECTIONS, AND, IN CONNECTION
10 THEREWITH, AMENDING OR REPEALING OBSOLETE,
11 INCONSISTENT, AND CONFLICTING PROVISIONS OF LAW.
12
13 Approved May 5, 2010 at 1:46 p.m.
14
- 15 **HB10-1117** CONCERNING CERTAIN PROCEDURES REGARDING THE
16 LEVYING OF TAXES BY COUNTY OFFICERS, AND, IN
17 CONNECTION THEREWITH, RAISING THE AMOUNT OF
18 ABATEMENT OR REFUND THAT MAY BE APPROVED BY A
19 BOARD OF COUNTY COMMISSIONERS AND ALLOWING
20 FOR THE ELECTRONIC TRANSMISSION OF NOTICES OF
21 VALUATION SENT BY THE COUNTY ASSESSOR AND TAX
22 STATEMENTS SENT BY THE COUNTRY TREASURER.
23
24 Approved May 5, 2010 at 1:47 p.m.
25
- 26 **HB10-1164** CONCERNING SERVICE OF PROCESS IN ACTIONS
27 CONCERNING INCIDENTS THAT MAY BE COVERED BY A
28 MOTOR VEHICLE INSURANCE POLICY.
29
30 Approved May 5, 2010 at 1:48 p.m.
31
- 32 **HB10-1182** CONCERNING A LIMITED EXPANSION OF THE POWERS OF
33 THE COLORADO CLEAN ENERGY DEVELOPMENT
34 AUTHORITY TO FINANCE ELECTRIC TRANSMISSION
35 FACILITIES, AND, IN CONNECTION THEREWITH,
36 ALLOWING THE AUTHORITY TO MAKE COMMERCIAL
37 LOANS ONLY FOR ELECTRIC POWER INTERCONNECTION
38 PROJECTS CONNECTING CLEAN ENERGY RESOURCES TO
39 THE TRANSMISSION GRID.
40
41 Approved May 5, 2010 at 1:11 p.m.
42
- 43 **HB10-1208** CONCERNING REQUIRING STATEWIDE AGREEMENTS FOR
44 THE TRANSFER OF TWO-YEAR DEGREES AMONG ALL
45 STATE INSTITUTIONS OF HIGHER EDUCATION IN
46 COLORADO.
47
48 Approved May 5, 2010 at 1:19 p.m.
49
- 50 **HB10-1220** CONCERNING THE SUNSET REVIEW OF THE FUNCTIONS
51 OF THE DIVISION OF INSURANCE RELATED TO THE
52 REGULATION OF SPECIFIED LINES OF INSURANCE, AND, IN
53 CONNECTION THEREWITH, CONTINUING THE FUNCTIONS
54 OF THE DIVISION RELATED TO THE REGULATION OF
55 PROPERTY AND CASUALTY, AUTOMOBILE, AND OTHER
56 INSURERS THAT DO NOT OFFER HEALTH, LIFE, PROPERTY,

- 1 CASUALTY, OR AUTOMOBILE INSURANCE THROUGH JULY
2 1, 2017; CONSOLIDATING THE SUNSET REVIEW OF ALL
3 FUNCTIONS OF THE DIVISION OF INSURANCE OTHER
4 THAN THOSE RELATED TO THE LICENSING OF BAIL
5 BONDING AGENTS; AND IMPLEMENTING OTHER
6 RECOMMENDATIONS CONTAINED IN THE SUNSET
7 REPORT.
8
9 Approved May 5, 2010 at 1:48 p.m.
- 10
11 **HB10-1225** CONCERNING CONTINUATION OF THE REGULATION OR
12 ELECTRICAL WORK BY THE STATE ELECTRICAL BOARD.
13
14 Approved May 5, 2010 at 1:49 p.m.
- 15
16 **HB10-1229** CONCERNING AUTHENTICATION REQUIREMENTS FOR
17 VERBAL ORDERS IN A HOSPITAL.
18
19 Approved May 5, 2010 at 1:50 p.m.
- 20
21 **HB10-1240** CONCERNING THE FORECLOSURE DEFERMENT PROCESS
22 FOR RESIDENTIAL PROPERTIES.
23
24 Approved May 5, 2010 at 1:51 p.m.
- 25
26 **HB10-1275** CONCERNING A REQUIREMENT THAT THE LOCATION OF
27 A PRIVATE BURIAL BE RECORDED.
28
29 Approved May 5, 2010 at 1:37 p.m.
- 30
31 **HB10-1276** CONCERNING THE SALE BY A RAILROAD COMPANY OF
32 ITS RIGHT-OF-WAY FOR THE OPERATION OF A PUBLIC
33 PASSENGER RAIL SERVICE.
34
35 Approved May 5, 2010 at 1:51 p.m.
- 36
37 **HB10-1340** CONCERNING THE NOTICE SENT BY A LAW
38 ENFORCEMENT AGENCY WHEN A VEHICLE HAS BEEN
39 TOWED FROM PUBLIC PROPERTY.
40
41 Approved May 5, 2010 at 1:52 p.m.
- 42
43 **HB10-1372** CONCERNING CHANGES TO THE APPROPRIATIONS
44 SECTION OF HOUSE BILL 09-1293 RELATED TO A HOSPITAL
45 PROVIDER FEE.
46
47 Approved May 5, 2010 at 1:53 p.m.
- 48
49 **HB10-1385** CONCERNING FEES COLLECTED BY THE DIVISION OF
50 INSURANCE TO FUND INSURANCE FRAUD CASES
51 PURSUED BY THE DEPARTMENT OF LAW, AND MAKING
52 APPROPRIATIONS IN CONNECTION THEREWITH.
53
54 Approved May 5, 2010 at 1:54 p.m.
55

1 **HB10-1387** CONCERNING THE FINANCING OF THE DIVISION OF
 2 MOTOR VEHICLES IN THE DEPARTMENT OF REVENUE,
 3 AND MAKING APPROPRIATIONS THEREFOR.

4
 5 Approved May 5, 2010 at 1:55 p.m.

6
 7 **HB10-1389** CONCERNING TRANSFERS OF MONEYS RELATING TO
 8 CAPITOL CONSTRUCTION.

9
 10 Approved May 5, 2010 at 1:56 p.m.

11
 12 Sincerely,
 13 (signed)
 14 Bill Ritter, Jr.
 15 Governor

16
 17
 18 **INTRODUCTION OF BILLS**
 19 **First Reading**

20
 21 The following bills were read by title and referred to the committees
 22 indicated:

23
 24 **SB10-003** by Senator(s) Morse and Penry, Heath; also
 25 Representative(s) Middleton and May, Court--Concerning
 26 higher education flexibility to improve the financial
 27 position of state institutions of higher education.
 28 Committee on Education

29
 30 **SB10-192** by Senator(s) Kopp, Hodge, Harvey, Renfroe, Johnston,
 31 Romer, Morse, Scheffel, Spence, Gibbs, Mitchell, Kester,
 32 Schultheis, Cadman, Foster, King K., Lundberg, Penry,
 33 Tochtrop, White, Whitehead, Williams; also
 34 Representative(s) Sonnenberg, Acree, Baumgardner,
 35 Bradford, Casso, Curry, Gardner B., Gerou, Kerr A., Kerr
 36 J., King S., Lambert, Liston, Looper, Massey, May,
 37 Murray, Nikkel, Priola, Summers, Swalm, Tipton, Vaad,
 38 Waller--Concerning the use of revenues derived from
 39 limited gaming activity to fund restoration work on the
 40 state capitol building, and, in connection therewith,
 41 creating the capitol dome restoration fund and redirecting
 42 moneys from the portion of limited gaming revenue
 43 constitutionally allocated to historic preservation to the
 44 capitol dome restoration fund.

45 Committee on State, Veterans, & Military Affairs

46
 47 **SB10-193** by Senator(s) Hudak; also Representative(s) Levy--
 48 Concerning the safe treatment of pregnant persons in
 49 custody.

50 Committee on Judiciary

51
 52 **SB10-196** by Senator(s) Gibbs; also Representative(s) Scanlan--
 53 Concerning the minimum speed at which a motor vehicle
 54 may travel on interstate 70.

55 Committee on Transportation & Energy

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NOTICE OF CALENDARED ITEM(S)

On motion of Representative Weissmann, the following bill(s) were calendared for Second Reading on May 6, 2010: **SB10-054, 013, 179, 184, 180.**

LAY OVER OF CALENDAR ITEM(S)

On motion of Representative Weissmann, the following item(s) on the Calendar (was)were laid over until May 6, retaining place on Calendar:

- Consideration of Resolution(s)--**HJR10-1024, 1025, 1028, 1022, 1033, 1035.**
 - Consideration of Senate Amendment(s)--**HB10-1334, 1018.**
 - Consideration of Adherence--**HB10-1098.**
-

On motion of Representative Weissmann, the House adjourned until 9:00 a.m., May 6, 2010.

Approved:
TERRANCE D. CARROLL,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk

