

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

Ninety-eighth Legislative Day

Tuesday, April 20, 2010

1 Prayer by Reverend Leon Kelly, Director of Youth Gang Alternatives,  
 2 Denver.

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

5  
 6 Pledge of Allegiance led by Micaela Kurtz, Lala Redwine, Savanna  
 7 Jones, Bill Roberts Elementary, Denver.

8  
 9 The roll was called with the following result:

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

14  
 15 The Speaker declared a quorum present.

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

21  
 22  
 23  
 24 **THIRD READING OF BILL(S)--FINAL PASSAGE**

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 **SB10-110** by Senator(s) Williams; also Representative(s) Ryden,  
 31 Court, Hullinghorst, Judd, Levy, Middleton, Rice--  
 32 Concerning the enforcement of offenses involving failure  
 33 of certain persons to properly restrain a child in a vehicle.

34  
 35 The question being "Shall the bill pass?".  
 36 A roll call vote was taken. As shown by the following recorded vote, a  
 37 majority of those elected to the House voted in the affirmative and the bill  
 38 was declared **passed**.

39  
 40

|    | YES    | 51 | NO           | 13 | EXCUSED  | 1 | ABSENT     | 0 |
|----|--------|----|--------------|----|----------|---|------------|---|
| 41 | Acree  | N  | Gerou        | Y  | McFadyen | Y | Ryden      | Y |
| 42 | Apuan  | Y  | Hullinghorst | Y  | McKinley | N | Scanlan    | E |
| 43 | Balmer | Y  | Judd         | Y  | McNulty  | Y | Schafer S. | Y |

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

15 Co-sponsor(s) added: Representative(s) Apuan, Fischer, King S., Labuda, Todd,  
 16 Vaad, Vigil.

17

18

19

20 On motion of Representative Ryden, the House resolved itself into  
 21 Committee of the Whole for consideration of General Orders, and she  
 22 was called to the Chair to act as Chairman.

23

24

25

### GENERAL ORDERS--SECOND READING OF BILLS

26

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

31

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

34

35 On motion of Representative Weissmann the following bills are laid over  
 36 until April 23, 2010: **HB10-1390, 1391, 1400, 1394, 1103, 1152, 1357.**

37

38 On motion of Representative Weissmann the following bill is laid over  
 39 until April 26, 2010: **HB10-1217.**

40

41 **HB10-1234** by Representative(s) Primavera; also Senator Carroll M.--  
 42 Concerning the fair settlement of claims for benefits under  
 43 an insurance policy.

44

45 Amendment No. 1, Judiciary Report, dated April 5, 2010, and placed in  
 46 member's bill file; Report also printed in House Journal, April 6,  
 47 pages 1113-1114.

48

49 Amendment No. 2, by Representative(s) Primavera.

50

51 Amend the Judiciary Committee Report, dated April 5, 2010, page 2, line  
 52 13, after "MEDICAL" insert "OR DENTAL".

53

54 Page 2, line 14, after "MEDICAL" insert "OR DENTAL".

55

56 Page 2, line 16, after "MEDICAL" insert "OR DENTAL".

1 Page 2, line 17, after "MEDICAL" insert "OR DENTAL".

2

3 Page 2, line 20, after the first "MEDICAL" insert "OR DENTAL" and after the  
4 second "MEDICAL" insert "OR DENTAL".

5

6 Page 2, line 23, strike "A PHYSICIAN".

7

8 Page 2, line 24, after "MEDICAL" insert "OR DENTAL".

9

10 Page 2, line 25, after the first "MEDICAL" insert "OR DENTAL" and after the  
11 second "MEDICAL" insert "OR DENTAL".

12

13 Amendment No. 3, by Representative(s) Primavera.

14

15 Amend the Judiciary Committee Report, dated April 5, 2010, page 2, line  
16 19, after "STATE" insert "IN THE UNITED STATES".

17

18 Page 2, line 23, after "STATE" insert "IN THE UNITED STATES".

19

20 Amendment No. 4, by Representative(s) McCann.

21

22 Amend the Judiciary Committee Report, dated April 5, 2010, page 2,  
23 strike lines 19 through 21 and substitute "STATE WHO HAS EXPERIENCE IN  
24 THE MEDICAL ISSUE INVOLVED IN THE CLAIM OR REQUESTED MEDICAL  
25 SERVICE OR HAS CONSULTED WITH A CLINICAL PEER WHO HAS SUCH  
26 EXPERIENCE; OR".

27

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

29

30 HB10-1022 by Representative(s) Summers and Gagliardi, Kagan,  
31 Kefalas; also Senator(s) Boyd, Hudak--Concerning the  
32 administration of the supplemental nutrition assistance  
33 program.

34

35 Amendment No. 1, Health and Human Services Report, dated  
36 February 11, 2010, and placed in member's bill file; Report also printed  
37 in House Journal, February 12, pages 312-313.

38

39 Amendment No. 2, Appropriations Report, dated April 16, 2010, and  
40 placed in member's bill file; Report also printed in House Journal,  
41 April 16, page 1287.

42

43 Amendment No. 3, by Representative(s) Gagliardi, Summers.

44

45 Amend the Appropriations Committee Report, dated April 16, 2010, page  
46 1, line 18, after "ANY" insert "STATE OR COUNTY".

47

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

50

51

52 HB10-1032 by Representative(s) Frangas, Apuan, Massey; also  
53 Senator(s) Boyd, Foster, Schwartz--Concerning behavioral  
54 health crisis response services.

55

1 Amendment No. 1, Health & Human Services Report, dated  
2 February 18, 2010, and placed in member's bill file; Report also printed  
3 in House Journal, February 19, pages 450-452.

4  
5 Amendment No. 2, Appropriations Report, dated April 16, 2010, and  
6 placed in member's bill file; Report also printed in House Journal,  
7 April 16, page 1288.

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

10  
11 Amend Health and Human Services Committee Report, dated February  
12 18, 2010, page 3, after line 10 insert:

13  
14 "SECTION 2. 25-1.5-301 (2) (h), and (2) (i), Colorado Revised  
15 Statutes, are amended, and the said 25-1.5-301 is further amended BY  
16 THE ADDITION OF A NEW PARAGRAPH, to read:

17  
18 **25-1.5-301. Definitions.** As used in this part 3, unless the context  
19 otherwise requires:

20  
21 (2) "Facility" means:

22  
23 (h) All services funded through and regulated by the department  
24 of human services pursuant to article 10.5 of title 27, C.R.S., in support  
25 of persons with developmental disabilities; ~~and~~

26  
27 (i) Adult day care facilities providing services in support of  
28 persons as defined in section 25.5-6-303 (1), C.R.S.; AND

29  
30 (j) ALCOHOL AND DRUG TREATMENT FACILITIES AS DEFINED IN  
31 SECTIONS 25-1-302 (3) AND 25-1-1101 (3).".

32  
33 Renumber succeeding section accordingly.

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

37  
38 **HB10-1146** by Representative(s) Hullinghorst, Gagliardi, Kefalas,  
39 Kerr J., Labuda, Miklosi, Pommer, Primavera; also  
40 Senator(s) Tochtrop, Newell, Steadman, Tapia--  
41 Concerning certain state-funded, community-based, long-  
42 term care assistance provided to recipients of certain  
43 public benefit programs.

44  
45 Amendment No. 1, Health & Human Services Report, dated  
46 March 1, 2010, and placed in member's bill file; Report also printed in  
47 House Journal, March 2, pages 624-625.

48  
49 Amendment No. 2, Appropriations Report, dated April 16, 2010, and  
50 placed in member's bill file; Report also printed in House Journal,  
51 April 16, pages 1288-1291.

52  
53 As amended, ordered engrossed and placed on the Calendar for Third  
54 Reading and Final Passage.

55  
56

1 **HB10-1162** by Representative(s) Soper; also Senator(s) Bacon--  
2 Concerning payment of amounts due under a construction  
3 contract.  
4

5 Amendment No. 1, Business Affairs & Labor Report, dated  
6 March 3, 2010, and placed in member's bill file; Report also printed in  
7 House Journal, March 4, pages 661-668.  
8

9 Amendment No. 2, Appropriations Report, dated April 16, 2010, and  
10 placed in member's bill file; Report also printed in House Journal,  
11 April 16, pages 1291-1292.  
12

13 Amendment No. 3, by Representative(s) Soper.  
14

15 Amend the Business Affairs and Labor Committee Report, dated March  
16 3, 2010, page 5, strike lines 19 through 35.  
17

18 Page 6, strike lines 1 through 15.  
19

20 Renumber succeeding C.R.S. section accordingly.  
21

22 Page 9, strike lines 13 through 34.  
23

24 Page 10, strike lines 1 through 10.  
25

26 Renumber succeeding C.R.S. section accordingly.  
27

28 As amended, declared **lost** on Second Reading.  
29

30 **HB10-1172** by Representative(s) Bradford, Nikkel, Sonnenberg,  
31 Tipton; also Senator Cadman--Concerning the registration  
32 of mobile machinery in order to pay specific ownership  
33 tax.  
34

35 Amendment No. 1, Transportation & Energy Report, dated  
36 February 25, 2010, and placed in member's bill file; Report also printed  
37 in House Journal, February 26, pages 599-600.  
38

39 Amendment No. 2, Appropriations Report, dated April 16, 2010, and  
40 placed in member's bill file; Report also printed in House Journal,  
41 April 16, pages 1292-1293.  
42

43 Amendment No. 3, by Representative(s) Bradford.  
44

45 Amend the Transportation and Energy Committee Report, dated February  
46 25, 2010, page 1, line 17, strike "MAY" and substitute "SHALL".  
47

48 As amended, ordered engrossed and placed on the Calendar for Third  
49 Reading and Final Passage.  
50

51  
52 **HB10-1264** by Representative(s) Priola; also Senator(s) Heath--  
53 Concerning the establishment of an incentive process  
54 whereby state employees can submit suggestions for state  
55 agency improvements that result in cost savings.  
56

1 Amendment No. 1, State, Veterans, & Military Affairs Report, dated  
2 February 23, 2010, and placed in member's bill file; Report also printed  
3 in House Journal, February 25, pages 553-555.

4  
5 Amendment No. 2, Appropriations Report, dated April 16, 2010, and  
6 placed in member's bill file; Report also printed in House Journal,  
7 April 16, pages 1293-1294.

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

10  
11 Amend the printed bill, page 9, line 24, strike "(e) THE" and substitute  
12 "(e) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH  
13 (e), THE".

14  
15 Page 10, before line 3, insert:

16  
17 "(II) ANY SAVINGS REALIZED DISTRIBUTED TO THE DEPARTMENT  
18 OF TRANSPORTATION PURSUANT TO SUB-SUBPARAGRAPH (B) OF  
19 SUBPARAGRAPH (I) OF PARAGRAPH (d) OF THIS SUBSECTION (4) SHALL BE  
20 TRANSFERRED TO THE STATE HIGHWAY FUND CREATED IN SECTION  
21 43-1-219, C.R.S., AND SHALL ONLY BE USED FOR MATERIAL COSTS OF  
22 ROAD AND BRIDGE REPAIRS."

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

26  
27 **HB10-1268** by Representative(s) King S.; also Senator Harvey--  
28 Concerning establishment of a two-year registration for  
29 vehicles.

30  
31 Amendment No. 1, State, Veterans, & Military Affairs Report, dated  
32 February 23, 2010, and placed in member's bill file; Report also printed  
33 in House Journal, February 25, page 555.

34  
35 Amendment No. 2, by Representative(s) Fischer.

36  
37 Amend printed bill, page 2, strike lines 17 through 27.

38  
39 Renumber succeeding section accordingly.

40  
41 As amended, ordered engrossed and placed on the Calendar for Third  
42 Reading and Final Passage.

43  
44 **HB10-1284** by Representative(s) Massey and Summers, McCann,  
45 Rice; also Senator(s) Romer and Spence--Concerning  
46 regulation of medical marijuana.

47  
48 Amendment No. 1, Judiciary Report, dated March 22, 2010, and placed  
49 in member's bill file; Report also printed in House Journal, March 23,  
50 pages 906-945.

51  
52 Amendment No. 2, Appropriations Report, dated April 16, 2010, and  
53 placed in member's bill file; Report also printed in House Journal,  
54 April 16, pages 1295-1298.

55  
56

- 1 Amendment No. 3, by Representative(s) Levy.  
2  
3 Amend the Judiciary Committee Report, dated March 22, 2010, page 2,  
4 line 6, strike "AS OF" and substitute "AFTER".  
5  
6 Page 2, line 9, strike "AS OF" and substitute "ON".  
7  
8 Page 2, line 13, strike "THE" and substitute "A".  
9  
10 Page 2, line 15, strike "2011," and substitute "2010,".  
11  
12 Page 10, line 20, after "LICENSES" insert "CONSISTENT WITH THE INTENT  
13 OF THIS ARTICLE".  
14  
15 Page 11, line 23, after the second "THE" insert "MEDICAL MARIJUANA  
16 CENTER".  
17  
18 Page 11, line 25, after the second "THE" insert "MEDICAL MARIJUANA  
19 CENTER".  
20  
21 Page 12, line 35, strike "REQUIRED" and substitute "AUTHORIZED".  
22  
23 Page 13, line 3, strike "CAUSE," and substitute "CAUSE BASED UPON THE  
24 STANDARDS ADOPTED IN ITS ORDINANCE OR RESOLUTION,".  
25  
26 Page 15, line 21, strike "ANY OF WHOSE" and substitute "IF THE CRIMINAL  
27 HISTORY OF ANY OF ITS".  
28  
29 Page 15, line 22, strike "ARE" and substitute "INDICATES THAT THE  
30 OFFICER, DIRECTOR, OR STOCKHOLDER IS".  
31  
32 Page 15, line 31, strike "FAILS" and substitute "AND WHO, AT THE TIME OF  
33 APPLICATION, HAS FAILED".  
34  
35 Page 16, line 1, strike "FAILS TO"  
36  
37 Page 16, line 5, strike "OR"  
38  
39 Page 16, line 6, after the semicolon insert "OR".  
40  
41 Page 16, after line 6 insert:  
42  
43 "(F) REMEDY AN OUTSTANDING DELINQUENCY FOR TAXES OWED,  
44 AN OUTSTANDING DELINQUENCY FOR JUDGMENTS OWED TO A  
45 GOVERNMENT AGENCY, OR AN OUTSTANDING DELINQUENCY FOR CHILD  
46 SUPPORT."  
47  
48 Page 18, line 10, strike "A" and substitute "THE NATURE OF THE" and  
49 strike "LOCAL CONCERN;" and substitute "CONCERN RELATED TO THE  
50 LOCATION;".  
51  
52 Page 19, line 28, after "LICENSED" insert "MEDICAL MARIJUANA CENTER".  
53  
54 Page 27, line 5, after the period add "THE PROVISIONS OF THIS  
55 SUBSECTION (3) SHALL NOT APPLY TO MEDICAL MARIJUANA-INFUSED  
56 PRODUCTS.".

1 Page 27, line 7, strike "SECTION," and substitute "SECTION TO THE  
2 CONTRARY,".

3  
4 Page 28, line 13, strike "EXCLUSIVELY".

5  
6 Page 28, line 14, after the period insert "A MEDICAL MARIJUANA-INFUSED  
7 PRODUCTS LICENSEE SHALL NOT USE MEDICAL MARIJUANA FROM TWO  
8 DIFFERENT MEDICAL MARIJUANA CENTERS IN THE PRODUCTION OF ONE  
9 MEDICAL MARIJUANA-INFUSED PRODUCT.".

10  
11 Page 38, line 11, strike "OF THE" and substitute "ACTS THAT ARE" and  
12 strike "ACTS IN" and substitute "PURSUANT TO".

13  
14 Page 38, line 13, after the period add "IF THE UNLAWFUL ACT ALSO  
15 CONSTITUTES A DIFFERENT CRIMINAL ACT, NOTHING IN THIS SUBSECTION  
16 (7) PRECLUDES CONVICTION AND PUNISHMENT OF THAT CRIMINAL ACT.".

17  
18 Page 42, line 14, strike "MARIJUANA" and substitute "MARIJUANA, BOTH  
19 CULTIVATE HIS OR HER OWN MEDICAL MARIJUANA AND OBTAIN IT FROM  
20 EITHER A PRIMARY CAREGIVER OR LICENSED MEDICAL MARIJUANA  
21 CENTER,".

22  
23 Amendment No. 4, by Representative(s) Massey.

24  
25 Amend the Judiciary Committee Report, dated March 22, 2010, page 5,  
26 after line 20, insert the following:

27  
28 **"12-43.3-106. Local option.** THE OPERATION OF THIS ARTICLE  
29 SHALL BE STATEWIDE UNLESS A MUNICIPALITY, COUNTY, CITY, OR CITY  
30 AND COUNTY, BY A MAJORITY OF THE REGISTERED ELECTORS OF THE  
31 MUNICIPALITY, COUNTY, CITY, OR CITY AND COUNTY VOTING AT A  
32 REGULAR ELECTION OR SPECIAL ELECTION CALLED IN ACCORDANCE WITH  
33 THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF  
34 TITLE 31, C.R.S., OR THE "UNIFORM ELECTION CODE OF 1992", ARTICLES  
35 1 TO 13 OF TITLE 1, C.R.S., AS APPLICABLE, VOTE TO PROHIBIT RETAIL  
36 SALE, DISTRIBUTION, CULTIVATION, AND DISPENSING OF MEDICAL  
37 MARIJUANA.".

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

40  
41 Amend, Amendment No. 4, by Representative Massey, as printed in  
42 House Journal, page 1342, line 30, after "BY" insert "EITHER";

43  
44 line 35, after "APPLICABLE," insert "OR A MAJORITY OF THE MEMBERS OF  
45 THE GOVERNING BOARD FOR THE MUNICIPALITY, COUNTY, CITY, OR CITY  
46 AND COUNTY,".

47  
48 Amendment No. 6, by Representative(s) Massey.

49  
50 Amend the Judiciary Committee Report, dated March 22, 2010, page 2,  
51 line 11, strike "2011." and substitute "2011, IN ACCORDANCE WITH ANY  
52 APPLICABLE STATE OR LOCAL LAWS.".

53  
54 Page 2, line 17, strike "MUST" and substitute "SHALL".

55  
56 Page 6, line 12, change the semicolon to a period.



- 1 Page 6, line 21, change the semicolon to a period.  
2
- 3 Page 6, line 22, after "AT" insert "A".  
4
- 5 Page 10, line 15, strike "PART 3 OF THIS ARTICLE" and substitute "THIS  
6 PART 3".  
7
- 8 Page 15, line 7, strike "SECTIONS" and substitute "SECTION".  
9
- 10 Page 16, line 19 strike "CAREGIVER" and substitute "PRIMARY CAREGIVER  
11 AS DEFINED IN SECTION 25-1.5-106 (2)".  
12
- 13 Page 16, strike lines 20 and 21 and substitute:  
14  
15 "REVOKED BY THE STATE HEALTH AGENCY; OR".  
16
- 17 Page 16, strike lines 22 through 26 and substitute:  
18  
19 "(XIII) A PERSON FOR A LICENSE FOR A LOCATION THAT IS  
20 CURRENTLY LICENSED AS A RETAIL FOOD ESTABLISHMENT OR WHOLESALE  
21 FOOD REGISTRANT."  
22
- 23 Page 20, line 24, after "STATE" insert "LICENSING".  
24
- 25 Page 26, line 30, after "WITH" insert "A".  
26
- 27 Page 27, line 16, strike "25-1.5-105," and substitute "25-1.5-106,".  
28
- 29 Page 27, strike line 22 and substitute "(a) (VIII)".  
30
- 31 Page 27, line 25, after "TO" insert "SECTION".  
32
- 33 Page 28, line 33, strike "ALL" and substitute "(1) ALL".  
34
- 35 Page 30, line 2, strike "DEFINED" and substitute "LISTED".  
36
- 37 Page 37, line 26, strike "FOR".  
38
- 39 Page 38, line 9, strike "MEDICAL DOCTOR" and substitute "PHYSICIAN".  
40
- 41 Page 47, line 31, strike "(6)," and substitute "(7)".  
42
- 43 Page 49, line 7, strike "(6)," and substitute "(7)".  
44
- 45 Amendment No. 7, by Representative(s) Massey.  
46
- 47 Amend the Judiciary Committee Report, dated March 22, 2010, page 2,  
48 line 10, after "CENTER" insert "OR HAS APPLIED FOR A LICENSE THAT IS  
49 SUBSEQUENTLY GRANTED" and after "MAY" insert "OPERATE OR".  
50
- 51 Amendment No.8, by Representative(s) Massey.  
52
- 53 Amend the Judiciary Committee Report, dated March 22, 2010, page 39,  
54 strike line 10 and substitute the following:  
55  
56 ~~(+)~~ (3) **Rule-making.** (a) The department shall, pursuant to

1 section 14 of article XVIII of the state constitution, promulgate rules of  
2 administration concerning the implementation of the medical marijuana  
3 program established by such section and that specifically govern the  
4 following:

5  
6 (a) (I) The establishment and maintenance of a confidential  
7 registry of patients who have applied for and are entitled to receive a  
8 registry identification card;

9  
10 (b) (II) The development by the department of an application form  
11 and making such form available to residents of this state seeking to be  
12 listed on the confidential registry of patients who are entitled to receive  
13 a registry identification card;

14  
15 (c) (III) The verification by the department of medical information  
16 concerning patients who have applied for a confidential registry card;

17  
18 (d) (IV) The issuance and form of confidential registry  
19 identification cards;

20  
21 (e) (V) Communications with law enforcement officials about  
22 confidential registry identification cards that have been suspended where  
23 a patient is no longer diagnosed as having a debilitating medical  
24 condition; and

25  
26 (f) (VI) The manner in which the department may consider adding  
27 debilitating medical conditions to the list of debilitating medical  
28 conditions contained in section 14 of article XVIII of the state  
29 constitution.

30  
31 (b) THE STATE HEALTH AGENCY MAY".

32  
33 Amendment No. 9, by Representative(s) McCann.

34  
35 Amend the Judiciary Committee Report, dated March 22, 2010, page 41,  
36 strike line 2 and substitute "CAREGIVER TO SERVE MORE THAN FIVE  
37 PATIENTS IN EXCEPTIONAL CIRCUMSTANCES."

38  
39 Page 41, strike lines 3 and 4 and substitute "IN".

40  
41 Amendment No. 10, by Representative(s) McCann.

42  
43 Amend the Judiciary Committee Report, dated March 22, 2010, page 26,  
44 strike lines 26 through 29.

45  
46 Reletter succeeding paragraph accordingly.

47  
48 Page 35, strike lines 13 through 15 and substitute:

49  
50 "UPON ITS LICENSED PREMISES; OR".

51  
52 Page 36, strike lines 11 and 12.

53  
54 Amendment No. 11, by Representative(s) McCann.

55  
56 Amend the Judiciary Committee Report, dated March 22, 2010, page 16,

1 line 9, after "FELONY" insert "OR A PERSON WHO AT ANY TIME HAS BEEN  
2 CONVICTED OF A FELONY PURSUANT TO ANY STATE OR FEDERAL LAW  
3 REGARDING THE POSSESSION, DISTRIBUTION, OR USE OF A CONTROLLED  
4 SUBSTANCE."

5

6 Amendment No. 12, by Representative(s) Levy.

7

8 Amend Judiciary Committee Report, dated March 22, 2010, page 16, line  
9 9, strike everything after "FELONY".

10

11 Page 16, strike lines 10 through 12.

12

13 Amendment No. 13, by Representative(s) Weissmann.

14

15 Amend the Judiciary Committee Report, dated March 22, 2010, page 9,  
16 strike lines 6 and 7.

17

18 Page 9, line 11, after the semicolon add "AND".

19

20 Page 9, strike line 12.

21

22 Renumber succeeding subparagraphs accordingly.

23

24 Amendment No. 14, by Representative(s) Summers.

25

26 Amend the Judiciary Committee Report, page 18, line 21, after "SCHOOL,"  
27 insert "AN ALCOHOL OR DRUG TREATMENT FACILITY,".

28

29 Amendment No. 15, by Representative(s) Levy.

30

31 Amend the Judiciary Committee Report, dated March 22, 2010, page 27,  
32 line 8, strike "THIRTY" and substitute "FIFTY".

33

34 Amendment No. 16, by Representative(s) Pace.

35

36 Amend the Judiciary Committee Report, dated March 22, 2010, page 27,  
37 after line 22, insert:

38

39 "(7) ALL MEDICAL MARIJUANA SOLD AT A LICENSED MEDICAL  
40 MARIJUANA CENTER SHALL BE LABELED WITH A LIST OF ALL CHEMICAL  
41 ADDITIVES, INCLUDING BUT NOT LIMITED TO NONORGANIC PESTICIDES,  
42 HERBICIDES, AND FERTILIZERS, THAT WERE USED IN THE CULTIVATION AND  
43 THE PRODUCTION OF THE MEDICAL MARIJUANA."

44

45 Amendment No. 17, by Representative(s) Frangas.

46

47 Amend the Judiciary Committee Report, dated March 22, 2010, page 18,  
48 line 22, strike "SEMINARY." and substitute "SEMINARY, OR A RESIDENTIAL  
49 CHILD CARE FACILITY."

50

51 Amendment No. 18, by Representative(s) Pace.

52

53 Amend the Judiciary Committee Report, dated March 22, 2010, page 46,  
54 after line 15 insert:

55

56 "(14) **Petitions to add debilitating conditions.** WHEN THE STATE

1 HEALTH AGENCY RECEIVES A PHYSICIAN- OR PATIENT-INITIATED PETITION  
 2 TO ADD A DEBILITATING MEDICAL CONDITION TO THE LIST PROVIDED IN  
 3 SECTION 14 (1) (a) OF ARTICLE XVIII OF THE STATE CONSTITUTION, IT  
 4 SHALL CONDUCT A PUBLIC HEARING ON THE PETITION WITHIN ONE  
 5 HUNDRED EIGHTY DAYS AFTER SUBMISSION. AT THE HEARING, THE  
 6 PETITIONER SHALL BE PERMITTED TO PRESENT ITS BASIS FOR ADDING THE  
 7 CONDITION."

8  
 9 Amendment No. 19, by Representative(s) Summers.

10  
 11 Amend the Judiciary Committee Report, dated March 22, 2010, page 38,  
 12 after line 13 insert:

13  
 14 "PART 10  
 15 SUNRISE REVIEW

16  
 17 **12-43.3-1001. Sunrise review - article repeal.** (1) THIS ARTICLE  
 18 IS REPEALED, EFFECTIVE JULY 1, 2015.

19  
 20 (2) PRIOR TO THE REPEAL OF THIS ARTICLE, THE DEPARTMENT OF  
 21 REGULATORY AGENCIES SHALL CONDUCT A SUNRISE REVIEW AS  
 22 DESCRIBED IN SECTION 24-34-104.1 (8), C.R.S."

23  
 24 Page 49, after line 7 insert:

25  
 26 "SECTION 11. 24-34-104.1, Colorado Revised Statutes, is  
 27 amended BY THE ADDITION OF A NEW SUBSECTION to read:

28  
 29 **24-34-104.1. General assembly sunrise review of new**  
 30 **regulation of occupations and professions - repeal.** (8) (a) THE  
 31 DEPARTMENT OF REGULATORY AGENCIES SHALL CONDUCT A REVIEW AS  
 32 DESCRIBED IN SUBSECTIONS (2), (3), AND (4) OF THIS SECTION OF PERSONS  
 33 LICENSED PURSUANT TO PART 4 OF ARTICLE 43.3 OF TITLE 12, C.R.S., AND  
 34 PRIMARY CAREGIVERS AS DESCRIBED IN SECTION 25-1.5-106, C.R.S.

35  
 36 (b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2016."

37  
 38 Renumber succeeding sections accordingly.

39  
 40 Page 49, line 14, strike "and 12" and substitute "12, and 13".

41  
 42 As amended, ordered engrossed and placed on the Calendar for Third  
 43 Reading and Final Passage.  
 44 (For change in action, see Amendments to Report, pages 1347 and 1348.)

45  
 46 On motion of Representative Weissmann, the remainder of the General  
 47 Orders Calendar (**HB10-1019, 1287, 1338, 1349, 1364, 1370, 1398, 1373,**  
 48 **SB10-153, 159**) was laid over until April 21, retaining place on Calendar.

49  
 50  
 51  
 52 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**

53  
 54 Representative Soper moved to amend the Report of the Committee of the  
 55 Whole to reverse the action taken by the Committee in not adopting  
 56 HB10-1162, to show that **HB10-1162**, as amended, passed.

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

|    | YES         | 29 | NO           | 31 | EXCUSED    | 5 | ABSENT     | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 4  | Acree       | N  | Gerou        | N  | McFadyen   | Y | Ryden      | Y |
| 5  | Apuan       | E  | Hullinghorst | Y  | McKinley   | N | Scanlan    | E |
| 6  | Balmer      | N  | Judd         | N  | McNulty    | N | Schafer S. | Y |
| 7  | Baumgardner | N  | Kagan        | Y  | Merrifield | E | Solano     | Y |
| 8  | Benefield   | Y  | Kefalas      | Y  | Middleton  | Y | Sonnenberg | N |
| 9  | Bradford    | N  | Kerr A.      | Y  | Miklosi    | Y | Soper      | Y |
| 10 | Casso       | Y  | Kerr J.      | E  | Murray     | N | Stephens   | N |
| 11 | Court       | Y  | King S.      | N  | Nikkel     | N | Summers    | N |
| 12 | Curry       | Y  | Labuda       | N  | Pace       | Y | Swalm      | N |
| 13 | DelGrosso   | N  | Lambert      | N  | Peniston   | Y | Tipton     | N |
| 14 | Ferrandino  | E  | Levy         | Y  | Pommer     | Y | Todd       | Y |
| 15 | Fischer     | Y  | Liston       | N  | Primavera  | Y | Tyler      | Y |
| 16 | Frangas     | Y  | Looper       | N  | Priola     | N | Vaad       | N |
| 17 | Gagliardi   | Y  | Massey       | N  | Rice       | Y | Vigil      | Y |
| 18 | Gardner B.  | N  | May          | N  | Riesberg   | Y | Waller     | N |
| 19 | Gardner C.  | N  | McCann       | N  | Roberts    | N | Weissmann  | Y |
| 20 |             |    |              |    |            |   | Speaker    | N |

21  
22 Representatives Waller, Balmer, Gardner C., and Summers moved to  
23 amend the Report of the Committee of the Whole to reverse the action  
24 taken by the Committee in adopting Amendment No 12, by  
25 Representative Levy, (printed in House Journal April 20, 2010,  
26 page 1345, lines 6-11) to HB10-1284, to show that said amendment lost,  
27 and that **HB10-1284**, as amended, passed.

28  
29 The amendment was declared **lost** by the following roll call vote:

|    | YES         | 32 | NO           | 28 | EXCUSED    | 5 | ABSENT     | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 32 | Acree       | Y  | Gerou        | Y  | McFadyen   | N | Ryden      | N |
| 33 | Apuan       | E  | Hullinghorst | N  | McKinley   | N | Scanlan    | E |
| 34 | Balmer      | Y  | Judd         | N  | McNulty    | Y | Schafer S. | N |
| 35 | Baumgardner | Y  | Kagan        | N  | Merrifield | E | Solano     | N |
| 36 | Benefield   | N  | Kefalas      | N  | Middleton  | N | Sonnenberg | Y |
| 37 | Bradford    | Y  | Kerr A.      | N  | Miklosi    | N | Soper      | Y |
| 38 | Casso       | Y  | Kerr J.      | E  | Murray     | Y | Stephens   | Y |
| 39 | Court       | N  | King S.      | Y  | Nikkel     | Y | Summers    | Y |
| 40 | Curry       | Y  | Labuda       | N  | Pace       | N | Swalm      | Y |
| 41 | DelGrosso   | Y  | Lambert      | Y  | Peniston   | N | Tipton     | Y |
| 42 | Ferrandino  | E  | Levy         | N  | Pommer     | N | Todd       | N |
| 43 | Fischer     | N  | Liston       | Y  | Primavera  | N | Tyler      | N |
| 44 | Frangas     | Y  | Looper       | Y  | Priola     | Y | Vaad       | Y |
| 45 | Gagliardi   | N  | Massey       | Y  | Rice       | Y | Vigil      | N |
| 46 | Gardner B.  | Y  | May          | Y  | Riesberg   | Y | Waller     | Y |
| 47 | Gardner C.  | Y  | McCann       | N  | Roberts    | Y | Weissmann  | N |
| 48 |             |    |              |    |            |   | Speaker    | N |

49  
50 Representative Massey moved to amend the Report of the Committee of  
51 the Whole to reverse the action taken by the Committee in adopting  
52 Amendment No. 15, by Representative Levy, (printed in House Journal  
53 April 20, 2010, page 1345, lines 29-32) to HB10-1284, to show that said  
54 amendment lost, and that **HB10-1284**, as amended, passed.

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

|    | YES         | 42 | NO           | 18 | EXCUSED    | 5 | ABSENT     | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 1  |             |    |              |    |            |   |            |   |
| 2  |             |    |              |    |            |   |            |   |
| 3  | Acree       | Y  | Gerou        | Y  | McFadyen   | N | Ryden      | N |
| 4  | Apuan       | E  | Hullinghorst | N  | McKinley   | N | Scanlan    | E |
| 5  | Balmer      | Y  | Judd         | N  | McNulty    | Y | Schafer S. | N |
| 6  | Baumgardner | Y  | Kagan        | N  | Merrifield | E | Solano     | Y |
| 7  | Benefield   | Y  | Kefalas      | Y  | Middleton  | Y | Sonnenberg | Y |
| 8  | Bradford    | Y  | Kerr A.      | Y  | Miklosi    | N | Soper      | Y |
| 9  | Casso       | Y  | Kerr J.      | E  | Murray     | Y | Stephens   | Y |
| 10 | Court       | Y  | King S.      | Y  | Nikkel     | Y | Summers    | Y |
| 11 | Curry       | Y  | Labuda       | Y  | Pace       | N | Swalm      | Y |
| 12 | DelGrosso   | Y  | Lambert      | Y  | Peniston   | Y | Tipton     | Y |
| 13 | Ferrandino  | E  | Levy         | N  | Pommer     | Y | Todd       | Y |
| 14 | Fischer     | N  | Liston       | Y  | Primavera  | N | Tyler      | N |
| 15 | Frangas     | N  | Looper       | Y  | Priola     | Y | Vaad       | Y |
| 16 | Gagliardi   | N  | Massey       | Y  | Rice       | Y | Vigil      | N |
| 17 | Gardner B.  | Y  | May          | Y  | Riesberg   | N | Waller     | Y |
| 18 | Gardner C.  | Y  | McCann       | Y  | Roberts    | Y | Weissmann  | N |
| 19 |             |    |              |    |            |   | Speaker    | Y |

20  
21 Representatives Tipton and Summers moved to amend the Report of the  
22 Committee of the Whole to reverse the action taken by the Committee in  
23 not adopting the following Tipton amendment, to HB10-1284, to show  
24 that said amendment passed, and that **HB10-1284**, as amended, passed.

25  
26 Amend Judiciary Committee Report, dated March 22, 2010, page 27, line  
27 13, strike "CONCLUDING" and substitute "INITIATING".

28  
29 The amendment was declared **passed** by the following roll call vote:

|    | YES         | 33 | NO           | 27 | EXCUSED    | 5 | ABSENT     | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 31 |             |    |              |    |            |   |            |   |
| 32 | Acree       | Y  | Gerou        | Y  | McFadyen   | N | Ryden      | N |
| 33 | Apuan       | E  | Hullinghorst | N  | McKinley   | N | Scanlan    | E |
| 34 | Balmer      | Y  | Judd         | N  | McNulty    | Y | Schafer S. | N |
| 35 | Baumgardner | Y  | Kagan        | Y  | Merrifield | E | Solano     | N |
| 36 | Benefield   | N  | Kefalas      | Y  | Middleton  | N | Sonnenberg | Y |
| 37 | Bradford    | Y  | Kerr A.      | N  | Miklosi    | N | Soper      | Y |
| 38 | Casso       | Y  | Kerr J.      | E  | Murray     | Y | Stephens   | Y |
| 39 | Court       | N  | King S.      | Y  | Nikkel     | Y | Summers    | Y |
| 40 | Curry       | Y  | Labuda       | N  | Pace       | N | Swalm      | Y |
| 41 | DelGrosso   | Y  | Lambert      | Y  | Peniston   | Y | Tipton     | Y |
| 42 | Ferrandino  | E  | Levy         | N  | Pommer     | N | Todd       | N |
| 43 | Fischer     | N  | Liston       | Y  | Primavera  | N | Tyler      | N |
| 44 | Frangas     | N  | Looper       | Y  | Priola     | Y | Vaad       | Y |
| 45 | Gagliardi   | N  | Massey       | N  | Rice       | Y | Vigil      | N |
| 46 | Gardner B.  | Y  | May          | Y  | Riesberg   | Y | Waller     | Y |
| 47 | Gardner C.  | Y  | McCann       | N  | Roberts    | Y | Weissmann  | N |
| 48 |             |    |              |    |            |   | Speaker    | N |

49  
50 Representative Gardner B. moved to amend the Report of the Committee  
51 of the Whole to reverse the action taken by the Committee in adopting  
52 Amendment No. 18 by Representative Pace, (printed in House Journal  
53 April 20, 2010, page 1345, lines 51-56, and page 1346, lines 1-7) to  
54 HB10-1284, to show that said amendment lost, and that **HB10-1284**, as  
55 amended, passed.

56

1 The amendment was declared **passed** by the following roll call vote:  
2

|    | YES         | 39 | NO           | 21 | EXCUSED    | 5 | ABSENT     | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 4  | Acree       | Y  | Gerou        | Y  | McFadyen   | N | Ryden      | Y |
| 5  | Apuan       | E  | Hullinghorst | N  | McKinley   | N | Scanlan    | E |
| 6  | Balmer      | Y  | Judd         | N  | McNulty    | Y | Schafer S. | N |
| 7  | Baumgardner | Y  | Kagan        | N  | Merrifield | E | Solano     | Y |
| 8  | Benefield   | N  | Kefalas      | Y  | Middleton  | N | Sonnenberg | Y |
| 9  | Bradford    | Y  | Kerr A.      | N  | Miklosi    | N | Soper      | Y |
| 10 | Casso       | Y  | Kerr J.      | E  | Murray     | Y | Stephens   | Y |
| 11 | Court       | Y  | King S.      | Y  | Nikkel     | Y | Summers    | Y |
| 12 | Curry       | Y  | Labuda       | Y  | Pace       | N | Swalm      | Y |
| 13 | DelGrosso   | Y  | Lambert      | Y  | Peniston   | Y | Tipton     | Y |
| 14 | Ferrandino  | E  | Levy         | N  | Pommer     | Y | Todd       | N |
| 15 | Fischer     | N  | Liston       | Y  | Primavera  | N | Tyler      | N |
| 16 | Frangas     | N  | Looper       | Y  | Priola     | Y | Vaad       | Y |
| 17 | Gagliardi   | N  | Massey       | Y  | Rice       | Y | Vigil      | N |
| 18 | Gardner B.  | Y  | May          | Y  | Riesberg   | Y | Waller     | Y |
| 19 | Gardner C.  | Y  | McCann       | N  | Roberts    | Y | Weissmann  | N |
| 20 |             |    |              |    |            |   | Speaker    | Y |

21  
22  
23  
24 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

25  
26 Passed Second Reading: **HB10-1022 amended, 1032 amended, 1146**  
27 **amended, 1172 amended, 1264 amended, 1268 amended, 1284**  
28 **amended.**

29  
30 Lost on Second Reading: **HB10-1234 amended, 1162 amended.**

31  
32 Laid over until date indicated retaining place on Calendar: **HB10-1019,**  
33 **1287, 1338, 1349, 1364, 1370, 1398, 1373, SB10-153, 159--**  
34 **April 21, 2010.**

35 **HB10-1390, 1391, 1400, 1394, 1103, 1152, 1357--April 23, 2010.**

36 **HB10-1217--April 26, 2010.**

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

|    | YES         | 60 | NO           | 0 | EXCUSED    | 5 | ABSENT     | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 44 | Acree       | Y  | Gerou        | Y | McFadyen   | Y | Ryden      | Y |
| 45 | Apuan       | E  | Hullinghorst | Y | McKinley   | Y | Scanlan    | E |
| 46 | Balmer      | Y  | Judd         | Y | McNulty    | Y | Schafer S. | Y |
| 47 | Baumgardner | Y  | Kagan        | Y | Merrifield | E | Solano     | Y |
| 48 | Benefield   | Y  | Kefalas      | Y | Middleton  | Y | Sonnenberg | Y |
| 49 | Bradford    | Y  | Kerr A.      | Y | Miklosi    | Y | Soper      | Y |
| 50 | Casso       | Y  | Kerr J.      | E | Murray     | Y | Stephens   | Y |
| 51 | Court       | Y  | King S.      | Y | Nikkel     | Y | Summers    | Y |
| 52 | Curry       | Y  | Labuda       | Y | Pace       | Y | Swalm      | Y |
| 53 | DelGrosso   | Y  | Lambert      | Y | Peniston   | Y | Tipton     | Y |
| 54 | Ferrandino  | E  | Levy         | Y | Pommer     | Y | Todd       | Y |
| 55 | Fischer     | Y  | Liston       | Y | Primavera  | Y | Tyler      | Y |
| 56 | Frangas     | Y  | Looper       | Y | Priola     | Y | Vaad       | Y |

|   |            |   |        |   |          |   |           |   |
|---|------------|---|--------|---|----------|---|-----------|---|
| 1 | Gagliardi  | Y | Massey | Y | Rice     | Y | Vigil     | Y |
| 2 | Gardner B. | Y | May    | Y | Riesberg | Y | Waller    | Y |
| 3 | Gardner C. | Y | McCann | Y | Roberts  | Y | Weissmann | Y |
| 4 |            |   |        |   |          |   | Speaker   | Y |

---

## MESSAGE(S) FROM THE SENATE

10 The Senate has adopted and transmits herewith:

11  
12 **SJR10-034** amended as printed in Senate Journal, April 20, 2010.

---

## INTRODUCTION AND CONSIDERATION OF RESOLUTION

18 On motion of Representative Weissmann, the rules were suspended and  
19 the following resolution was given immediate consideration.

20  
21 **SJR10-034** by Senator(s) Hudak, Carroll M., Newell, Steadman,  
22 Tapia, Tochtrop; also Representative(s) Gagliardi, Apuan,  
23 Carroll T., Ferrandino, Fischer, Kagan, Kefalas, Kerr A.,  
24 Labuda, Levy, McCann, Middleton, Miklosi, Pace,  
25 Peniston, Primavera, Schafer S.--Concerning the  
26 designation of April 20, 2010, as "Equal Pay Day" in  
27 Colorado, and, in connection therewith, acknowledging  
28 the persisting problem of wage disparity among various  
29 groups.

30  
31 (Printed and placed in member's file).

32  
33 On motion of Representative Gagliardi, the resolution was read at length  
34 and **adopted** by **viva voce** vote.

35  
36 Co-sponsor(s) added: Representative(s) Acree, Balmer, Baumgardner,  
37 Benefield, Bradford, Casso, Court, Curry, DelGrosso, Frangas, Gardner B.,  
38 Gardner C., Gerou, Hullinghorst, Judd, King S., Liston, Looper, Massey, May,  
39 McFadyen, McNulty, Murray, Nikkel, Pommer, Priola, Rice, Riesberg, Roberts,  
40 Ryden, Solano, Sonnenberg, Soper, Stephens, Summers, Swalm, Tipton, Todd,  
41 Tyler, Vaad, Vigil, Waller, Weissmann.

---

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

### EDUCATION

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

51  
52 **HCR10-1002** be referred to the Committee of the Whole with favorable  
53 recommendation.

54  
55  
56



1 **JUDICIARY**

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

4  
5 **HB10-1360** be amended as follows, and as so amended, be referred to  
6 the Committee on Appropriations with favorable  
7 recommendation:

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

11  
12 "SECTION 1. 16-2.5-136, Colorado Revised Statutes, is  
13 amended to read:

14  
15 **16-2.5-136. Community parole officer.** A community parole  
16 officer employed by the department of corrections IS responsible for ~~the~~  
17 ~~supervision of~~ SUPERVISING offenders in the community AND SUPPORTING  
18 THE DIVISION OF ADULT PAROLE IN PROVIDING ASSISTANCE TO PAROLEES  
19 TO SECURE EMPLOYMENT, HOUSING, AND OTHER SERVICES TO SUPPORT  
20 THEIR SUCCESSFUL REINTEGRATION INTO THE COMMUNITY WHILE  
21 RECOGNIZING THE NEED FOR PUBLIC SAFETY. A COMMUNITY PAROLE  
22 OFFICER is a peace officer whose authority shall be pursuant to section  
23 17-27-105.5, C.R.S., and whose authority shall include the enforcement  
24 of all laws of the state of Colorado, and who shall be certified by the  
25 P.O.S.T. board.

26  
27 **SECTION 2.** The introductory portion to 17-2-103 (11) (b) (II),  
28 Colorado Revised Statutes, is amended, and the said 17-2-103 (11) (b) is  
29 further amended BY THE ADDITION OF A NEW SUBPARAGRAPH,  
30 to read:

31  
32 **17-2-103. Arrest of parolee - revocation proceedings.**  
33 (11) (b) (II) If the board determines that the parolee has violated any  
34 condition of parole other than commission of a crime and is not subject  
35 to the provisions of subparagraph (III), (III.5), or ~~subparagraph~~ (IV) of  
36 this paragraph (b), the board may:

37  
38 (III.5) IF THE BOARD DETERMINES THAT THE PAROLEE HAS  
39 VIOLATED ANY CONDITION OF PAROLE THAT DOES NOT INVOLVE THE  
40 COMMISSION OF A CRIME, THE PAROLEE HAS NO ACTIVE FELONY WARRANT,  
41 FELONY DETAINER, OR PENDING FELONY CRIMINAL CHARGE, AND THE  
42 PAROLEE WAS ON PAROLE FOR AN OFFENSE THAT WAS A CLASS 4  
43 NONVIOLENT FELONY AS DEFINED IN SECTION 17-22.5-405 (5) (b), EXCEPT  
44 FOR MENACING AS DEFINED IN SECTION 18-3-206, C.R.S., STALKING AS  
45 DESCRIBED IN SECTION 18-9-111 (4), C.R.S., OR ANY UNLAWFUL SEXUAL  
46 BEHAVIOR DESCRIBED IN SECTION 16-22-102 (9), C.R.S., OR UNLESS THE  
47 PAROLEE WAS SUBJECT TO ARTICLE 6.5 OF TITLE 18, C.R.S., OR SECTION  
48 18-6-801, C.R.S., AND THE BOARD REVOKES PAROLE, THE BOARD MAY  
49 REQUEST THE SHERIFF OF THE COUNTY IN WHICH THE HEARING IS HELD TO  
50 TRANSPORT THE PAROLEE TO THE FACILITY DESCRIBED IN SECTION  
51 17-1-206.5 (3) FOR A PERIOD NOT TO EXCEED ONE HUNDRED EIGHTY DAYS.

52  
53 **SECTION 3.** The introductory portion to 17-2-103 (11) (b) (II),  
54 Colorado Revised Statutes, is amended, and the said 17-2-103 (11) (b) is  
55 further amended BY THE ADDITION OF A NEW SUBPARAGRAPH,  
56 to read:

1           **17-2-103. Arrest of parolee - revocation proceedings.**  
 2 (11) (b) (II) If the board determines that the parolee has violated any  
 3 condition of parole other than commission of a crime and is not subject  
 4 to the provisions of subparagraph (III), (III.5), or subparagraph (IV) of  
 5 this paragraph (b), the board may:

6  
 7           (III.5) IF THE BOARD DETERMINES THAT THE PAROLEE HAS  
 8 VIOLATED ANY CONDITION OF PAROLE THAT DOES NOT INVOLVE THE  
 9 COMMISSION OF A CRIME, THE PAROLEE HAS NO ACTIVE FELONY WARRANT,  
 10 FELONY DETAINER, OR PENDING FELONY CRIMINAL CHARGE, AND THE  
 11 PAROLEE WAS ON PAROLE FOR AN OFFENSE THAT WAS A CLASS 4  
 12 NONVIOLENT FELONY AS DEFINED IN SECTION 17-22.5-405 (5) (b), EXCEPT  
 13 FOR MENACING AS DEFINED IN SECTION 18-3-206, C.R.S., STALKING AS  
 14 DESCRIBED IN SECTION 18-9-111 (4), C.R.S., AS IT EXISTED PRIOR TO THE  
 15 EFFECTIVE DATE OF HOUSE BILL 10-1233, ENACTED IN 2010, OR SECTION  
 16 18-3-602, C.R.S., OR ANY UNLAWFUL SEXUAL BEHAVIOR DESCRIBED IN  
 17 SECTION 16-22-102 (9), C.R.S., OR UNLESS THE PAROLEE WAS SUBJECT TO  
 18 ARTICLE 6.5 OF TITLE 18, C.R.S., OR SECTION 18-6-801, C.R.S., AND THE  
 19 BOARD REVOKES PAROLE, THE BOARD MAY REQUEST THE SHERIFF OF THE  
 20 COUNTY IN WHICH THE HEARING IS HELD TO TRANSPORT THE PAROLEE TO  
 21 THE FACILITY DESCRIBED IN SECTION 17-1-206.5 (3) FOR A PERIOD NOT TO  
 22 EXCEED ONE HUNDRED EIGHTY DAYS.

23  
 24           **SECTION 4.** 17-2-103 (11) (b) (IV) and (11) (b) (V), Colorado  
 25 Revised Statutes, are amended, and the said 17-2-103 (11) is further  
 26 amended BY THE ADDITION OF THE FOLLOWING NEW  
 27 PARAGRAPHS, to read:

28  
 29           **17-2-103. Arrest of parolee - revocation proceedings.**  
 30 (11) (b) (IV) If the board determines that the parolee has violated any  
 31 condition of parole other than commission of a new crime and the parolee  
 32 was not on parole for a crime of violence as defined in section 18-1.3-406  
 33 (2), C.R.S., the board may:

34  
 35           (A) Revoke parole for a period not to exceed ~~one hundred eighty~~  
 36 NINETY days and request the sheriff of the county in which the hearing is  
 37 held to transport the parolee to a place of confinement designated by the  
 38 executive director IF, AT THE TIME OF THE REVOCATION HEARING, THE  
 39 INMATE IS ASSESSED AS BELOW HIGH RISK BASED UPON A  
 40 RESEARCH-BASED RISK ASSESSMENT INSTRUMENT APPROVED BY THE  
 41 DEPARTMENT OF CORRECTIONS AND THE STATE BOARD OF PAROLE; or

42  
 43           (B) REVOKE PAROLE FOR A PERIOD NOT TO EXCEED ONE HUNDRED  
 44 EIGHTY DAYS AND REQUEST THE SHERIFF OF THE COUNTY IN WHICH THE  
 45 HEARING IS HELD TO TRANSPORT THE PAROLEE TO A PLACE OF  
 46 CONFINEMENT DESIGNATED BY THE EXECUTIVE DIRECTOR IF, AT THE TIME  
 47 OF THE REVOCATION HEARING, THE INMATE IS ASSESSED AS HIGH RISK OR  
 48 GREATER BASED UPON A RESEARCH-BASED RISK ASSESSMENT INSTRUMENT  
 49 APPROVED BY THE DEPARTMENT OF CORRECTIONS AND THE STATE BOARD  
 50 OF PAROLE; OR

51  
 52           ~~(B)~~ (C) Revoke parole for a period not to exceed one hundred  
 53 eighty days and request the sheriff of the county in which the hearing is  
 54 held to transport the parolee to a community corrections program; or

55  
 56           ~~(C)~~ (D) Revoke parole for a period not to exceed one hundred

1 eighty days and request the sheriff of the county in which the hearing is  
2 held to transport the parolee to the facility described in section  
3 17-1-206.5.

4  
5 (V) The board may extend a period of parole revocation imposed  
6 pursuant to sub-subparagraph (A), (B), ~~or~~ (C), OR (D) of subparagraph  
7 (IV) of this paragraph (b) beyond the specified maximum if the parolee  
8 violates a condition of the parolee's placement pursuant to the notice and  
9 hearing procedures in this section.

10

11 (c) IF THE BOARD DETERMINES THAT THE PAROLEE IS IN NEED OF  
12 TREATMENT AND IS AMENABLE TO TREATMENT, THE BOARD SHALL  
13 CONSIDER PLACING THE PAROLEE IN ONE OF THE FOLLOWING TREATMENT  
14 OPTIONS AND, IF APPROPRIATE, MAY MODIFY THE CONDITION OF PAROLE  
15 TO INCLUDE:

16

17 (I) PARTICIPATION IN AN OUTPATIENT PROGRAM FOR THE  
18 TREATMENT OF SUBSTANCE ABUSE, MENTAL ILLNESS, OR CO-OCCURRING  
19 DISORDERS; OR

20

21 (II) (A) PLACEMENT IN A RESIDENTIAL TREATMENT PROGRAM FOR  
22 THE TREATMENT OF SUBSTANCE ABUSE, MENTAL ILLNESS, OR  
23 CO-OCCURRING DISORDERS, WHICH PROGRAM IS UNDER CONTRACT WITH  
24 THE DEPARTMENT OF PUBLIC SAFETY AND MAY INCLUDE, BUT NEED NOT  
25 BE LIMITED TO, INTENSIVE RESIDENTIAL TREATMENT, THERAPEUTIC  
26 COMMUNITY, AND MENTAL HEALTH PROGRAMS.

27

28 (B) A PAROLEE MAY BE PLACED IN A RESIDENTIAL TREATMENT  
29 PROGRAM ONLY UPON ACCEPTANCE BY THE RESIDENTIAL TREATMENT  
30 PROGRAM AND ANY COMMUNITY CORRECTIONS BOARD WITH JURISDICTION  
31 OVER THE RESIDENTIAL TREATMENT PROGRAM. RESIDENTIAL TREATMENT  
32 PROGRAMS AND COMMUNITY CORRECTIONS BOARDS ARE ENCOURAGED TO  
33 DEVELOP AN EXPEDITED REVIEW PROCESS TO FACILITATE  
34 DECISION-MAKING AND PLACEMENT OF THE PAROLEE, IF ACCEPTED.

35

36 (d) IF THE PAROLE BOARD ORDERS THE PAROLEE TO PARTICIPATE  
37 IN A TREATMENT PROGRAM AS A CONDITION OF PAROLE PURSUANT TO  
38 PARAGRAPH (c) OF THIS SUBSECTION (11), THE LEVEL OF TREATMENT  
39 ORDERED SHALL BE CONSISTENT WITH THE TREATMENT LEVEL NEED OF  
40 THE PAROLEE BASED UPON AN ASSESSMENT INSTRUMENT APPROVED FOR  
41 USE BY THE DIVISION OF BEHAVIORAL HEALTH WITHIN THE DEPARTMENT  
42 OF HUMAN SERVICES.

43

44 (e) IF THE PAROLEE IS UNSUCCESSFUL IN PARTICIPATING IN A  
45 TREATMENT PROGRAM ORDERED PURSUANT TO PARAGRAPH (c) OF THIS  
46 SUBSECTION (11) AND HIS OR HER PARTICIPATION IS TERMINATED, THE  
47 BOARD MAY CONSIDER PLACEMENT OF THE PAROLEE IN ADDITIONAL  
48 TREATMENT, AS APPROPRIATE, INCLUDING A HIGHER LEVEL OF  
49 TREATMENT.

50

51 **SECTION 5.** 17-2-103, Colorado Revised Statutes, is amended  
52 BY THE ADDITION OF A NEW SUBSECTION to read:

53

54 **17-2-103. Arrest of parolee - revocation proceedings.**  
55 (11.5) EACH FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE  
56 A PORTION OF THE SAVINGS GENERATED BY HOUSE BILL 10-1360,

1 ENACTED IN 2010. THIS APPROPRIATION SHALL BE USED ONLY FOR  
2 RE-ENTRY SUPPORT SERVICES FOR PAROLEES RELATED TO OBTAINING  
3 EMPLOYMENT, HOUSING, TRANSPORTATION, SUBSTANCE ABUSE  
4 TREATMENT, MENTAL HEALTH TREATMENT, MENTAL HEALTH MEDICATION,  
5 OR OFFENDER SPECIFIC SERVICES. THE APPROPRIATION SHALL BE MADE  
6 AFTER CONSIDERATION OF THE DIVISION OF ADULT PAROLE'S STATUS  
7 REPORT REQUIRED PURSUANT TO SECTION 17-2-102 (11).

8  
9 **SECTION 6.** 24-33.5-503 (1), Colorado Revised Statutes, is  
10 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

11  
12 **24-33.5-503. Duties of division.** (1) The division has the  
13 following duties:

14  
15 (u) TO PROVIDE TO THE JUDICIARY COMMITTEES OF THE SENATE  
16 AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES,  
17 A STATUS REPORT ON THE EFFECT ON PAROLE OUTCOMES AND USE OF ANY  
18 MONEYS ALLOCATED PURSUANT TO HOUSE BILL 10-1360, ENACTED IN  
19 2010.

20  
21 **SECTION 7.** 17-2-102, Colorado Revised Statutes, is amended  
22 BY THE ADDITION OF A NEW SUBSECTION to read:

23  
24 **17-2-102. Division of adult parole - general powers, duties, and**  
25 **functions - definitions.** (11) THE DIVISION OF ADULT PAROLE SHALL  
26 PROVIDE TO THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE  
27 OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, A STATUS REPORT  
28 ON THE EFFECT ON PAROLE OUTCOMES AND USE OF ANY MONEYS  
29 ALLOCATED PURSUANT TO HOUSE BILL 10-1360, ENACTED IN 2010.

30  
31 **SECTION 8. Appropriation.** (1) In addition to any other  
32 appropriation, there is hereby appropriated, out of any moneys in the  
33 general fund not otherwise appropriated, for the fiscal year beginning July  
34 1, 2010, the sum of three million thirty-two thousand nine hundred eighty  
35 dollars (\$3,032,980).

36  
37 (a) Of said sum, two hundred sixty thousand dollars (\$260,000),  
38 is appropriated to the department of public safety, division of criminal  
39 justice for ten transition community corrections beds specifically for sex  
40 offenders, which beds may not be transferred for diversion.

41  
42 (b) Of said sum, two million seven hundred seventy-two thousand  
43 nine hundred eighty dollars (\$2,772,980), is appropriated to the  
44 department of correction, division of adult parole. Of said sum, two  
45 hundred fifty thousand dollars (\$250,000) is for allocation to ongoing  
46 outpatient substance abuse treatment for transition parolees. Of said sum,  
47 two hundred fifty thousand dollars (\$250,000) is for allocation to ongoing  
48 outpatient mental health treatment for transition parolee. Of said sum,  
49 five hundred thousand dollars (\$500,000) is for allocation to employment  
50 and job training services. Of said sum, seventy-five thousand dollars  
51 (\$75,000) and 1.0 FTE, is for allocation for revocation officer. Of said  
52 sum, one million six hundred ninety-seven thousand nine hundred eighty  
53 dollars (\$1,697,980) is for allocation to wrap-around services.

54  
55 **SECTION 9. Specified effective date.** (1) This section and  
56 sections 1, 4, 5, 7, 8, and 10 of this act shall take effect upon passage.

- 1 (2) Section 2 of this act shall take effect upon passage and:  
2  
3 (a) Shall remain in effect only if House Bill 10-1233 does not  
4 become law; or  
5  
6 (b) Shall remain in effect only until House Bill 10-1233 is enacted  
7 and becomes law.  
8  
9 (3) Section 3 of this act shall take effect only if House Bill  
10 10-1233 is enacted and becomes law and shall have the same effective  
11 date as House Bill 10-1233.  
12

13 **SECTION 10. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, and safety."  
16

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17  
18  
19 **PRINTING REPORT**

20  
21 The Chief Clerk reports the following bills have been correctly printed:  
22 **HB10-1414, 1415, 1416, 1417, 1418, 1419.**  
23

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24  
25  
26 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

27  
28 The Speaker has signed: **HB10-1376; SB10-099, 174, 175.**  
29

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30  
31  
32 **DELIVERY OF BILL TO GOVERNOR**

33  
34 The Chief Clerk of the House of Representatives reports the following  
35 bill have been delivered to the Office of the Governor: **HB10-1376** at  
36 4:12 p.m. on April 19, 2010.  
37

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38  
39  
40 **MESSAGE(S) FROM THE SENATE**

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

44  
45 SB10-178 amended as printed in Senate Journal, April 19, 2010,  
46 pages 927-928.  
47 SB10-189 amended as printed in Senate Journal, April 19, 2010,  
48 page 930.  
49

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

52  
53 HB10-1147 amended in Senate Journal, April 19, 2010,  
54 pages 926-927.  
55 HB10-1149 amended in Senate Journal, April 19, 2010,  
56 pages 928-929.

1 On reconsideration, the Senate has passed on Third Reading and  
2 transmitted to the Revisor of Statutes:

3  
4 **HB10-1133** amended as printed in Senate Journal, April 20, 2010.

5  
6  
7 The Senate voted to concur in House amendments to SB10-070,  
8 SB10-117 and repassed the bills as amended.

9  
10  
11 **MESSAGE(S) FROM THE REVISOR**

12  
13 We herewith transmit:  
14 Without comment, as amended, HB10-1147 and 1149.  
15 Without comment, as amended, SB10-178 and 189.  
16 We herewith retransmit:  
17 Without comment, as amended, HB10-1133.

18  
19  
20  
21 **INTRODUCTION OF BILLS**  
22 **First Reading**

23  
24 The following bills were read by title and referred to the committees  
25 indicated:

26  
27 **HB10-1420** by Representative(s) Peniston; also Senator(s) Morse--  
28 Concerning collection of the penalty surcharge imposed on  
29 persons referred to a driver improvement school by a court  
30 for a traffic violation.  
31 Committee on Transportation & Energy

32  
33 **SB10-178** by Senator(s) Hodge and Mitchell; also Representative(s)  
34 Gerou and Miklosi--Concerning fairness in workers'  
35 compensation health care provider review processes, and,  
36 in connection therewith, requiring performance program  
37 programs to be transparent, include objective and  
38 standardized criteria that are applied consistently, and  
39 provide minimum due process to providers.  
40 Committee on Business Affairs and Labor

41  
42  
43 **INTRODUCTION OF RESOLUTIONS**

44  
45 The following resolutions were read by title and laid over one day under  
46 the rules:

47  
48 **HJR10-1024** by Representative(s) Scanlan, Curry, Gerou, King S.,  
49 Levy, Massey, Nikkel, Roberts, Vigil--Concerning the  
50 Colorado bark beetle epidemic.

51  
52 **HJR10-1025** by Representative(s) Primavera, Benefield, Frangas,  
53 Merrifield--Concerning recognition of the history of the  
54 disability rights movement, and, in connection therewith,  
55 proclaiming Disability History Week in Colorado.

56

**INTRODUCTION OF MEMORIAL**

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The following memorial was read by title and laid over until April 22, 2010 under the rules:

**HM10-1005** by Representative(s) Stephens, Balmer, Gardner C., May--  
Memorializing former Representative Blanche  
Cowperthwaite.

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**NOTICE OF CALENDARED ITEM(S)**

On motion of Representative Weissmann, the following bill(s) will be calendared for Third Reading, on the date indicated:

**HB10-1022, 1032, 1146, 1172, 1264, 1268, 1284**--April 22, 2010.

On motion of Representative Weissmann, the following bill(s) will be calendared for Second Reading on the dates indicated:

**HB10-1394**--April 21, 2010.

**HB10-1019, 1349**--April 23, 2010.

**HB10-1357**--April 26, 2010.

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**LAY OVER OF CALENDAR ITEM(S)**

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

Consideration of Conference Committee Report(s)--**HB10-1099**.

Consideration of Resolution(s)--**HJR10-1020, 1021, SJR10-025, HJR10-1023, 1019**.

Consideration of Senate Amendment(s)--**HB10-1188, HJR10-1015, HB10-1118**.

On motion of Representative Weissmann, the House adjourned until 9:00 a.m., April 21, 2010.

Approved:  
TERRANCE D. CARROLL,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk

