

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

One hundred-first Legislative Day

Friday, April 23, 2010

1 Prayer by the Reverend Father Zaven Markosyan, President of
2 Armenians of Colorado Inc., Denver.

3
4 The Speaker called the House to order at 9:10 a.m.

5
6 Pledge of Allegiance led by Molly, Colton, Ryland, Britton Lancaster,
7 Wilmer-Davis Elementary, Wheatridge, and Turnberry Elementary,
8 Commerce City.

9
10 The roll was called with the following result:

11
12 Present--62.
13 Excused--Representative(s) McKinley, Stephens, Vaad--3.
14 Present after Roll Call--Representative(s) Stephens.

15
16 The Speaker declared a quorum present.

17 _____
18
19 On motion of Representative Miklosi, the reading of the journal of
20 April 22, 2010, was declared dispensed with and approved as corrected
21 by the Chief Clerk.

22
23 _____
24
25
26 **MESSAGE(S) FROM THE SENATE**

27
28 The Senate has adopted and transmits herewith: SJR10-036.

29 _____
30
31
32 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

33
34 On motion of Representative Weissmann, the rules were suspended and
35 the following resolution was given immediate consideration.

36
37 **SJR10-036** by Senator(s) Morse; also Representative(s) King S.--
38 Concerning declaring the week of May 9-15, 2010, as
39 Police Week and May 15, 2010, as Peace Officers
40 Memorial Day.

41
42 (Printed and placed in member's file).

43

1 On motion of Representative King, the resolution was read at length and
2 **adopted** by **viva voce** vote.

3
4 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Apuan,
5 Balmer, Baumgardner, Benefield, Bradford, Casso, Court, Curry, DelGrosso,
6 Ferrandino, Fischer, Frangas, Gagliardi, Gardner B., Gardner C., Gerou,
7 Hullinghorst, Judd, Kagan, Kefalas, Kerr A., Kerr J., Labuda, Lambert, Levy,
8 Liston, Looper, Massey, May, McCann, McFadyen, McNulty, Merrifield,
9 Middleton, Miklosi, Murray, Nikkel, Pace, Peniston, Pommer, Primavera,
10 Priola, Rice, Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano,
11 Sonnenberg, Soper, Stephens, Summers, Swalm, Tipton, Todd, Tyler, Vigil,
12 Waller, Weissmann, Speaker.

13
14
15 House in recess. House reconvened.
16

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18
19 **MESSAGE(S) FROM THE SENATE**

20
21 The Senate has adopted and transmits herewith: SJR10-038.
22

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24
25 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

26
27 On motion of Representative Weissmann, the rules were suspended and
28 the following resolution was given immediate consideration.

29
30 **SJR10-038** by Senator(s) Tochtrop; also Representative(s) Ryden--
31 Concerning remembrance of the Armenian Genocide on
32 April 24, 2010, and, in connection therewith, designating
33 every April 24 hereafter as "Colorado Day of
34 Remembrance of the Armenian Genocide".
35

36 (Printed and placed in member's file).
37

38 On motion of Representative Ryden the resolution was read at length and
39 **adopted** by **viva voce** vote.

40
41 Co-sponsor(s) added: Representative(s) Acree, Apuan, Balmer, Baumgardner,
42 Benefield, Bradford, Casso, Court, Curry, DelGrosso, Ferrandino, Fischer,
43 Frangas, Gagliardi, Gardner B., Gardner C., Gerou, Hullinghorst, Kagan,
44 Kefalas, Kerr A., Kerr J., King S., Lambert, Levy, Looper, Massey, May,
45 McCann, McFadyen, McNulty, Merrifield, Middleton, Miklosi, Murray, Nikkel,
46 Pace, Peniston, Pommer, Primavera, Priola, Rice, Riesberg, Roberts, Scanlan,
47 Schafer S., Solano, Sonnenberg, Soper, Stephens, Summers, Swalm, Tipton,
48 Todd, Tyler, Vigil, Waller, Weissmann, Speaker.

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51
52 House in recess. House reconvened.
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1 **MESSAGE(S) FROM THE SENATE**

2

3 The Senate has adopted and transmits herewith: SJR10-037.

4

5

6 The Senate has adopted the First Report of the First Conference on
7 HB10-1369, as printed in Senate Journal, April 20, 2010, pages 941-942
8 and repassed the bill as amended. The bill is returned herewith.

9

10

11

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

13

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

17

18 **HB10-1393** by Representative(s) Nikkel; also Senator(s) Kopp--
19 Concerning the information included in the web-based
20 system that provides the public access to state financial
21 information.

22

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

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

27

	YES	63	NO	0	EXCUSED	2	ABSENT	0
29	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
30	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
31	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
32	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
33	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
34	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
35	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
36	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
37	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
38	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
39	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
40	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
41	Frangas	Y	Looper	Y	Priola	Y	Vaad	E
42	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
43	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
44	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
45							Speaker	Y

46 Co-sponsor(s) added: Representative(s) Acree, Balmer, Bradford, Frangas,
47 Gardner C., Gerou, Kefalas, Kerr J., Looper, Massey, Middleton, Priola,
48 Roberts, Stephens, Summers.

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1 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

2

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

5

6 **SJR10-037** by Senator(s) Gibbs, Schwartz, Kester, Kopp, Penry,
7 Johnston, Spence, Keller, Cadman, Brophy, Harvey,
8 Heath, Hodge, Lundberg, Mitchell, Newell, Sandoval,
9 Scheffel, Tapia, Tochtrop, White, Whitehead; also
10 Representative(s) Scanlan--Concerning the designation of
11 April 23, 2010, as "Colorado Forest Products Day", and,
12 in connection therewith, recognizing the economic and
13 environmental importance of Colorado's forests.

14

15 (Printed and placed in member's file).

16

17 On motion of Representative Scanlan, the resolution was **adopted by viva**
18 **voce** vote.

19

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

29

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31

32 On motion of Representative Soper, the House resolved itself into
33 Committee of the Whole for consideration of General Orders, and he was
34 called to the Chair to act as Chairman.

35

36

37

GENERAL ORDERS--SECOND READING OF BILLS

38

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

43

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

46

47 On motion of Representative Weissmann the following bills were laid
48 over until April 26, 2010: **HCR10-1002, SB10-114, 162, HB10-1390,**
49 **HCR10-1004.**

50

51 On motion of Representative Weissmann the following bill was laid over
52 until April 28, 2010: **HB10-1391**

53

54 **HB10-1373** by Representative(s) Carroll T.; also Senator(s) Hudak--
55 Concerning changes to sentencing provisions for escape
56 crimes.

- 1 Amendment No. 1, Judiciary Report, dated April 15, 2010, and placed in
2 member's bill file; Report also printed in House Journal, April 16,
3 pages 1303-1304.
4
- 5 As amended, ordered engrossed and placed on the Calendar for Third
6 Reading and Final Passage.
7
- 8 **SB10-159** by Senator(s) Foster; also Representative(s) Miklosi--
9 Concerning defendant's statements at a community
10 corrections hearing.
11
- 12 Amendment No. 1, Judiciary Report, dated April 15, 2010, and placed in
13 member's bill file; Report also printed in House Journal, April 16,
14 pages 1304-1305.
15
- 16 As amended, ordered revised and placed on the Calendar for Third
17 Reading and Final Passage.
18
- 19 **HB10-1181** by Representative(s) Todd; also Senator(s) Bacon--
20 Concerning adjustments to the administration of the
21 department of personnel.
22
- 23 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
24 February 16, 2010, and placed in member's bill file; Report also printed
25 in House Journal, February 17, page 399.
26
- 27 Amendment No. 2, Appropriations Report, dated April 16, 2010, and
28 placed in member's bill file; Report also printed in House Journal,
29 April 19, pages 1321-1324.
30
- 31 Amendment No. 3, by Representative(s) McFadyen.
32
- 33 Amend the Appropriations Committee Report, dated April 16, 2010, page
34 2, line 26, strike "SERVICES, PROVIDED THAT".
35
- 36 Page 2 of the report, strike lines 27 and 28 and substitute: "SERVICES.
37 WHEN A HIGHER EDUCATION INSTITUTION INTENDS TO PURCHASE A
38 SERVICE PROVIDED BY THE DEPARTMENT, THE INSTITUTION WILL INCLUDE
39 THE DEPARTMENT ON ANY INQUIRY, REQUEST, SOLICITATION, OR LIST OF
40 QUALIFIED BIDDERS FOR THE SERVICE. WHENEVER PRACTICABLE, THE
41 INSTITUTION OF HIGHER EDUCATION WILL SEEK PARTNERSHIP WITH THE
42 DEPARTMENT FOR THE PURPOSE OF PROCURING SERVICES AT A COST
43 SAVING TO THE INSTITUTION AND THE STATE."
44
- 45 As amended, ordered engrossed and placed on the Calendar for Third
46 Reading and Final Passage.
47
- 48
- 49 **HB10-1400** by Representative(s) Apuan, Ferrandino; also Senator(s)
50 Johnston, Steadman--Concerning refund anticipation loan
51 facilitators, and, in connection therewith, requiring refund
52 anticipation loan facilitators to be registered as electronic
53 return originators with the federal internal revenue service
54 and to make certain disclosures when facilitating refund
55 anticipation loans.
56

1 Amendment No. 1, Business Affairs & Labor Report, dated
2 April 14, 2010, and placed in member's bill file; Report also printed in
3 House Journal, April 15, pages 1249-1250.

4
5 Amendment No. 2, by Representative(s) Apuan.

6
7 Amend the Business Affairs and Labor Committee report, dated April 14,
8 2010, page 1, after line 4 insert:

9
10 "Page 3 of the bill, strike line 27 and substitute:

11
12 "(II) PRACTICING AS A CERTIFIED PUBLIC ACCOUNTANT LICENSED
13 UNDER ARTICLE 2 OF".

14
15 Page 1 of the report, line 15, strike "MAKING, FACILITATING,." and
16 substitute "FACILITATING".

17
18 As amended, ordered engrossed and placed on the Calendar for Third
19 Reading and Final Passage.

20
21 **HB10-1019** by Representative(s) Frangas, Fischer, McFadyen,
22 Merrifield, Primavera, Tyler; also Senator(s) Williams,
23 Gibbs, Romer--Concerning parking privileges for people
24 with disabilities.

25
26 Amendment No. 1, Transportation & Energy Report, dated
27 February 23, 2010, and placed in member's bill file; Report also printed
28 in House Journal, February 24, pages 522-536.

29
30 Amendment No. 2, Appropriations Report, dated April 16, 2010, and
31 placed in member's bill file; Report also printed in House Journal,
32 April 16, pages 1285-1287.

33
34 As amended, ordered engrossed and placed on the Calendar for Third
35 Reading and Final Passage.

36
37 **HB10-1103** by Representative(s) Todd; also Senator(s) Steadman--
38 Concerning the creation of the relief fund for children with
39 a catastrophic medical condition.

40
41 Amendment No. 1, Health & Human Services Report, dated
42 February 25, 2010, and placed in member's bill file; Report also printed
43 in House Journal, February 26, page 578.

44
45 Amendment No. 2, Finance Report, dated March 10, 2010, and placed in
46 member's bill file; Report also printed in House Journal, March 12,
47 pages 775-776.

48
49 Amendment No. 3, Appropriations Report, dated April 16, 2010, and
50 placed in member's bill file; Report also printed in House Journal,
51 April 16, page 1288.

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

55 (For change in action, see Amendments to Report, page 1394.)

56

1 **HB10-1152** by Representative(s)Frangas; also Senator Shaffer--
2 Concerning the civil rights of persons with disabilities.
3

4 Amendment No. 1, Judiciary Report, dated February 18, 2010, and placed
5 in member's bill file; Report also printed in House Journal, February 19,
6 pages 455-474.
7

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

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

14 (For change in action, see Amendments to Report, page 1394.)
15
16

17 **HB10-1349** by Representative(s) Fischer and Pace; also Senator(s)
18 Schwartz and Tapia--Concerning the use of renewable
19 energy resources to supply the energy needs of state
20 government, and, in connection therewith, commissioning
21 the creation of a statewide map of available renewable
22 energy generation areas on state lands and establishing the
23 "Re-energize Colorado" program in the division of parks
24 and outdoor recreation in the department of natural
25 resources.
26

27 Amendment No. 1, Transportation & Energy Report, dated April 6, 2010,
28 and placed in member's bill file; Report also printed in House Journal,
29 April 7, pages 1131-1132.
30

31 Amendment No. 2, Appropriations Report, dated April 16, 2010, and
32 placed in member's bill file; Report also printed in House Journal,
33 April 16, page 1300.
34

35 As amended, ordered engrossed and placed on the Calendar for Third
36 Reading and Final Passage.
37
38

39 **SB10-153** by Senator(s) Boyd; also Representative(s) Frangas--
40 Concerning behavioral health transformation.
41

42 Amendment No. 1, by Representative(s) Frangas.
43

44 Amend the reengrossed bill, page 5, line 19, strike "LEADER;" and
45 substitute "LEADER, WITH PREFERENCE GIVEN TO MEMBERS FAMILIAR WITH
46 RECENT AUDIT ISSUES REGARDING BEHAVIORAL HEALTH SERVICES;"
47

48 Page 6, line 20, strike "ACCOUNTABILITY AND TO IMPROVE SERVICES;" and
49 substitute "ACCOUNTABILITY, IMPROVE SERVICES, AND INCREASE
50 RECOVERY, SELF-SUFFICIENCY, AND ECONOMIC OPPORTUNITY;"
51

52 Page 7, line 12, strike "AND".
53

54 Page 7, line 14, after "SYSTEM;" insert "AND"
55

1 (X) DEVELOPING A COMPREHENSIVE BEHAVIORAL HEALTH
 2 SERVICE SYSTEM THAT INCLUDES SERVICES TO PERSONS WITH MENTAL
 3 ILLNESS, ADDICTIONS, DISABILITIES, AND CO-OCCURRING ISSUES;".

4
 5 As amended, ordered revised and placed on the Calendar for Third
 6 Reading and Final Passage.

7
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 9
 10 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**

11
 12 Representative Levy moved to amend the Report of the Committee of the
 13 Whole to reverse the action taken by the Committee in adopting
 14 HB10-1152, to show that **HB10-1152** was rereferred to the Judiciary
 15 Committee unamended.

16
 17 The amendment was declared **passed** by the following roll call vote:

	YES	62	NO	0	EXCUSED	3	ABSENT	0
20	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
21	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
22	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
23	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
24	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
25	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
26	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
27	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
28	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
29	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
30	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
31	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
32	Frangas	Y	Looper	Y	Priola	Y	Vaad	E
33	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
34	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
35	Gardner C.	Y	McCann	Y	Roberts	E	Weissmann	Y
36							Speaker	Y

37
 38 Representative Todd and J. Kerr moved to amend the Report of the
 39 Committee of the Whole to reverse the action taken by the Committee in
 40 not adopting the following J. Kerr amendment, to HB10-1103, to show
 41 that said amendment passed, and that **HB10-1103**, as amended, passed.

42
 43 Amend printed bill, page 8, line 15, strike "SECTION 10-16-102 (8)," and
 44 substitute "SECTIONS 10-16-102 (8) AND 24-50-603 (2),".

45
 46 The amendment was declared **passed** by the following roll call vote:

	YES	62	NO	0	EXCUSED	3	ABSENT	0
49	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
50	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
51	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
52	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
53	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
54	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
55	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
56	Court	Y	King S.	Y	Nikkel	Y	Summers	Y

1	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
2	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
3	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
4	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
5	Frangas	Y	Looper	Y	Priola	Y	Vaad	E
6	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
7	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
8	Gardner C.	Y	McCann	Y	Roberts	E	Weissmann	Y
9							Speaker	Y

10

11 Representatives Stephens and Swalm moved to amend the Report of the
 12 Committee of the Whole to reverse the action taken by the Committee in
 13 not adopting the following Waller amendment, to HB10-1103, to show
 14 that said amendment passed, and that **HB10-1103**, as amended, passed.

15

16 Amend printed bill, page 8, line 17, after "STATE." insert "THE
 17 SURCHARGE SHALL BE COLLECTED ONLY IF THE INSURED, AT THE TIME OF
 18 ENROLLMENT OR RENEWAL, CONSENTS IN WRITING TO PAYMENT OF THE
 19 SURCHARGE. SAID".

20

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

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	YES	28	NO	34	EXCUSED	3	ABSENT	0
24	Acree	Y	Gerou	Y	McFadyen	N	Ryden	N
25	Apuan	N	Hullinghorst	N	McKinley	E	Scanlan	N
26	Balmer	Y	Judd	N	McNulty	Y	Schafer S.	N
27	Baumgardner	Y	Kagan	N	Merrifield	N	Solano	N
28	Benefield	N	Kefalas	N	Middleton	N	Sonnenberg	Y
29	Bradford	Y	Kerr A.	N	Miklosi	N	Soper	N
30	Casso	N	Kerr J.	Y	Murray	Y	Stephens	Y
31	Court	N	King S.	Y	Nikkel	Y	Summers	Y
32	Curry	Y	Labuda	N	Pace	N	Swalm	Y
33	DelGrosso	Y	Lambert	Y	Peniston	N	Tipton	Y
34	Ferrandino	N	Levy	Y	Pommer	N	Todd	N
35	Fischer	N	Liston	Y	Primavera	N	Tyler	N
36	Frangas	N	Looper	Y	Priola	Y	Vaad	E
37	Gagliardi	N	Massey	Y	Rice	Y	Vigil	N
38	Gardner B.	Y	May	Y	Riesberg	N	Waller	Y
39	Gardner C.	Y	McCann	N	Roberts	E	Weissmann	N
40							Speaker	N

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

47 Passed Second Reading: **HB10-1373 amended, SB10-159 amended,**
 48 **HB10-1181 amended, 1400 amended, 1019 amended, 1103 amended,**
 49 **1152 amended, 1349 amended, SB10-153 amended.**

50

51 Laid over until date indicated retaining place on Calendar: **HCR10-1002,**
 52 **SB10-114, 162, HB10-1390, HCR10-1004--April 26, 2010.**
 53 **HB10-1391--April 28, 2010.**

54

55 Rereferred to Committee indicated: **HB10-1152--Judiciary.**

56

1 The Chairman moved the adoption of the Committee of the Whole
 2 Report. As shown by the following roll call vote, a majority of those
 3 elected to the House voted in the affirmative, and the Report was
 4 **adopted.**

	YES	62	NO	0	EXCUSED	3	ABSENT	0
7	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
8	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
9	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
10	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
11	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
12	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
13	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
14	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
15	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
16	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
17	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
18	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
19	Frangas	Y	Looper	Y	Priola	Y	Vaad	E
20	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
21	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
22	Gardner C.	Y	McCann	Y	Roberts	E	Weissmann	Y
23							Speaker	Y

24
 25
 26
 27 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
 28 **on HB10-1369**

29
 30 This Report Amends the Rerevised Bill.

31
 32 To the President of the Senate and the
 33 Speaker of the House of Representatives:

34
 35 Your first conference committee appointed on HB10-1369,
 36 concerning the financing of public schools, and making an appropriation
 37 therefor, has met and reports that it has agreed upon the following:

38
 39
 40 1. That the House accede to the Senate amendments made to the
 41 bill, as the amendments appear in the rerevised bill, with the following
 42 changes:

43
 44 Amend rerevised bill, page 6, line 9, after "APPLICABLE." add "ANY SUCH
 45 DISTRICT SHALL USE THE REVENUES GENERATED BY THE NUMBER OF MILLS
 46 THAT THE DISTRICT LEVIES PURSUANT TO SECTION 22-54-106 (2) (a) (II)
 47 TO REPLACE ANY CATEGORICAL PROGRAM SUPPORT FUNDS THAT THE
 48 DISTRICT WOULD OTHERWISE BE ELIGIBLE TO RECEIVE FROM THE STATE;
 49 EXCEPT THAT THE AMOUNT OF CATEGORICAL PROGRAM SUPPORT FUNDS
 50 THAT THE DISTRICT IS REQUIRED TO REPLACE SHALL NOT EXCEED AN
 51 AMOUNT EQUAL TO THE DISTRICT'S STATE BUDGET STABILIZATION
 52 REDUCTION AMOUNT. THE DEPARTMENT SHALL USE THE AMOUNT OF
 53 CATEGORICAL PROGRAM SUPPORT FUNDS REPLACED BY PROPERTY TAX
 54 REVENUE PURSUANT TO THIS SUBPARAGRAPH (IV) TO MAKE PAYMENTS OF
 55 CATEGORICAL PROGRAM SUPPORT FUNDS TO ELIGIBLE DISTRICTS AS
 56 SPECIFIED IN SECTION 22-54-107 (4)."

1 Page 6, line 17, after "AID." add "ANY SUCH DISTRICT SHALL USE THE
2 REVENUES GENERATED BY THE NUMBER OF MILLS THAT THE DISTRICT
3 LEVIES PURSUANT TO SECTION 22-54-106 (2) (a) (I) TO REPLACE ANY
4 CATEGORICAL PROGRAM SUPPORT FUNDS THAT THE DISTRICT WOULD
5 OTHERWISE BE ELIGIBLE TO RECEIVE FROM THE STATE; EXCEPT THAT THE
6 AMOUNT OF CATEGORICAL PROGRAM SUPPORT FUNDS THAT THE DISTRICT
7 IS REQUIRED TO REPLACE SHALL NOT EXCEED AN AMOUNT EQUAL TO THE
8 REMAINDER OF THE DISTRICT'S STATE BUDGET STABILIZATION REDUCTION
9 AMOUNT AFTER THE REDUCTION TO THE DISTRICT'S TOTAL PROGRAM HAS
10 BEEN APPLIED PURSUANT TO THIS SUBPARAGRAPH (V). THE DEPARTMENT
11 SHALL USE THE AMOUNT OF CATEGORICAL PROGRAM SUPPORT FUNDS
12 REPLACED BY PROPERTY TAX REVENUE PURSUANT TO THIS SUBPARAGRAPH
13 (V) TO MAKE PAYMENTS OF CATEGORICAL PROGRAM SUPPORT FUNDS TO
14 ELIGIBLE DISTRICTS AS SPECIFIED IN SECTION 22-54-107 (4).".

15
16 Page 9, after line 24 insert:

17
18 "SECTION 6. 22-54-107, Colorado Revised Statutes, is amended
19 BY THE ADDITION OF A NEW SUBSECTION to read:

20
21 **22-54-107. Buy-out of categorical programs.** (4) IN A BUDGET
22 YEAR IN WHICH THE PROVISIONS OF SECTION 22-54-104 (5) (g) APPLY, THE
23 DEPARTMENT SHALL USE THE AMOUNT OF CATEGORICAL PROGRAM
24 SUPPORT FUNDS REPLACED BY PROPERTY TAX REVENUE PURSUANT TO THE
25 PROVISIONS OF SECTION 22-54-104 (5) (g) (IV) AND (5) (g) (V) TO MAKE
26 PAYMENTS OF CATEGORICAL PROGRAM SUPPORT FUNDS TO ELIGIBLE
27 DISTRICTS AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION.".

28
29 Renumber succeeding sections accordingly.

30
31 Page 12, strike lines 17 through 27.

32
33 Page 13, strike line 1.

34
35 Renumber succeeding sections accordingly.

36
37 2. That, under the authority granted the committee to consider
38 matters not at issue between the two houses, the following amendments
39 be recommended:

40
41 Amend rerevised bill, page 11, after line 6 insert:

42
43 "SECTION 8. 22-54-103 (7) (e), Colorado Revised Statutes, is
44 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

45
46 **22-54-103. Definitions - repeal.** As used in this article, unless
47 the context otherwise requires:

48
49 (7) "Funded pupil count" means:

50
51 (e) (V) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
52 CONTRARY, FOR THE 2010-11 BUDGET YEAR AND EACH BUDGET YEAR
53 THEREAFTER, FOR THE PURPOSES OF THIS PARAGRAPH (e), A DISTRICT'S
54 PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND A DISTRICT'S
55 PUPIL ENROLLMENT FOR ANY PRECEDING BUDGET YEAR SHALL NOT
56 INCLUDE ANY PUPIL WHO IS OR WAS ENROLLED IN A CHARTER SCHOOL

1 THAT WAS ORIGINALLY AUTHORIZED BY THE DISTRICT BUT WAS
 2 SUBSEQUENTLY CONVERTED, ON OR AFTER JULY 1, 2010, TO AN INSTITUTE
 3 CHARTER SCHOOL OR TO A CHARTER SCHOOL OF A DISTRICT CONTIGUOUS
 4 TO THE ORIGINALLY AUTHORIZING DISTRICT."

5

6 Renumber succeeding sections accordingly.

7

8 Page 13, strike lines 20 and 21 and substitute "sixty-three million four
 9 hundred seventy-six thousand four hundred fifty-four dollars
 10 (\$363,476,454)."

11

12 Respectfully submitted,

13 House Committee:

14 (signed)

15 Christine Scanlan

16 Jack Pommer

17 Tom Massey

Senate Committee:

(signed)

Bob Bacon

Pat Steadman

Keith King

18

19

20

21 **CONSIDERATION OF CONFERENCE COMMITTEE REPORT(S)**

22

23 On motion of Representative Weissmann, the rules were suspended for
 24 immediate consideration of HB10-1369.

25

26 **HB10-1369** by Representative(s) Scanlan and Pommer; also Senator(s)
 27 Bacon--Concerning the financing of public schools, and
 28 making an appropriation therefor.

29

30 (Conference Committee Report printed in House Journal, April 23,
 31 pages 1396-1398.)

32

33 On motion of Representative Scanlan, the Conference Committee Report
 34 was **adopted** by the following roll call vote:

35

	YES	62	NO	0	EXCUSED	3	ABSENT	0
37	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
38	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
39	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
40	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
41	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
42	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
43	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
44	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
45	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
46	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
47	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
48	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
49	Frangas	Y	Looper	Y	Priola	Y	Vaad	E
50	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
51	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
52	Gardner C.	Y	McCann	Y	Roberts	E	Weissmann	Y
53							Speaker	Y

54

55

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

	YES	55	NO	7	EXCUSED	3	ABSENT	0
7	Acree	N	Gerou	Y	McFadyen	Y	Ryden	Y
8	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
9	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
10	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
11	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
12	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
13	Casso	N	Kerr J.	Y	Murray	Y	Stephens	Y
14	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
15	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
16	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	N
17	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
18	Fischer	Y	Liston	Y	Primavera	N	Tyler	Y
19	Frangas	N	Looper	Y	Priola	Y	Vaad	E
20	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
21	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
22	Gardner C.	N	McCann	Y	Roberts	E	Weissmann	Y
23							Speaker	Y

24 Co-sponsor(s) added: Representative(s) Labuda.

25
26
27
28 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL(S)**

29
30 **HB10-1188** by Representative(s) Curry, Fischer, Labuda, Massey,
 31 Scanlan; also Senator(s) Hodge, Gibbs, Heath, Tochtrop--
 32 Concerning clarification of the scope of the existing right
 33 of navigation of guides employed by river outfitters.

34
35 (Amended as printed in Senate Journal, March 19, page 609.)

36
37 Representative Curry moved that the House **not concur** in Senate
 38 amendments and that a Conference Committee be appointed with
 39 permission to go beyond the scope of the differences between the House
 40 and the Senate. The motion was declared **passed** by the following roll
 41 call vote:

	YES	41	NO	21	EXCUSED	3	ABSENT	0
44	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
45	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
46	Balmer	N	Judd	Y	McNulty	Y	Schafer S.	Y
47	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
48	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
49	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
50	Casso	Y	Kerr J.	N	Murray	N	Stephens	N
51	Court	Y	King S.	Y	Nikkel	Y	Summers	N
52	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
53	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N
54	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
55	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
56	Frangas	Y	Looper	N	Priola	N	Vaad	E

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

REPORT(S) OF COMMITTEE(S) OF REFERENCE

APPROPRIATIONS

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

HB10-1113 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Strike the Transportation & Energy Committee Report, dated March 4, 2010, and substitute:

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

"SECTION 1. 24-1-128.6 (2) (a), Colorado Revised Statutes, is amended to read:

24-1-128.6. Department of public safety - creation - repeal.

(2) The department of public safety shall consist of the following divisions:

(a) (I) Colorado state patrol, the head of which shall be the chief of the Colorado state patrol. The Colorado state patrol and the office of chief thereof, created by part 2 of article 33.5 of this title, and their powers, duties, and functions are transferred by a **type 2** transfer to the department of public safety.

(II) The powers, duties, and functions of the state department of highways relating to the Colorado state patrol are transferred by a **type 2** transfer to the department of public safety and allocated to the Colorado state patrol.

(III) (A) THE POWERS, DUTIES, AND FUNCTIONS OF THE PORT OF ENTRY SAFETY PROGRAM AND OF THE MOTOR CARRIER SAFETY PROGRAM OF THE PORTS OF ENTRY SECTION IN THE DEPARTMENT OF REVENUE ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC SAFETY AND ALLOCATED TO THE COLORADO STATE PATROL; EXCEPT THAT NO PORT OF ENTRY PERSONNEL SHALL BE TRANSFERRED AND SUCH PERSONNEL SHALL REMAIN WITH THE DEPARTMENT OF REVENUE. WHENEVER ANY LAW OF THIS STATE OR ANY RULE PROMULGATED UNDER THE LAWS OF THIS STATE REFERS TO THE PORT OF ENTRY SAFETY PROGRAM OR THE MOTOR CARRIER SAFETY PROGRAM OF THE PORTS OF ENTRY SECTION OF THE DEPARTMENT OF REVENUE, SUCH LAW OR RULE SHALL BE DEEMED TO REFER TO THE DEPARTMENT OF PUBLIC SAFETY.

(B) THE DEPARTMENT OF PUBLIC SAFETY, IN COLLABORATION WITH THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF

1 REVENUE, SHALL ISSUE A REQUEST FOR PROPOSAL FOR A PERFORMANCE
2 STUDY TO BE CONDUCTED BY AN INDEPENDENT PRIVATE VENDOR. THE
3 DEPARTMENTS SHALL WORK COOPERATIVELY TO DETERMINE THE SCOPE
4 OF THE STUDY AND THE INDEPENDENT PRIVATE VENDOR SHALL REQUEST
5 AND CONSIDER INPUT FROM POTENTIALLY IMPACTED PARTIES DURING THE
6 COURSE OF THE STUDY. THE STUDY SHALL INCLUDE, BUT NOT BE LIMITED
7 TO, AN EXAMINATION OF THE PORTS OF ENTRY OPERATIONS,
8 INFRASTRUCTURE, MANAGEMENT, POTENTIAL COST SAVINGS OR
9 EFFICIENCIES, AS WELL AS HOW THE PORT OF ENTRY SECTION MAY
10 MAXIMIZE RESOURCES AND TECHNOLOGY. THE STUDY SHALL ALSO
11 DETERMINE WHICH PRINCIPAL DEPARTMENT IS MOST APPROPRIATE FOR
12 OPERATING THE PORTS OF ENTRY SECTION IN A COST EFFECTIVE MANNER.
13 THE INDEPENDENT PRIVATE VENDOR SHALL COMPLETE THE PERFORMANCE
14 REVIEW AND REPORT ITS FINDINGS TO THE TRANSPORTATION COMMITTEES
15 OF THE SENATE AND THE HOUSE OF REPRESENTATIVES NO LATER THAN
16 JUNE 1, 2011.

17

18 (C) NO LATER THAN JULY 1, 2010, THE DEPARTMENT OF REVENUE
19 AND THE COLORADO STATE PATROL, THROUGH THE DEPARTMENT OF
20 PUBLIC SAFETY, SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING
21 AGREEING TO MAINTAIN, TO THE EXTENT POSSIBLE, CONSISTENCY AND
22 UNIFORMITY IN THE APPLICATION OF ANY STATE LAWS, STATE
23 ADMINISTRATIVE RULES, FEDERAL LAWS, OR FEDERAL REGULATIONS
24 CONCERNING MOTOR VEHICLE SAFETY AS THOSE LAWS OR RULES RELATE
25 TO THE PORTS OF ENTRY TO ENSURE THAT THE PORT OF ENTRY SECTION
26 REMAINS ELIGIBLE FOR FEDERAL FUNDING.

27

28 **SECTION 2. Appropriation - adjustments to the 2010 long**
29 **bill.** (1) In addition to any other appropriation, there is hereby
30 appropriated, out of any moneys in the highway users tax fund pursuant
31 to section 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes, not
32 otherwise appropriated, to the department of public safety, for allocation
33 to the Colorado state patrol, for the fiscal year beginning July 1, 2010, the
34 sum of two hundred ninety-one thousand four hundred forty-one dollars
35 (\$291,441) cash funds, or so much thereof as may be necessary, for the
36 implementation of this act.

37

38 (2) For the implementation of this act, appropriations made in the
39 annual general appropriation act for the fiscal year beginning July 1,
40 2010, shall be adjusted as follows:

41

42 (a) The appropriation to the department of public safety, executive
43 directors office, for centrally appropriated line items, is increased by
44 eleven thousand dollars (\$11,000) cash funds. Said cash funds shall be
45 from the highway users tax fund pursuant to section 43-4-201 (3) (a) (III)
46 (C), Colorado Revised Statutes.

47

48 (b) The appropriation to the department of public safety, Colorado
49 state patrol, is increased by nine hundred fifteen thousand three hundred
50 four dollars (\$915,304) total funds and 10.0 FTE. Of said sum, thirty-five
51 thousand one hundred sixty-six dollars (\$35,166) shall be cash funds from
52 the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C),
53 Colorado Revised Statutes, thirty-three thousand three hundred forty-four
54 dollars (\$33,344) shall be cash funds from the nuclear materials
55 transportation fund created in section 42-20-511, Colorado Revised
56 Statutes, eighty-three thousand eight hundred forty-four dollars (\$83,844)

1 shall be reappropriated funds from the motor carrier safety assistance
2 program, and seven hundred sixty-two thousand nine hundred fifty dollars
3 (\$762,950) shall be federal funds from the motor carrier safety assistance
4 program grant.
5

6 (c) The appropriation to the department of revenue, executive
7 directors office, for centrally appropriated line items, is decreased by
8 eleven thousand dollars (\$11,000) cash funds. These funds shall be from
9 the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C),
10 Colorado Revised Statutes.
11

12 (d) The appropriation to the department of revenue, motor carrier
13 services division, is decreased by nine hundred fifteen thousand three
14 hundred four dollars (\$915,304) total funds and 10.0 FTE. Of said sum,
15 thirty-five thousand one hundred sixty-six dollars (\$35,166) shall be cash
16 funds from the highway users tax fund pursuant to section 43-4-201 (3)
17 (a) (III) (C), Colorado Revised Statutes, thirty-three thousand three
18 hundred forty-four dollars (\$33,344) shall be cash funds from the nuclear
19 materials transportation fund created in section 42-20-511, Colorado
20 Revised Statutes, eighty-three thousand eight hundred forty-four dollars
21 (\$83,844) shall be reappropriated funds from the motor carrier safety
22 assistance program, and seven hundred sixty-two thousand nine hundred
23 fifty dollars (\$762,950) shall be federal funds from the motor carrier
24 safety assistance program grant.
25

26 **SECTION 3. Safety clause.** The general assembly hereby finds,
27 determines, and declares that this act is necessary for the immediate
28 preservation of the public peace, health, and safety."
29

30 Page 1 of the bill, line 105, strike "TRANSFER." and substitute
31 "TRANSFER, AND MAKING AN APPROPRIATION THEREFOR."."
32
33
34

35 **HB10-1266** be postponed indefinitely.
36
37

38 **HB10-1285** be amended as follows, and as so amended, be referred to
39 the Committee of the Whole with favorable
40 recommendation:
41

42 Amend the Finance Committee Report, dated April 14, 2010, page 5,
43 after line 28 insert:
44

45 **"SECTION 7. Appropriation.** In addition to any other
46 appropriation, there is hereby appropriated, out of any moneys in the
47 commercial vehicle enterprise tax fund created in section 42-1-224,
48 Colorado Revised Statutes, not otherwise appropriated, to the department
49 of revenue, for allocation to the information technology division, for the
50 fiscal year beginning July 1, 2010, the sum of fifty-six thousand nine
51 hundred ninety-three dollars (\$56,993) cash funds, or so much thereof as
52 may be necessary, for the implementation of this act."
53

54 Renumber succeeding sections accordingly.
55

56 Page 6 of the report, after line 9 insert:

1 "Page 1 of the bill, line 102, strike "VEHICLES." and substitute
2 "VEHICLES, AND MAKING AN APPROPRIATION IN CONNECTION
3 THEREWITH."
4
5
6

7 **HB10-1360** be amended as follows, and as so amended, be referred to
8 the Committee of the Whole with favorable
9 recommendation:
10

11 Amend the House Judiciary Committee Report dated April 19, 2010, page
12 6, strike lines 2 through 22 and substitute:
13

14 **"SECTION 8. Appropriation - adjustments to the 2010 long**
15 **bill.** (1) In addition to any other appropriation, there is hereby
16 appropriated, out of any moneys in the general fund not otherwise
17 appropriated, to the department of public safety, for allocation to the
18 division of criminal justice, for community corrections residential
19 treatment beds, for the fiscal year beginning July 1, 2010, the sum of one
20 million two hundred eighty-five thousand four hundred nine dollars
21 (\$1,285,409) and 0.8 FTE, or so much thereof as may be necessary, for
22 the implementation of this act.
23

24 (2) In addition to any other appropriation, there is hereby
25 appropriated, out of any moneys in the general fund not otherwise
26 appropriated, to the department of public safety, for allocation to the
27 division of criminal justice, for ten transition community corrections beds
28 specifically for sex offenders, which beds may not be transferred for
29 diversion, for the fiscal year beginning July 1, 2010, the sum of two
30 hundred sixty thousand dollars (\$260,000).
31

32 (3) In addition to any other appropriation, there is hereby
33 appropriated, out of any moneys in the general fund not otherwise
34 appropriated, to the department of corrections, for allocation to the parole
35 subprogram, for community parole officers, for the fiscal year beginning
36 July 1, 2010, the sum of one hundred seventy-four thousand one hundred
37 seven dollars (\$174,107) and 2.1 FTE, or so much thereof as may be
38 necessary, for the implementation of this act.
39

40 (4) In addition to any other appropriation, there is hereby
41 appropriated, out of any moneys in the general fund not otherwise
42 appropriated, to the department of corrections, for allocation to the parole
43 subprogram, for administrative support, for the fiscal year beginning July
44 1, 2010, the sum of eighty thousand seven hundred seventy-four dollars
45 (\$80,774) and 2.0 FTE, or so much thereof as may be necessary, for the
46 implementation of this act.
47

48 (5) In addition to any other appropriation, there is hereby
49 appropriated, out of any moneys in the general fund not otherwise
50 appropriated, to the department of corrections, for allocation to the
51 business operations subprogram, for information technology support, for
52 the fiscal year beginning July 1, 2010, the sum of sixty-five thousand five
53 hundred fifty-three dollars (\$65,553) and 1.0 FTE, or so much thereof as
54 may be necessary, for the implementation of this act.
55

56 (6) In addition to any other appropriation, there is hereby

1 appropriated, out of any moneys in the general fund not otherwise
2 appropriated, to the department of corrections, for allocation to the parole
3 subprogram, for parole wrap-around services, for the fiscal year
4 beginning July 1, 2010, the sum of one million seven hundred ninety-
5 seven thousand nine hundred eighty dollars (\$1,797,980).
6

7 (7) In addition to any other appropriation, there is hereby
8 appropriated, out of any moneys in the general fund not otherwise
9 appropriated, to the department of corrections, for allocation to the parole
10 subprogram, for employment and job training services, for the fiscal year
11 beginning July 1, 2010, the sum of five hundred thousand dollars
12 (\$500,000).
13

14 (8) In addition to any other appropriation, there is hereby
15 appropriated, out of any moneys in the general fund not otherwise
16 appropriated, to the department of corrections, for allocation to the parole
17 subprogram, for outpatient substance abuse treatment for transition
18 parolees, for the fiscal year beginning July 1, 2010, the sum of two
19 hundred fifty thousand dollars (\$250,000).
20

21 (9) In addition to any other appropriation, there is hereby
22 appropriated, out of any moneys in the general fund not otherwise
23 appropriated, to the department of corrections, for allocation to the parole
24 subprogram, for outpatient mental health treatment for transition parolees,
25 for the fiscal year beginning July 1, 2010, the sum of two hundred fifty
26 thousand dollars (\$250,000).
27

28 (10) In addition to any other appropriation, there is hereby
29 appropriated, out of any moneys in the general fund not otherwise
30 appropriated, to the department of corrections, for allocation to the parole
31 board, for a parole revocation hearing officer, for the fiscal year
32 beginning July 1, 2010, the sum of seventy-five thousand dollars
33 (\$75,000) and 1.0 FTE.
34

35 (11) For the implementation of this act, the general fund
36 appropriation made in the annual general appropriation act for the fiscal
37 year beginning July 1, 2010, to the department of corrections,
38 management, external capacity subprogram, for payments to house state
39 prisoners, is decreased by four million seven hundred thirty-eight
40 thousand eight hundred twenty-three dollars (\$4,738,823)."
41

42 Page 7, after line 3 insert "Page 1 of the bill, line 103, strike
43 "CORRECTIONS." and substitute "CORRECTIONS, AND MAKING AN
44 APPROPRIATION IN CONNECTION THEREWITH."."
45

46
47
48 **HB10-1374** be amended as follows, and as so amended, be referred to
49 the Committee of the Whole with favorable
50 recommendation:
51

52 Amend printed bill, page 14, after line 23 insert:
53

54 **"SECTION 8. Appropriation - adjustments to the 2010 long**
55 **bill.** (1) In addition to any other appropriation, there is hereby
56 appropriated, out of any moneys in the general fund not otherwise

1 appropriated, to the department of corrections, for allocation to the
2 executive director's office and parole subprograms, for research and
3 parole services, for the fiscal year beginning July 1, 2010, the sum of
4 three hundred fifty-three thousand seven hundred eighty-six dollars
5 (\$353,786) and 7.9 FTE, or so much thereof as may be necessary, for the
6 implementation of this act.
7

8 (2) In addition to any other appropriation, there is hereby
9 appropriated, out of any moneys in the general fund not otherwise
10 appropriated, to the department of public safety, for allocation to the
11 division of criminal justice, for parole guideline duties and actuarial
12 consultation, for the fiscal year beginning July 1, 2010, the sum of eighty
13 thousand one hundred fifty-four dollars (\$80,154) and 0.7 FTE, or so
14 much thereof as may be necessary, for the implementation of this act.
15

16 (3) In addition to any other appropriation, there is hereby
17 appropriated, out of any moneys in the general fund not otherwise
18 appropriated, to the department of public safety, for allocation to the
19 division of criminal justice, for costs associated with the Colorado
20 criminal and juvenile justice commission, for the fiscal year beginning
21 July 1, 2010, the sum of one hundred fourteen thousand one hundred
22 twenty-seven dollars (\$114,127).
23

24 (4) For the implementation of this act, the general fund
25 appropriation made in the annual general appropriation act for the fiscal
26 year beginning July 1, 2010, to the department of corrections,
27 management, external capacity subprogram, for payments to house state
28 prisoners, is decreased by five hundred forty-eight thousand sixty-seven
29 dollars (\$548,067).".
30

31 Renumber succeeding section accordingly.
32

33 Page 1, line 101 strike "**PAROLE.**" and substitute "**PAROLE, AND MAKING**
34 **AN APPROPRIATION IN CONNECTION THEREWITH.**".
35

36
37
38 **HB10-1402** be amended as follows, and as so amended, be referred to
39 the Committee of the Whole with favorable
40 recommendation:
41

42 Amend printed bill, page 9, after line 19 insert:

43 "**SECTION 3. Appropriation.** In addition to any other
44 appropriation, there is hereby appropriated, out of any moneys in the
45 capitol dome restoration trust fund created in section 2-3-1304.3 (6) (b),
46 Colorado Revised Statutes, not otherwise appropriated, to capital
47 construction, department of personnel and administration, office of the
48 state architect, for controlled maintenance expenses associated with the
49 state capitol dome restoration project, for the fiscal year beginning July
50 1, 2010, the sum of four million dollars (\$4,000,000) cash funds, or so
51 much thereof as may be necessary, for the implementation of this act.".
52

53 Renumber succeeding section accordingly.
54

55 Page 1, line 104, strike "**DOME.**" and substitute "**DOME, AND MAKING AN**
56 **APPROPRIATION THEREFOR.**".

1 **SB10-006** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend reengrossed bill, page 5, line 2, strike "(3) OR" and substitute
6 "(3)", and after "26-2-106 (3)", insert "OR 26-5-101 (3) (o)".
7

8 Page 5, line 3, strike "OR RELEASED WITHIN THE PRIOR SIX MONTHS".
9

10 Page 5, line 4, strike "FROM".
11
12
13

14 **SB10-028** be referred to the Committee of the Whole with favorable
15 recommendation.
16
17

18 **SB10-061** be amended as follows, and as so amended, be referred to
19 the Committee of the Whole with favorable
20 recommendation:
21

22 Amend reengrossed bill, page 3, line 9, after the period, add "IF FEDERAL
23 AUTHORIZATION TO IMPLEMENT THE CHANGES DESCRIBED IN PARAGRAPHS
24 (a) AND (b) OF THIS SUBSECTION (3) IS OBTAINED, THE STATE DEPARTMENT
25 SHALL REQUEST, THROUGH THE STATE BUDGET PROCESS, THAT THE
26 CHANGES BE IMPLEMENTED DURING THE FISCAL YEAR FOLLOWING THE
27 YEAR IN WHICH THE APPROVAL IS OBTAINED."
28

29 Page 4, line 5 strike "Statutes.," and substitute "Statutes,".
30
31
32

33 **SB10-103** be amended as follows, and as so amended, be referred to
34 the Committee of the Whole with favorable
35 recommendation:
36

37 Amend reengrossed bill, page 2 strike lines 15 through 26 and substitute:
38

39 "(3) A PERSON MAY APPLY FOR THE COLORADO STATE PARKS
40 SPECIAL LICENSE PLATE IF THE PERSON PAYS THE TAXES AND FEES
41 REQUIRED UNDER THIS SECTION PLUS A ONE-TIME FEE OF FORTY-FOUR
42 DOLLARS. THE DEPARTMENT SHALL TRANSFER THE FORTY-FOUR-DOLLAR
43 FEE TO THE STATE TREASURER, WHO SHALL CREDIT THE FEE TO THE PARKS
44 AND OUTDOOR RECREATION CASH FUND CREATED IN SECTION 33-10-111,
45 C.R.S."
46

47 Page 3, strike lines 1 and 2.
48
49
50

51 **SB10-106** be referred to the Committee of the Whole with favorable
52 recommendation.
53
54

55 **SB10-108** be referred to the Committee of the Whole with favorable
56 recommendation.

1 **SB10-120** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4
5 **SB10-139** be referred favorably to the Committee on Finance.
6

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8 **SB10-169** be referred to the Committee of the Whole with favorable
9 recommendation.
10

11
12 **SB10-171** be amended as follows, and as so amended, be referred to
13 the Committee of the Whole with favorable
14 recommendation:
15

16 Amend the Health and Human Services Committee Report, dated April
17 15, 2010, page 1, after line 10 insert:
18

19 "Page 18 of the reengrossed bill, after line 2, insert:
20

21 **"SECTION 5. Appropriation.** In addition to any other
22 appropriation, there is hereby appropriated, out of any moneys in the
23 general fund not otherwise appropriated, to the department of human
24 services, for allocation to the executive director's office, for the child
25 protection ombudsman program, for the fiscal year beginning July 1,
26 2010, the sum of one hundred seventy-five thousand dollars (\$175,000),
27 or so much thereof as may be necessary, for the implementation of this
28 act." .
29

30 Renumber succeeding section accordingly.
31

32 Page 1 of the bill, line 102, strike "**PROGRAM.**" and substitute "**PROGRAM,**
33 **AND MAKING AN APPROPRIATION THEREFOR.**".
34
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38 **HEALTH & HUMAN SERVICES**

39 After consideration on the merits, the Committee recommends the
40 following:
41

42 **HB10-1416** be amended as follows, and as so amended, be referred to
43 the Committee on Appropriations with favorable
44 recommendation:
45

46 Amend printed bill, page 2, line 9, after "FORMULARY" insert "AS
47 DETERMINED BY THE COLORADO BOARD OF CHIROPRACTIC EXAMINERS".
48

49 Page 2, strike line 10 and substitute "BY APPROPRIATELY TRAINED
50 DOCTORS OF CHIROPRACTIC WHO HAVE ACUPUNCTURE CERTIFICATION".
51

52 Page 2, line 11, strike "BY THE COLORADO BOARD OF CHIROPRACTIC
53 EXAMINERS".
54
55

1 Page 2, line 14, after the period insert "THE BOARD SHALL DETERMINE THE
2 APPROPRIATE TRAINING NECESSARY FOR A DOCTOR OF CHIROPRACTIC TO
3 ADMINISTER THE FORMULARY."
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SB10-183 be referred to the Committee of the Whole with favorable
recommendation.

LOCAL GOVERNMENT

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

HB10-1368 be postponed indefinitely.

SB10-181 be referred to the Committee of the Whole with favorable
recommendation.

STATE, VETERANS, & MILITARY AFFAIRS

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

HB10-1403 be amended as follows, and as so amended, be referred to
the Committee on Appropriations with favorable
recommendation:

Amend printed bill, page 7, strike lines 1 through 14.

Renumber succeeding sections accordingly.

FIRST REPORT OF SECOND CONFERENCE COMMITTEE on SB10-109

This Report Amends the Rerevised Bill.

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

Your second conference committee appointed on SB10-109,
concerning regulation of the physician-patient relationship for medical
marijuana patients, and making appropriations in connection therewith,
has met and reports that it has agreed upon the following:

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

1 Amend rerevised bill, page 6, line 1, before "CONDITION" insert
2 "MEDICAL".
3

4 Page 9, strike lines 5 through 27 and substitute:
5

6 ~~"(2)~~ (7) **Fees - repeal.** (a) The ~~department~~ STATE HEALTH
7 AGENCY may collect fees from patients who, pursuant to section 14 of
8 article XVIII of the state constitution, apply to the medical marijuana
9 program ~~established by such section~~ for a marijuana registry identification
10 CARD for the purpose of offsetting the ~~department's~~ STATE HEALTH
11 AGENCY'S direct and indirect costs of administering the program. The
12 amount of ~~such~~ THE fees shall be set by rule of the ~~state board of health~~
13 STATE HEALTH AGENCY. THE STATE HEALTH AGENCY SHALL ALSO
14 PROMULGATE RULES THAT ALLOW A PATIENT TO CLAIM INDIGENCE AS IT
15 RELATES TO PAYING THE FEE APPROVED PURSUANT TO THIS SUBSECTION
16 (7). THE RULES SHALL ESTABLISH THE STANDARD FOR INDIGENCE, THE
17 PROCESS THE STATE HEALTH AGENCY SHALL USE TO DETERMINE WHETHER
18 A PATIENT WHO CLAIMS INDIGENCE MEETS THE STANDARD FOR INDIGENCE,
19 AND THE PROCESS FOR GRANTING A WAIVER IF THE STATE HEALTH AGENCY
20 DETERMINES THAT THE PATIENT MEETS THE STANDARD FOR INDIGENCE.
21 All fees collected by the ~~department~~ STATE HEALTH AGENCY through the
22 medical marijuana program shall be transferred to the state treasurer who
23 shall credit the same to the medical marijuana program cash fund, which
24 fund is hereby created.
25

26 (b) (I) THE FEES COLLECTED PURSUANT TO PARAGRAPH (a) OF THIS
27 SUBSECTION (7) MAY BE USED FOR THE DIRECT AND INDIRECT COSTS TO
28 THE STATE BOARD OF MEDICAL EXAMINERS ASSOCIATED WITH
29 INVESTIGATING AND PROSECUTING UP TO FIVE OF THE REFERRALS OF
30 PHYSICIANS RECEIVED PER YEAR FROM THE STATE HEALTH AGENCY IN
31 RELATION TO THE MEDICAL MARIJUANA PROGRAM.
32

33 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2012.
34

35 ~~(3)~~ (8) **Cash fund - repeal.** (a) The medical marijuana program
36 cash fund shall be subject to annual appropriation by the general assembly
37 to the ~~department~~ STATE HEALTH AGENCY for the purpose of establishing,
38 operating, and maintaining the medical marijuana program. ~~established~~
39 ~~by section 14 of article XVIII of the state constitution.~~ All moneys
40 credited to the medical marijuana program cash fund and all interest
41 derived from the deposit of such moneys that are not expended during the
42 fiscal year shall be retained in the fund for future use and shall not be
43 credited or transferred to the general fund or any other fund.
44

45 (b) Notwithstanding any provision of paragraph (a) of this
46 subsection ~~(3)~~ (8) to the contrary, on April 20, 2009, the state treasurer
47 shall deduct two hundred fifty-eight thousand seven hundred thirty-five
48 dollars from the medical marijuana program cash fund and transfer such
49 sum to the general fund.
50

51 (c) (I) THE STATE HEALTH AGENCY SHALL TRANSFER FROM THE
52 MEDICAL MARIJUANA PROGRAM CASH FUND TO THE DEPARTMENT OF
53 REGULATORY AGENCIES FOR ALLOCATION TO THE STATE BOARD OF
54 MEDICAL EXAMINERS MONEYS TO COVER THE DIRECT AND INDIRECT COSTS
55 ASSOCIATED WITH INVESTIGATING AND PROSECUTING UP TO FIVE OF THE
56 REFERRALS OF PHYSICIANS RECEIVED PER YEAR FROM THE STATE HEALTH

1 AGENCY IN RELATION TO THE MEDICAL MARIJUANA PROGRAM.

2

3 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2012.".

4

5 Page 10, strike lines 1 and 2.

6

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

10

11 Amend rerevised bill, page 2, line 14, strike "A" and substitute "AN
12 APPROPRIATE".

13

14 Page 10, after line 2, insert:

15

16 "(9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019.".

17

18 Page 11, after line 1373

19 4 insert:

20

21 "SECTION 5. 12-36-103 (6) (a), Colorado Revised Statutes, is
22 amended to read:

23

24 **12-36-103. State board of medical examiners - immunity -**
25 **subject to termination - repeal of article.** (6) (a) (I) The provisions of
26 section 24-34-104, C.R.S., concerning the termination schedule for
27 regulatory bodies of the state unless extended as provided in that section,
28 are applicable to the Colorado state board of medical examiners created
29 by this section.

30

31 (II) THE REVIEW REQUIRED BY THIS SUBSECTION (6) SHALL
32 INCLUDE AN ANALYSIS OF PHYSICIAN RESPONSIBILITIES RELATED TO
33 RECOMMENDATIONS FOR MEDICAL MARIJUANA AND THE PROVISIONS OF
34 SECTION 25-1.5-106, C.R.S.".

35

36 Renumber succeeding sections accordingly.

37

38 Page 12, after line 19, insert:

39

40 "SECTION 7. **Severability.** If any provision of this act or the
41 application thereof to any person or circumstance is held invalid, such
42 invalidity shall not affect other provisions or applications of the act that
43 can be given effect without the invalid provision or application, and to
44 this end the provisions of this act are declared to be severable.".

45

46 Renumber succeeding section accordingly.

47

48 Respectfully submitted,

49

Senate Committee:

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(signed)

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Chris Romer

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Nancy Spence

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Pat Steadman

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House Committee:

(signed)

Tom Massey

Elizabeth McCann



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SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The Speaker has signed: SB10-082 and 155.

MESSAGE(S) FROM THE SENATE

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

SB10-190 amended as printed in Senate Journal, April 20, 2010, pages 947-948.

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

HB10-1160 amended as printed in Senate Journal, April 20, 2010, pages 953-955 and April 23, 2010.

HB10-1332 amended as printed in Senate Journal, April 20, 2010, page 953 and April 23, 2010.

MESSAGE(S) FROM THE REVISOR

We herewith transmit:

Without comment, as amended, HB10-1160 and HB 10-1332.

Without comment, as amended, SB 10-190.

**INTRODUCTION OF BILLS
First Reading**

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

HB10-1421 by Representative(s) May and Weissmann, Ferrandino, Pommer, Lambert, Gardner B., Waller; also Senator(s) King K. and Tochtrop--Concerning the decommission of a correctional facility operated by the department of corrections.

Committee on Judiciary

HB10-1422 by Representative(s) Gardner B., Kagan, Labuda, Levy, Roberts; also Senator(s) Brophy, Carroll M., Mitchell, Morse, Schwartz--Concerning the revision of statutes in the Colorado Revised Statutes, as amended, and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.

Committee on Judiciary

INTRODUCTION OF CONCURRENT RESOLUTION1
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The following resolution was read by title and referred to the committee indicated:

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

Committee on Finance
Committee on Appropriations

INTRODUCTION OF RESOLUTIONS

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

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

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

HJR10-1028 by Representative(s) Kerr A., Apuan, Benefield, Casso, Court, Hulinghorst, McCann, Merrifield, Middleton, Miklosi, Pace, Scanlan, Solano, Todd, Tyler, Vigil; also Senator(s) Williams, Bacon, Foster, Gibbs, Heath, Hudak, Johnston, Morse, Newell, Romer, Sandoval, Schwartz, Steadman, Tapia, Tochtrop--Concerning a request for the United States Congress to adopt legislation that promotes jobs and innovative energy development, heightens national energy and economic security, positions the United States to be an international leader in the field of clean energy, and addresses the consequences of climate change without preempting states' rights to control emissions or promote renewable energy.

HJR10-1029 by Representative(s) Fischer, Kefalas, Levy; also Senator(s) Bacon--Concerning the intent of the general assembly to prevent distracted driving.

1 The following resolutions were read by title and referred to the
2 committees indicated:

3
4 **HJR10-1030** by Representative(s) Swalm, Gerou; also Senator(s)
5 Spence--Concerning avoiding teacher layoffs in times of
6 state fiscal emergency.
7 Committee on Education

8
9 **HJR10-1031** by Representative(s) Swalm, Balmer, Bradford, Gardner
10 C., Gerou, Kerr J., Liston, Looper, Nikkel, Roberts,
11 Stephens; also Senator(s) Kopp--Concerning a request that
12 Congress call a convention for the limited purpose of
13 considering an amendment to the United States
14 Constitution to require a balanced federal budget.
15 Committee on State, Veterans, & Military Affairs

16
17 **HR10-1008** by Representative(s) Balmer--Concerning the support of
18 Colorado Attorney General John Suthers in filing legal
19 action challenging the constitutionality of recently enacted
20 federal health care law.
21 Committee on Judiciary

22 _____
23
24
25 **NOTICE OF CALENDARED ITEM(S)**

26
27 On motion of Representative Weissmann, the following bill(s) will be
28 calendared for Second reading on April 26: **HB10-1113, 1285, 1360,**
29 **1374, 1402.**

30 _____
31
32
33 **LAY OVER OF CALENDAR ITEM(S)**

34
35 On motion of Representative Weissmann, the following item(s) on the
36 Calendar (was)were laid over until April 26, retaining place on Calendar:

37
38 Consideration of Third Reading--**HB10-1032.**
39 Consideration of Conference Committee Report(s)--**HB10-1099, 1021.**
40 Consideration of Resolution(s)--**HJR10-1020, 1021, SJR10-025,**
41 **HJR10-1023, 1019, 1024, 1025.**
42 Consideration of Senate Amendment(s)--**HB10-1118, 1133, 1147, 1149,**
43 **1328.**

44 _____
45
46 On motion of Representative Weissmann, the House adjourned until
47 10:00 a.m., April 26, 2010.

48
49 Approved:
50 TERRANCE D. CARROLL,
51 Speaker

52 Attest:
53 MARILYN EDDINS,
54 Chief Clerk

