

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

Sixty-third Legislative Day

Tuesday, March 16, 2010

1 Prayer by Ernest House Sr., Shaman, Ute Mountain Ute's, Cortez.

2

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

4

5 Pledge of Allegiance led by Nidal Khamis, Stein Elementary, Lakewood.

6

7 The roll was called with the following result:

8

9 Present--62

10 Excused--Representative(s) Acree, Kagan, Kerr A.--3.

11 Present after roll call--Representative(s) Acree.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Kefalas, the reading of the journal of
17 March 15, 2010, was declared dispensed with and approved as corrected
18 by the Chief Clerk.

19

20

21

22

THIRD READING OF BILL(S)--FINAL PASSAGE

23

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

28

29 **HB10-1119** by Representative(s) Ferrandino, Carroll T., Court,
30 Fischer, Gagliardi, Hullinghorst, Kerr A., Labuda, Levy,
31 Merrifield, Middleton, Pace, Pommer, Primavera, Rice,
32 Scanlan, Schafer S., Solano, Todd, Weissmann; also
33 Senator(s) Shaffer B., Boyd, Steadman--Concerning the
34 process by which the state annually allocates moneys for
35 its budget and, in connection therewith, anticipating the
36 receipt of federal funds to be used therefor.

37

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

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

42

	YES	58	NO	5	EXCUSED	2	ABSENT	0
1								
2	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
3	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
4	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
5	Baumgardner	Y	Kagan	E	Merrifield	Y	Solano	Y
6	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
7	Bradford	Y	Kerr A.	E	Miklosi	Y	Soper	Y
8	Casso	Y	Kerr J.	N	Murray	Y	Stephens	Y
9	Court	Y	King S.	Y	Nikkel	N	Summers	Y
10	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
11	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
12	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
13	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
14	Frangas	Y	Looper	N	Priola	Y	Vaad	Y
15	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
16	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
17	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Casso, Curry, Frangas, Kefalas,
20 King S., Lambert, Ryden, Vaad, Vigil

21
22

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

28

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

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

33

	YES	62	NO	1	EXCUSED	2	ABSENT	0
34								
35	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
36	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
37	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
38	Baumgardner	Y	Kagan	E	Merrifield	Y	Solano	Y
39	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
40	Bradford	Y	Kerr A.	E	Miklosi	Y	Soper	Y
41	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
42	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
43	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
44	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
45	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
46	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
47	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
48	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
49	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
50	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	N
51							Speaker	Y

52 Co-sponsor(s) added: Representative(s) Ryden, Summers, Vigil

53
54
55

1 **SB10-010** by Senator(s) Boyd, Sandoval; also Representative(s)
 2 Kefalas--Concerning authorizing the department of human
 3 services to use a portion of existing appropriations to
 4 conduct an independent evaluation of the statewide
 5 strategic use fund.
 6

7 The question being "Shall the bill pass?".
 8 A roll call vote was taken. As shown by the following recorded vote, a
 9 majority of those elected to the House voted in the affirmative and the bill
 10 was declared **passed**.
 11

	YES	50	NO	13	EXCUSED	2	ABSENT	0
13	Acree	N	Gerou	Y	McFadyen	Y	Ryden	Y
14	Apuan	Y	Hullinghorst	Y	McKinley	N	Scanlan	Y
15	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
16	Baumgardner	N	Kagan	E	Merrifield	Y	Solano	Y
17	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
18	Bradford	N	Kerr A.	E	Miklosi	Y	Soper	Y
19	Casso	Y	Kerr J.	N	Murray	Y	Stephens	N
20	Court	Y	King S.	Y	Nikkel	N	Summers	Y
21	Curry	N	Labuda	Y	Pace	Y	Swalm	Y
22	DelGrosso	Y	Lambert	N	Peniston	Y	Tipton	Y
23	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
24	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
25	Frangas	N	Looper	N	Priola	Y	Vaad	Y
26	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
27	Gardner B.	Y	May	Y	Riesberg	Y	Waller	N
28	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
29							Speaker	Y

30 Co-sponsor(s) added: Representative(s) Apuan, Fischer, Gerou, Labuda
 31

32 **HB10-1259** by Representative(s) Nikkel; also Senator(s) Lundberg--
 33 Concerning amendments to the "Municipal Annexation
 34 Act of 1965" in order to conform the act to provisions of
 35 the state constitution.
 36

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

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

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

4
5 **HB10-1276** by Representative(s) Levy; also Senator(s) Mitchell--
6 Concerning the sale by a railroad company of its right-of-
7 way for the operation of a public passenger rail service.
8

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

14	YES	59	NO	4	EXCUSED	2	ABSENT	0
15	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
16	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
17	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
18	Baumgardner	N	Kagan	E	Merrifield	Y	Solano	Y
19	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
20	Bradford	Y	Kerr A.	E	Miklosi	Y	Soper	Y
21	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
22	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
23	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
24	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
25	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
26	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
27	Frangas	Y	Looper	N	Priola	Y	Vaad	Y
28	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
29	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
30	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
31							Speaker	Y

32 Co-sponsor(s) added: Representative(s) Fischer, Frangas, Labuda
33

34 **SB10-112** by Senator(s) Kopp, Carroll M.; also Representative(s)
35 Swalm--Concerning rate setting for workers'
36 compensation insurance.
37

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

43	YES	63	NO	0	EXCUSED	2	ABSENT	0
44	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
45	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
46	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
47	Baumgardner	Y	Kagan	E	Merrifield	Y	Solano	Y
48	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
49	Bradford	Y	Kerr A.	E	Miklosi	Y	Soper	Y
50	Casso	Y	Kerr J.	Y	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	Y	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

5 Co-sponsor(s) added: Representative(s) Gerou, Kerr J., Looper, Nikkel,
6 Roberts, Stephens, Summers

7
8 **SB10-163** by Senator(s) Tochtrop; also Representative(s) Kerr A.--
9 Concerning workers' compensation procedures.

10

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

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

15

16	YES	63	NO	0	EXCUSED	2	ABSENT	0
17	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
18	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
19	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
20	Baumgardner	Y	Kagan	E	Merrifield	Y	Solano	Y
21	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
22	Bradford	Y	Kerr A.	E	Miklosi	Y	Soper	Y
23	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
24	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
25	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
26	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
27	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
28	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
29	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
30	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
31	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
32	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
33							Speaker	Y

34 Co-sponsor(s) added: Representative(s) Labuda

35

36 **SB10-122** by Senator(s) Morse; also Representative(s) Weissmann--
37 Concerning the elimination of the nonprofit corporation
38 organized to be a lessor in the master lease program of the
39 state, and, in connection therewith, specifying the types of
40 entities that can be a lessor in the master lease program
41 and authorizing the executive director of the department of
42 personnel to execute documents regarding lease-purchase
43 agreements for which said nonprofit corporation was the
44 lessor.

45

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

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

50

51	YES	63	NO	0	EXCUSED	2	ABSENT	0
52	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
53	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
54	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
55	Baumgardner	Y	Kagan	E	Merrifield	Y	Solano	Y
56	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y

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

13 Co-sponsor(s) added: Representative(s) Gerou, Priola

14
15
16 **HB10-1210** by Representative(s) Weissmann, Carroll T., May; also
17 Senator(s) Morse, Shaffer B., Penry--Concerning the
18 redistricting process.

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

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

43 Co-sponsor(s) added: Representative(s) Court, Labuda, Merrifield, Priola,
44 Stephens, Todd, Vigil

45
46
47 **HB10-1249** by Representative(s) Labuda and Primavera; also
48 Senator(s) Johnston, Hudak--Concerning expedited
49 residential foreclosure sales.

50
51 The question being "Shall the bill pass?".
52 A roll call vote was taken. As shown by the following recorded vote, a
53 majority of those elected to the House voted in the affirmative and the bill
54 was declared **passed**.

	YES	61	NO	2	EXCUSED	2	ABSENT	0
1								
2	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
3	Apuan	Y	Hullinghorst	Y	McKinley	N	Scanlan	Y
4	Balmer	Y	Judd	N	McNulty	Y	Schafer S.	Y
5	Baumgardner	Y	Kagan	E	Merrifield	Y	Solano	Y
6	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
7	Bradford	Y	Kerr A.	E	Miklosi	Y	Soper	Y
8	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
9	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
10	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
11	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
12	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
13	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
14	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
15	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
16	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
17	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Apuan, Ferrandino, Fischer, Merrifield,
 20 Middleton, Miklosi, Peniston, Schafer S., Todd, Speaker

21
 22 **SB10-037** by Senator(s) Kester; also Representative(s) Casso--
 23 Concerning an increase in the amounts payable from the
 24 horse breeders' and owners' awards and supplemental
 25 purse fund for costs of administration.
 26

27 The question being "Shall the bill pass?".
 28 A roll call vote was taken. As shown by the following recorded vote, a
 29 majority of those elected to the House voted in the affirmative and the bill
 30 was declared **passed**.
 31

	YES	62	NO	0	EXCUSED	2	ABSENT	1
33	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
34	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
35	Balmer	Y	Judd	Y	McNulty	-	Schafer S.	Y
36	Baumgardner	Y	Kagan	E	Merrifield	Y	Solano	Y
37	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
38	Bradford	Y	Kerr A.	E	Miklosi	Y	Soper	Y
39	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
40	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
41	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
42	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
43	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
44	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
45	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
46	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
47	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
48	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
49							Speaker	Y

50 Co-sponsor(s) added: Representative(s) Looper, McKinley

51
 52 **SB10-102** by Senator(s) Gibbs; also Representative(s) Fischer--
 53 Concerning the certification of users of prescribed fire
 54 according to standards established by the Colorado state
 55 forest service.
 56

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

	YES	33	NO	29	EXCUSED	2	ABSENT	1
7	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
8	Apuan	Y	Hullinghorst	Y	McKinley	N	Scanlan	Y
9	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
10	Baumgardner	N	Kagan	E	Merrifield	Y	Solano	Y
11	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
12	Bradford	N	Kerr A.	E	Miklosi	Y	Soper	Y
13	Casso	Y	Kerr J.	N	Murray	N	Stephens	N
14	Court	Y	King S.	N	Nikkel	N	Summers	N
15	Curry	N	Labuda	Y	Pace	Y	Swalm	N
16	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N
17	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
18	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
19	Frangas	Y	Looper	N	Priola	N	Vaad	N
20	Gagliardi	Y	Massey	N	Rice	-	Vigil	Y
21	Gardner B.	N	May	N	Riesberg	Y	Waller	N
22	Gardner C.	N	McCann	Y	Roberts	N	Weissmann	Y
23							Speaker	Y

24 Co-sponsor(s) added: Representative(s) Hullinghorst, Pace, Pommer, Ryden,
 25 Todd

26
 27 **HB10-1166** by Representative(s) Kefalas, Casso, Fischer, Frangas,
 28 Gagliardi, Hullinghorst, Primavera, Tyler, Vigil; also
 29 Senator(s) Newell--Concerning the use of plain language
 30 in insurance policies.

31
 32 The question being "Shall the bill pass?".
 33 A roll call vote was taken. As shown by the following recorded vote, a
 34 majority of those elected to the House voted in the affirmative and the bill
 35 was declared **passed**.

	YES	51	NO	12	EXCUSED	2	ABSENT	0
38	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
39	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
40	Balmer	Y	Judd	Y	McNulty	N	Schafer S.	Y
41	Baumgardner	N	Kagan	E	Merrifield	Y	Solano	Y
42	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
43	Bradford	Y	Kerr A.	E	Miklosi	Y	Soper	Y
44	Casso	Y	Kerr J.	N	Murray	N	Stephens	Y
45	Court	Y	King S.	N	Nikkel	Y	Summers	Y
46	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
47	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	Y
48	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
49	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
50	Frangas	Y	Looper	Y	Priola	Y	Vaad	N
51	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
52	Gardner B.	N	May	N	Riesberg	Y	Waller	N
53	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
54							Speaker	Y

55 Co-sponsor(s) added: Representative(s) Apuan, Labuda, Merrifield, Middleton,
 56 Miklosi, Pace, Priola, Scanlan, Schafer S., Solano, Todd, Speaker

1 **SB10-116** by Senator(s) Kopp, Tochtrop, Carroll M., Scheffel, Tapia,
 2 Whitehead, Williams, Renfroe; also Representative(s)
 3 Rice and Priola, Benefield, Casso, Gagliardi, Gerou,
 4 Kefalas, Kerr J., Liston, Middleton, Pommer, Riesberg,
 5 Soper, Vaad--Concerning the reimbursement of costs
 6 incurred on change orders in public works contracts.

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

	YES	63	NO	0	EXCUSED	2	ABSENT	0
14	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
15	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
16	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
17	Baumgardner	Y	Kagan	E	Merrifield	Y	Solano	Y
18	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
19	Bradford	Y	Kerr A.	E	Miklosi	Y	Soper	Y
20	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
21	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
22	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
23	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
24	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
25	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
26	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
27	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
28	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
29	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
30							Speaker	Y

31 Co-sponsor(s) added: Representative(s) Apuan, Labuda, Schafer S.

32
 33 **SB10-158** by Senator(s) Newell, Bacon, Carroll M., Gibbs, Heath,
 34 Hodge, Hudak, Johnston, Keller, Kester, Lundberg,
 35 Morse, Romer, Sandoval, Schwartz, Spence, Steadman,
 36 Tapia, Tochtrop, White, Whitehead, Williams; also
 37 Representative(s) Rice, Ryden--Concerning the creation of
 38 the creative industries division within the Colorado office
 39 of economic development, and, in connection therewith,
 40 recodifying the statutory provisions that create the
 41 Colorado office of film, television, and media, the council
 42 on creative industries, and the art in public places
 43 program.

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

	YES	48	NO	15	EXCUSED	2	ABSENT	0
51	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
52	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
53	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
54	Baumgardner	Y	Kagan	E	Merrifield	Y	Solano	Y
55	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
56	Bradford	Y	Kerr A.	E	Miklosi	Y	Soper	Y

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

12 Co-sponsor(s) added: Representative(s) Court, Frangas, Kefalas, Labuda,
 13 Massey, Merrifield, Middleton, Riesberg, Todd, Vigil

14
 15 **SB10-031** by Senator(s) Scheffel; also Representative(s) Rice--
 16 Concerning a prohibition against the inclusion of facilities
 17 that offer gambling-related activities in a regional tourism
 18 project for purposes of the "Colorado Regional Tourism
 19 Act".

20
 21 The question being "Shall the bill pass?".
 22 A roll call vote was taken. As shown by the following recorded vote, a
 23 majority of those elected to the House voted in the affirmative and the bill
 24 was declared **passed**.

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

44 Co-sponsor(s) added: Representative(s) Frangas, Murray, Priola

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 48
 49 On motion of Representative Frangas, the House resolved itself into
 50 Committee of the Whole for consideration of General Orders, and he was
 51 called to the Chair to act as Chairman.

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GENERAL ORDERS--SECOND READING OF BILLS

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

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

SB10-082 by Senator(s) Whitehead; also Representative(s) Roberts-- Concerning the Southern Ute Indian tribe/state of Colorado environmental commission, and, in connection therewith, repealing term limits applicable to the commission and repealing a moot condition related to the repeal of the commission.

Amendment No. 1, Health & Human Services Report, dated March 8, 2010, and placed in member's bill file; Report also printed in House Journal, March 9, page 720.

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

HB10-1234 by Representative(s) Primavera--Concerning the fair settlement of claims for benefits under an insurance policy.

Laid over until March 19, retaining place on Calendar.

HB10-1353 by Representative(s) Pommer, Ferrandino, Lambert; also Senator(s) Keller, Tapia, White--Concerning financial savings through the alignment of eligibility for the old age pension program with eligibility for other public benefit programs, and, in connection therewith, aligning the waiting period for the old age pension with the waiting period for other public benefit programs, including the enforcement of financial responsibility requirements for relative sponsors of noncitizens, crediting to the general fund of sales and use tax revenue that was previously required to be credited to the supplemental OAP health and medical program fund, and making an appropriation.

Laid over until March 17, retaining place on Calendar.

SB10-027 by Senator(s) Sandoval; also Representative(s) Roberts-- Concerning a fine for the unauthorized diversion of surface water.

Amendment No. 1, Agriculture, Livestock and Natural Resources Report, dated March 10, 2010, and placed in member's bill file; Report also printed in House Journal, March 11, page 745.

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

1 **HB10-1104** by Representative(s) Looper; also Senator(s) Williams,
2 Penry--Concerning authorization for the establishment of
3 a veterans treatment court program in judicial districts.
4

5 Amendment No. 1, Judiciary Report, dated February 26, 2010, and placed
6 in member's bill file; Report also printed in House Journal, March 1,
7 page 614.
8

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

12 **HB10-1149** by Representative(s) Hullinghorst; also Senator(s) Foster--
13 Concerning the regulation prior to disposal of sources that
14 emit radiation.
15

16 Laid over until March 17, retaining place on Calendar.
17

18 **HB10-1215** by Representative(s) Waller, Baumgardner, McCann,
19 Miklosi, Nikkel, Priola; also Senator(s) Scheffel--
20 Concerning the use of cash bond deposits after the
21 discharge of the bond to satisfy outstanding court-ordered
22 debts.
23

24 Amendment No. 1, Judiciary Report, dated February 25, 2010, and placed
25 in member's bill file; Report also printed in House Journal, February 26,
26 page 597.
27

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

31 **HB10-1241** by Representative(s) Casso; also Senator(s) Tochtrop--
32 Concerning required registration for persons who work on
33 fire suppression systems.
34

35 Laid over until March 17, retaining place on Calendar.
36

37 **HB10-1260** by Representative(s) Riesberg and Acree, Gerou, Kefalas,
38 Roberts, Tyler; also Senator(s) Boyd and Newell--
39 Concerning the sunset review of the Colorado state board
40 of medical examiners, and, in connection therewith,
41 continuing the board and the regulation of physicians and
42 physician assistants until July 1, 2019, and implementing
43 the recommendations contained in the sunset review and
44 report of the board.
45

46 Amendment No. 1, Health & Human Services Report, dated
47 February 25, 2010, and placed in member's bill file; Report also printed
48 in House Journal, February 26, pages 580-588.
49

50 Amendment No. 2, Appropriations Report, dated March 12, 2010, and
51 placed in member's bill file; Report also printed in House Journal,
52 March 12, pages 768-769.
53

54 Amendment No. 3, by Representative(s) Riesberg.
55 Amend the Health and Human Services Committee Report, dated
56 February 25, 2010, page 8, strike lines 15 and 16 and substitute:

1 "Page 26, line 10, strike "and 12-36-106 (3) (b) and (5) (b) (I)," and
2 substitute "12-36-106 (3) (b) and (5) (b) (I), the introductory portion to
3 12-36-106 (5) (b) (II), and 12-36-106 (5) (b) (II) (B),".
4

5 Amendment No. 4, by Representative(s) Riesberg.
6

7 Amend the Health and Human Services Committee Report, dated
8 February 25, 2010, page 10, line 5, strike "(1) (b) and (1) (d)," and
9 substitute "(1) (b), (1) (d), and (1) (f),".
10

11 Page 10, after line 33 insert:
12

13 "(f) The president shall be a shareholder and a director and, to the
14 extent possible, all other directors and officers shall be persons having the
15 qualifications described in paragraph (d) of this subsection (1). Lay
16 directors and officers shall not exercise any authority whatsoever over the
17 independent medical judgment of persons licensed by the board to
18 practice medicine in this state. Notwithstanding sections 7-108-103 to
19 7-108-106, C.R.S., relating to the terms of office and classification of
20 directors, a professional service corporation for the practice of medicine
21 may provide in the articles of incorporation or the bylaws that the
22 directors may have terms of office of up to six years and that the directors
23 may be divided into ~~either two or three classes, each class to be as nearly~~
24 ~~equal in number as possible,~~ with the terms of each class staggered to
25 provide for the periodic ~~but not less than annual,~~ election of less than all
26 the directors. Nothing in this article shall be construed to cause a
27 professional service corporation to be vicariously liable to a patient or
28 third person for the professional negligence or other tortious conduct of
29 a physician who is a shareholder or employee of a professional service
30 corporation."
31

32 Amendment No. 5, by Representative(s) Riesberg.
33

34
35 Amend printed bill, page 12, strike line 6 and substitute:
36

37 "(2) The".
38

39 Page 12, line 7, strike "SUBSECTION (2), the".
40

41 Page 12, strike lines 21 through 27.
42

43 Page 13, strike lines 1 through 3.
44

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

48
49 **HB10-1291** by Representative(s) Priola, Acree, Apuan, Balmer,
50 Bradford, Kerr J., King S., Labuda, Levy, Liston, Looper,
51 Massey, McCann, McFadyen, McNulty, Middleton,
52 Murray, Nikkel, Sonnenberg, Stephens, Swalm, Waller;
53 also Senator(s) Newell, Hodge, Mitchell--Concerning the
54 elimination of certain witness fees.
55

1 Amendment No. 1, Appropriations Report, dated March 12, 2010, and
2 placed in member's bill file; Report also printed in House Journal,
3 March 12, page 769.

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

7
8 **HB10-1335** by Representative(s) Massey and Scanlan--Concerning the
9 authorization of boards of cooperative services as school
10 food authorities, and, in connection therewith, creating the
11 BOCES healthy food grant program.

12
13 Amendment No. 1, Education Report, dated February 25, 2010, and
14 placed in member's bill file; Report also printed in House Journal,
15 February 26, page 577.

16
17 As amended, ordered engrossed and placed on the Calendar for Third
18 Reading and Final Passage.

19
20 **HB10-1336** by Representative(s) Schafer S.; also Senator(s) Newell--
21 Concerning expenditures to be made by the department of
22 public safety.

23
24 Laid over until March 19, retaining place on Calendar.

25
26 **HB10-1274** by Representative(s) Schafer S., Massey, Benefield,
27 Merrifield, Middleton, Miklosi, Murray, Peniston, Priola,
28 Solano, Stephens, Tipton, Todd; also Senator(s) Johnston,
29 Carroll M., Keller, King K., Newell, Penry, Spence,
30 Steadman--Concerning successful transitions back to the
31 public school system for juveniles in out-of-home
32 placement who have demonstrated behavior that is
33 detrimental to the safety or welfare of themselves or others
34 during the previous twelve months.

35
36 Laid over until March 19, retaining place on Calendar.

37
38 **HB10-1342** by Representative(s) Levy, Benefield, Court, Ferrandino,
39 Fischer, Gagliardi, Hulinghorst, Kagan, Merrifield,
40 Peniston, Pommer, Primavera, Solano, Tyler; also
41 Senator(s) Williams, Newell--Concerning measures to
42 encourage additional investment in solar energy generation
43 facilities, and, in connection therewith, authorizing the
44 creation of community solar gardens.

45
46 Laid over until March 19, retaining place on Calendar.

47
48 **HB10-1351** by Representative(s) Ferrandino, Apuan, Casso, Curry,
49 Gagliardi, Hulinghorst, Kerr A., McCann, Merrifield,
50 Miklosi, Pace, Pommer, Ryden, Scanlan, Solano, Tyler,
51 Vigil; also Senator(s) Romer, Carroll M., Foster, Keller,
52 Morse--Concerning the maximum authorized interest rate
53 for a payday loan.

54
55 Laid over until March 17, retaining place on Calendar.

56

1 **SB10-119** by Senator(s) Shaffer B.; also Representative(s) May--
 2 Concerning payments made to members of the general
 3 assembly in connection with the performance of their
 4 legislative duties.

5
 6 Ordered revised and placed on the Calendar for Third Reading and Final
 7 Passage.

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 12 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

13
 14 Passed Second Reading: **SB10-082 amended, 027 amended, HB10-1104**
 15 **amended, 1215 amended, 1260 amended, 1291 amended, 1335**
 16 **amended, SB10-119.**

17
 18 Laid over until date indicated retaining place on Calendar: **HB10-1353,**
 19 **1149, 1241, 1351--**March 17, 2010.
 20 **HB10-1234, 1336, 1274, 1342--**March 19, 2010.

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

26

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

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House in recess. House reconvened.

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REPORT(S) OF COMMITTEE(S) OF REFERENCE

HEALTH & HUMAN SERVICES

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

SB10-006 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 6, line 12, strike "AND".

Page 6, after line 12 insert:

"(III) IF, AT THE TIME THE PETITION IS FILED, THE APPLICANT IS IN CUSTODY OF THE DEPARTMENT OF CORRECTIONS, UNDER AN ORDER FOR PROBATION OR COMMUNITY CORRECTIONS, OR INCARCERATED IN A COUNTY JAIL, THE APPLICANT SHALL PROVIDE WRITTEN NOTICE TO THE SUPERVISING AGENCY THAT HE OR SHE IS REQUESTING A CHANGE OF NAME UNDER THIS SECTION; AND".

Renumber succeeding subparagraph accordingly.

SB10-007 be referred to the Committee of the Whole with favorable recommendation.

SB10-068 be referred favorably to the Committee on Appropriations.

JUDICIARY

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

HB10-1094 be postponed indefinitely.

SB10-063 be referred to the Committee of the Whole with favorable recommendation.

SB10-130 be referred to the Committee of the Whole with favorable recommendation.

PRINTING REPORT

The Chief Clerk reports the following bill has been correctly printed:
HB10-1365.

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SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HB10-1023, 1037, 1071, 1090, 1097, 1175, 1203, 1223, 1321.**

MESSAGE(S) FROM THE SENATE

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

- SB10-020 amended as printed in Senate Journal, March 15, 2010, pages 542-543.
- SB10-087 amended as printed in Senate Journal, March 15, 2010, pages 543-545.

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

- HB10-1107 amended as printed in Senate Journal, March 15, 2010, page 542.
 - HB10-1008 amended as printed in Senate Journal, March 15, 2010, page 542.
-

MESSAGE(S) FROM THE REVISOR

We herewith transmit:
Without comment, as amended, HB10-1107 and 1008.
Without comment, as amended, SB10-020 and 087.

MESSAGE(S) FROM THE GOVERNOR

I certify I received the following on the 15th day of March, 2010, at 4:20 p.m. The original is on file in the records of the House of Representatives of the General Assembly.

Marilyn Eddins,
Chief Clerk of the House

March 15, 2010

To the Honorable House of Representatives
Sixty-seventh General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

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

1 **HB10-1110** CONCERNING PAYMENT OF EXPENSES OF THE
2 LEGISLATIVE DEPARTMENT.

3

4

Approved March 15, 2010 at 2:04 p.m.

5

6

Sincerely,

7

(signed)

8

Bill Ritter, Jr.

9

Governor

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NOTICE OF CALENDARED ITEM(S)

14

15

On motion of Representative Weissmann, the following bill(s) will be
16 calendared for Second Reading on March 19, 2010: **SB10-007, 063, 130.**

17

18

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LAY OVER OF CALENDAR ITEM(S)

21

22

On motion of Representative Weissmann, the following item(s) on the
23 Calendar (was)were laid over until March 17, retaining place on
24 Calendar:

25

26

Consideration of Resolution(s)--**HJR10-1015.**

27

Consideration of Senate Amendment(s)--**HB10-1021, 1085, 1099.**

28

29

30

On motion of Representative Weissmann, the House adjourned until
31 9:30 a.m., March 17, 2010.

32

33

Approved:

34

TERRANCE D. CARROLL,

35

Speaker

36

Attest:

37

MARILYN EDDINS,

38

Chief Clerk