

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

Ninetieth Legislative Day

Monday, April 12, 2010

1 Prayer by Pastor Curtis Miller, Worship Center, Brighton.
2
3 The Speaker called the House to order at 10:00 a.m.
4
5 Pledge of Allegiance led by Daniel Admasu, Chidera Agwu, Monae
6 Bishop, Sydney Cunningham, Loyola School, Denver.
7
8 The roll was called with the following result:
9
10 Present--63.
11 Excused--Representative(s) Curry, Massey--2.

12
13 The Speaker declared a quorum present.
14
15

16 On motion of Representative McCann, the reading of the journal of
17 April 9, 2010, was declared dispensed with and approved as corrected by
18 the Chief Clerk.
19
20

THIRD READING OF BILL(S)--FINAL PASSAGE

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

27
28 **SB10-100** by Senator(s) Schwartz, Carroll M., Foster, Gibbs, Heath,
29 Newell, Romer; also Representative(s) Miklosi--
30 Concerning greater financing flexibility for local districts
31 organized for purposes related to energy.
32

33 As shown by the following roll call vote, a majority of all members
34 elected to the House voted in the affirmative, and Representative Miklosi
35 was given permission to offer a Third Reading amendment:
36

	YES	61	NO	2	EXCUSED	2	ABSENT	0
38	Acree	N	Gerou	Y	McFadyen	Y	Ryden	Y
39	Apuan	Y	Hullingerhorst	Y	McKinley	Y	Scanlan	Y
40	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
41	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
42	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
43	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y

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

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

14
15 Amend revised bill, page 2, line 5, strike "**Definitions - repeal.**" and
16 substitute "**Definitions.**".

17
18 Page 3, strike lines 17 and 18 and substitute "NOT TAKE EFFECT, THERE
19 SHALL BE NO QUALIFIED COMMUNITY LOCATIONS IN THE SERVICE
20 TERRITORIES OF INVESTOR-OWNED UTILITIES."

21
22 Page 5, line 5, strike "PROPERTY AND" and substitute "PROPERTY,".

23
24 Page 5, line 6, strike "THEREOF." and substitute "THEREOF, AND THE
25 PENALTY FOR DEFAULT PROVIDED IN SECTION 30-20-615 CLEARLY
26 STATING THAT DEFAULT, LIKE THE PENALTIES THAT EXIST FOR DEFAULT ON
27 ANY MORTGAGE OR ANY OTHER SPECIAL ASSESSMENT, MAY RESULT IN THE
28 LOSS OF THE APPLICANT'S HOME."

29
30 Page 10, line 18, strike "**Definitions - repeal.**" and substitute
31 "**Definitions.**".

32
33 Page 11, strike lines 8 and 9 and substitute "NOT TAKE EFFECT, THERE
34 SHALL BE NO QUALIFIED COMMUNITY LOCATIONS IN THE SERVICE
35 TERRITORIES OF INVESTOR-OWNED UTILITIES."

36
37 Page 12, line 9, strike "PROPERTY AND" and substitute "PROPERTY,".

38
39 Page 12, line 10, strike "THEREOF." and substitute "THEREOF, AND THE
40 PENALTY FOR DEFAULT PROVIDED IN SECTION 31-25-530 CLEARLY
41 STATING THAT DEFAULT, LIKE THE PENALTIES THAT EXIST FOR DEFAULT ON
42 ANY MORTGAGE OR ANY OTHER SPECIAL ASSESSMENT, MAY RESULT IN THE
43 LOSS OF THE APPLICANT'S HOME."

44
45 The amendment was declared **passed** by the following roll call vote:

47	YES	63	NO	0	EXCUSED	2	ABSENT	0
48	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
49	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
50	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
51	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
52	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
53	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
54	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
55	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
56	Curry	E	Labuda	Y	Pace	Y	Swalm	Y

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

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

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

33 Co-sponsor(s) added: Representative(s) Apuan, Frangas, Labuda, Levy,
 34 Merrifield, Pace, Pommer, Schafer S., Solano, Tyler, Vigil.

35
 36 **SB10-175** by Senator(s) Boyd; also Representative(s) Riesberg--
 37 Concerning the relocation of provisions relating to
 38 behavioral health.

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

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

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

7 Co-sponsor(s) added: Representative(s) Gerou, Schafer S., Todd, Vigil.

8
9 **SB10-094** by Senator(s) Steadman, Bacon, Newell, Schwartz, Boyd,
10 Carroll M., Foster, Heath, Hudak, Johnston, Romer,
11 Spence, Tapia, Tochtrop, Whitehead, Williams; also
12 Representative(s) Rice, Benefield, Ferrandino, Fischer,
13 Frangas, Gagliardi, Hullinghorst, Kerr A., Labuda,
14 Massey, McFadyen, Merrifield, Middleton, Miklosi,
15 Peniston, Ryden, Scanlan, Schafer S., Solano, Todd, Vigil--
16 -Concerning the definition of capital construction
17 appropriation for purposes of the art in public places
18 program administered by the state council on the arts.
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	42	NO	21	EXCUSED	2	ABSENT	0
26	Acree	N	Gerou	Y	McFadyen	Y	Ryden	Y
27	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
28	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
29	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
30	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
31	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
32	Casso	Y	Kerr J.	N	Murray	N	Stephens	Y
33	Court	Y	King S.	N	Nikkel	N	Summers	N
34	Curry	E	Labuda	Y	Pace	Y	Swalm	N
35	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N
36	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
37	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
38	Frangas	Y	Looper	N	Priola	Y	Vaad	N
39	Gagliardi	Y	Massey	E	Rice	Y	Vigil	Y
40	Gardner B.	N	May	Y	Riesberg	Y	Waller	N
41	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
42							Speaker	Y

43 Co-sponsor(s) added: Representative(s) Apuan, Pace, Pommer, Riesberg.

44
45 **SB10-172** by Senator(s) Steadman, Foster, Hudak, Johnston, Kester,
46 Newell, Sandoval; also Representative(s) Primavera--
47 Concerning the continuation of voluntary contribution
48 designation lines on state individual income tax forms for
49 certain funds set to expire January 1, 2011.
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**.

55

	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	N	Judd	Y	McNulty	Y	Schafer S.	Y
5	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
6	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
7	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
8	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
9	Court	Y	King S.	Y	Nikkel	N	Summers	Y
10	Curry	E	Labuda	Y	Pace	Y	Swalm	Y
11	DelGrosso	Y	Lambert	N	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	Y	Priola	Y	Vaad	Y
15	Gagliardi	Y	Massey	E	Rice	Y	Vigil	Y
16	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
17	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	N
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Frangas.

20
 21 **SB10-174** by Senator(s) Schwartz, Gibbs, Whitehead; also
 22 Representative(s) Massey and Scanlan--Concerning the
 23 regulation of the development of geothermal resources.
 24

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

26 A roll call vote was taken. As shown by the following recorded vote, a
 27 majority of those elected to the House voted in the affirmative and the bill
 28 was declared **passed**.
 29

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

48 Co-sponsor(s) added: Representative(s) Apuan, Court, Fischer, Labuda,
 49 Merrifield, Pace, Peniston, Priola, Summers.
 50

51 **HB10-1392** by Representative(s) Benefield; also Senator(s) Johnston--
 52 Concerning the membership of the government data
 53 advisory board.
 54

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

56 A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative and the bill
2 was declared **passed**.

	YES	51	NO	12	EXCUSED	2	ABSENT	0
5	Acree	N	Gerou	Y	McFadyen	Y	Ryden	Y
6	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
7	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
8	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
9	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
10	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
11	Casso	Y	Kerr J.	N	Murray	Y	Stephens	N
12	Court	Y	King S.	N	Nikkel	Y	Summers	Y
13	Curry	E	Labuda	Y	Pace	Y	Swalm	Y
14	DelGrosso	Y	Lambert	N	Peniston	Y	Tipton	Y
15	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
16	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
17	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
18	Gagliardi	Y	Massey	E	Rice	Y	Vigil	Y
19	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
20	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
21							Speaker	Y

22 Co-sponsor(s) added: Representative(s) Kagan.

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

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

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

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

40
41 **HB10-1390** by Representative(s) Pommer, Ferrandino, Lambert; also
42 Senator(s) White, Keller, Tapia--Concerning the general
43 fund reserve required for the 2010-11 state fiscal year.

44
45 Laid over until April 13, retaining place on Calendar.

46
47 **HB10-1051** by Representative(s) Pommer; also Senator(s) Whitehead--
48 Concerning additional information regarding covered
49 entities' water efficiency plans.

50
51 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
52 dated April 7, 2010, and placed in member's bill file; Report also printed
53 in House Journal, April 8, pages 1139-1140.

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

- 1 **HB10-1394** by Representative(s) Rice; also Senator(s) Scheffel--
2 Concerning professional liability insurance policies issued
3 to construction professionals.
4
5 Laid over until April 13, retaining place on Calendar.
6
7 **SB10-166** by Senator(s) Bacon, Schwartz; also Representative(s)
8 Riesberg and Sonnenberg, McFadyen--Concerning the
9 authority of the executive director of the department of
10 personnel to enter into lease-purchase agreements.
11
12 Amendment No. 1, Business Affairs & Labor Report, dated April 7, 2010,
13 and placed in member's bill file; Report also printed in House Journal,
14 April 8, pages 1147-1153.
15
16 As amended, ordered revised and placed on the Calendar for Third
17 Reading and Final Passage.
18
19 **SB10-176** by Senator(s) Tochtrop; also Representative(s) Gagliardi--
20 Concerning the requirements for inclusion of a
21 professional nurse on the advanced practice nurse registry.
22
23 Ordered revised and placed on the Calendar for Third Reading and Final
24 Passage.
25
26 **HB10-1234** by Representative(s) Primavera--Concerning the fair
27 settlement of claims for benefits under an insurance
28 policy.
29
30 Laid over until April 16, retaining place on Calendar.
31
32 **HB10-1358** by Representative(s) Fischer, Apuan, Court, Frangas,
33 Gagliardi, Hullinghorst, Kagan, Kefalas, Kerr A., Labuda,
34 Levy, Merrifield, Middleton, Pace, Peniston, Primavera,
35 Ryden, Solano, Todd, Tyler, Vigil, Weissmann; also
36 Senator(s) Johnston, Bacon, Hodge, Steadman, Tapia,
37 Williams--Concerning a requirement for new home
38 builders to offer home buyers water efficiency options.
39
40 Amendment No. 1, Transportation & Energy Report, dated April 6, 2010,
41 and placed in member's bill file; Report also printed in House Journal,
42 April 7, pages 1132-1134.
43
44 Amendment No. 2, by Representative(s) Gerou.
45
46 Amend printed bill, page 4, after line 22 insert:
47
48 "(3) NOTHING IN THIS SECTION SHALL PRECLUDE A HOMEOWNER
49 FROM USING GRAY WATER FOR LANDSCAPING AND GARDENING
50 PURPOSES."
51
52 Renumber succeeding subsections accordingly.
53
54 As amended, ordered engrossed and placed on the Calendar for Third
55 Reading and Final Passage.
56
-

1 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

2
3 Passed Second Reading: **HB10-1051 amended, SB10-166 amended,**
4 **176, HB10-1358 amended.**

5
6 Laid over until date indicated retaining place on Calendar: **HB10-1390,**
7 **1394--April 13, 2010.**

8 **HB10-1234--April 16, 2010.**

9
10 The Chairman moved the adoption of the Committee of the Whole
11 Report. As shown by the following roll call vote, a majority of those
12 elected to the House voted in the affirmative, and the Report was
13 **adopted.**

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

33
34
35
36 **MESSAGE(S) FROM THE SENATE**

37
38 The Senate has adopted and transmits herewith: SJR10-030.

39
40
41 The Senate has adopted and transmits herewith:

42
43 **SJR10-029** amended as printed in Senate Journal, April 12, 2010.

44
45
46
47 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

48
49 On motion of Representative Weissmann, the rules were suspended and
50 the following resolution was given immediate consideration.

51
52 **SJR10-030** by Senator(s) Bacon, Carroll M., Foster, Hudak, Shaffer
53 B.; also Representative(s) Kefalas--Concerning the
54 declaration of April 11th through 18th, 2010, as
55 "Holocaust Awareness Week".

56

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

2

3 On motion of Representative Kefalas, the resolution was read at length
4 and **adopted** by **viva voce** vote.

5

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

15

16

17 House in recess. House reconvened.

18

19

20 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

21

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

24

25 **SJR10-029** by Senator(s) Spence; also Representative(s) Swalm--
26 Concerning the recognition of organ and tissue donors
27 through the observation of "Donate Life Colorado Month".

28

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

30

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

33

34 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Apuan,
35 Balmer, Baumgardner, Benefield, Bradford, Casso, Court, DelGrosso,
36 Ferrandino, Fischer, Frangas, Gagliardi, Gardner B., Gardner C., Gerou,
37 Hullinghorst, Judd, Kagan, Kefalas, Kerr A., Kerr J., King S., Labuda, Lambert,
38 Levy, Liston, Looper, May, McCann, McFadyen, McKinley, McNulty,
39 Merrifield, Middleton, Miklosi, Murray, Nikkel, Pace, Peniston, Pommer,
40 Primavera, Priola, Rice, Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano,
41 Sonnenberg, Soper, Stephens, Summers, Tipton, Todd, Tyler, Vaad, Vigil,
42 Waller, Weissmann, Speaker.

43

44

45 House in recess. House reconvened.

46

47

48

49 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
50 **on SB10-109**

51

52 This Report Amends the Rerevised Bill.

53

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

56

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

5
6 1. That the Senate accede to the House amendments made to the
7 bill, as the amendments appear in the rerevised bill, with the following
8 changes:

9
10 Amend rerevised bill, page 6, line 1, before "CONDITION" insert
11 "MEDICAL".

12
13 Page 7, after line 5, insert:

14
15 **"(4) Patients eighteen to twenty-three years of age.** (a) A
16 PATIENT WHO IS AT LEAST EIGHTEEN YEARS OF AGE BUT LESS THAN
17 TWENTY-THREE YEARS OF AGE, UNLESS THE PATIENT IS LEGALLY
18 EMANCIPATED OR IS A DISABLED VETERAN OF MILITARY SERVICE, WHO
19 INITIALLY APPLIES TO BE PLACED ON THE CONFIDENTIAL REGISTRY OF
20 MEDICAL MARIJUANA PATIENTS, OR WHO APPLIES AFTER THE EFFECTIVE
21 DATE OF THIS SUBSECTION (4) FOR THE FIRST RENEWAL OF HIS OR HER
22 REGISTRY STATUS, SHALL PROVIDE TO THE STATE HEALTH AGENCY
23 WRITTEN RECOMMENDATIONS FOR MEDICAL MARIJUANA USE FROM TWO
24 PHYSICIANS WHO ARE IN GOOD STANDING AND WHO HAVE ADVISED THE
25 PATIENT AT SEPARATE APPOINTMENTS. EACH RECOMMENDATION SHALL
26 STATE THAT THE PHYSICIAN HAS DIAGNOSED THE PATIENT AS HAVING A
27 DEBILITATING MEDICAL CONDITION AND HAS ADVISED THE PATIENT THAT
28 THE PATIENT MIGHT BENEFIT FROM THE MEDICAL USE OF MEDICAL
29 MARIJUANA IN CONNECTION WITH THE DEBILITATING MEDICAL CONDITION.

30
31 (b) A PATIENT WHO CLAIMS INDIGENCE MAY APPLY TO THE STATE
32 HEALTH AGENCY FOR A WAIVER OF THE SECOND PHYSICIAN
33 RECOMMENDATION REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (4)
34 PURSUANT TO RULES OF THE STATE HEALTH AGENCY PROMULGATED
35 PURSUANT TO SUBSECTION (8) OF THIS SECTION."

36
37 Renumber succeeding subsections accordingly.

38
39 Page 9, strike lines 5 through 27 and substitute:

40
41 **"(2)(8) Fees.** The ~~department~~ STATE HEALTH AGENCY may collect
42 fees from patients who, pursuant to section 14 of article XVIII of the state
43 constitution, apply to the medical marijuana program ~~established by such~~
44 ~~section~~ for a ~~marijuana~~ registry identification CARD for the purpose of
45 offsetting the ~~department's~~ STATE HEALTH AGENCY'S direct and indirect
46 costs of administering the program, AND THE STATE BOARD OF MEDICAL
47 EXAMINERS' DIRECT AND INDIRECT COSTS ASSOCIATED WITH
48 INVESTIGATING AND PROSECUTING REFERRALS OF PHYSICIANS FROM THE
49 STATE HEALTH AGENCY IN RELATION TO THE MEDICAL MARIJUANA
50 PROGRAM. The amount of ~~such~~ THE fees shall be set by rule of the ~~state~~
51 ~~board of health~~ STATE HEALTH AGENCY. THE STATE HEALTH AGENCY
52 SHALL ALSO PROMULGATE RULES THAT ALLOW A PATIENT TO CLAIM
53 INDIGENCE AS IT RELATES TO PAYING THE FEE APPROVED PURSUANT TO
54 THIS SUBSECTION (8) AND AS IT RELATES TO WAIVER OF THE REQUIREMENT
55 OF A SECOND PHYSICIAN RECOMMENDATION PURSUANT TO SUBSECTION (4)
56 OF THIS SECTION. THE RULES SHALL ESTABLISH THE STANDARD FOR

1 INDIGENCE, THE PROCESS THE STATE HEALTH AGENCY SHALL USE TO
 2 DETERMINE WHETHER A PERSON WHO CLAIMS INDIGENCE MEETS THE
 3 STANDARD FOR INDIGENCE, AND THE PROCESS FOR GRANTING A WAIVER
 4 IF THE STATE HEALTH AGENCY DETERMINES THAT THE PATIENT MEETS THE
 5 STANDARD FOR INDIGENCE. All fees collected by the ~~department~~ STATE
 6 HEALTH AGENCY through the medical marijuana program shall be
 7 transferred to the state treasurer who shall credit the same to the medical
 8 marijuana program cash fund, which fund is hereby created.
 9

10 ~~(3)~~ (9) **Cash fund.** (a) The medical marijuana program cash fund
 11 shall be subject to annual appropriation by the general assembly to the
 12 ~~department~~ STATE HEALTH AGENCY for the purpose of establishing,
 13 operating, and maintaining the medical marijuana program. ~~established~~
 14 ~~by section 14 of article XVIII of the state constitution.~~ THE STATE
 15 HEALTH AGENCY SHALL TRANSFER FROM THE MEDICAL MARIJUANA
 16 PROGRAM CASH FUND TO THE DEPARTMENT OF REGULATORY AGENCIES
 17 FOR THE BENEFIT OF THE STATE BOARD OF MEDICAL EXAMINERS MONEYS
 18 TO COVER THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH
 19 INVESTIGATING AND PROSECUTING REFERRALS OF PHYSICIANS FROM THE
 20 STATE HEALTH AGENCY IN RELATION TO THE MEDICAL MARIJUANA
 21 PROGRAM. All moneys credited to the medical marijuana program cash
 22 fund and all interest derived from the deposit of such moneys that are not
 23 expended during the fiscal year shall be retained in the fund for future use
 24 and shall not be credited or transferred to the general fund or any other
 25 fund.
 26

27 (b) Notwithstanding any provision of paragraph (a) of this
 28 subsection ~~(3)~~ (9) to the contrary, on April 20, 2009, the state treasurer
 29 shall deduct two hundred fifty-eight thousand seven hundred thirty-five
 30 dollars from the medical marijuana program cash fund and transfer such
 31 sum to the general fund."
 32

33 Page 10, strike lines 1 and 2.
 34

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

39 Amend rerevised bill, page 12, after line 19 insert:
 40

41 **"SECTION 6. Severability.** If any provision of this act or the
 42 application thereof to any person or circumstance is held invalid, such
 43 invalidity shall not affect other provisions or applications of the act that
 44 can be given effect without the invalid provision or application, and to
 45 this end the provisions of this act are declared to be severable."
 46

47 Renumber succeeding section accordingly.
 48

49 Respectfully submitted,

50 Senate Committee:

51 (signed)

52 Chris Romer

53 Nancy Spence

54 Michael Johnston

55

56

House Committee:

(signed)

Tom Massey

Beth McCann

Joe Rice

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The Speaker has signed: SB10-007, 008, 016, 041, 043, 055, 068, 079, 088, 138, 140, 147, 154; SJR10-021, 028.

MESSAGE(S) FROM THE SENATE

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

SB10-169 amended as printed in Senate Journal, April 8, 2010, page 802.

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

HB10-1388 amended as printed in Senate Journal, April 8, 2010, page 800 and April 9, 2010.

HB10-1384 amended as printed in Senate Journal, April 8, 2010, page 800.

HB10-1383 amended as printed in Senate Journal, April 8, 2010, pages 800-801.

HB10-1381 amended as printed in Senate Journal, April 8, 2010, page 801.

HB10-1379 amended as printed in Senate Journal, April 8, 2010, page 801.

HB10-1378 amended as printed in Senate Journal, April 8, 2010, page 801.

HB10-1386 amended as printed in Senate Journal, April 8, 2010, pages 801-802.

HB10-1385 amended as printed in Senate Journal, April 8, 2010, page 802.

The Senate has passed on Third Reading and returns herewith:

HB10-1389, HB10-1382, HB10-1380, HB10-1377.

The Senate has voted to concur in House amendments to SB10-047, SB10-038, SB10-099, SB10-098, SB10-155, SB10-062, SB10-066, SB10-075, SB10-152, SB10-111 and repassed the bills as amended.

In response to the request of the House for a Conference Committee on HB10-1376, the President appoints Senators Keller, chair, Tapia and White. The Senate has granted permission to the First Conference Committee to go beyond the scope of the differences between the two houses.

In response to the request of the House for a Conference Committee on HB10-1171, the President appoints Senators Steadman, chair, Hudak and King.

1 In response to the request of the House for a Conference Committee on
2 HB10-1369, the President appoints Senators Bacon, chair, King and
3 Steadman. The Senate has granted permission to the First Conference
4 Committee on HB10-1369 to go beyond the scope of the differences
5 between the two houses.

6

7

8

9

MESSAGE(S) FROM THE REVISOR

10

11 We herewith transmit:

12 Without comment, as amended, HB10-1388, 1384, 1383, 1381, 1379,
13 1378, 1386, and 1385.

14 Without comment, as amended, SB10-169.

15

16

17

18

INTRODUCTION OF MEMORIAL

19

20 The following memorial was read by title and laid over until
21 April 19, 2010 under the rules:

22

23 **HM10-1004** by Representative(s) King S., Bradford--Memorializing
24 former Representative Edward F. Carpenter.

25

26

27

28

LAY OVER OF CALENDAR ITEM(S)

29

30 On motion of Representative Weissmann, the following item(s) on the
31 Calendar (was)were laid over until April 13, retaining place on Calendar:

32

33 Consideration of Resolution(s)--**HJR10-1020, 1021.**

34 Consideration of Senate Amendment(s)--**HB10-1188.**

35

36

37 On motion of Representative Weissmann, the House adjourned until
38 9:00 a.m., April 13, 2010.

39

40

41

42

Approved:
TERRANCE D. CARROLL,
Speaker

43 Attest:

44 MARILYN EDDINS,

45 Chief Clerk

