

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

Eighty-fifth Legislative Day

Wednesday, April 7, 2010

1 Prayer by Chaplain Major Arthur Ford, Civil Air Patrol.  
2  
3 The Speaker called the House to order at 9:00 a.m.  
4  
5 Pledge of Allegiance led by Nick Devries, Kelli Nasseth, Julia Ross,  
6 Keely Jester, Sam Crockett, Timber Trails Elementary, Castle Pines.  
7  
8 The roll was called with the following result:  
9  
10 Present--64.  
11 Excused--Representative(s) Stephens--1.  
12 Present after roll call--Representative(s) Stephens.  
13

14 The Speaker declared a quorum present.  
15  
16

17 On motion of Representative Levy, the reading of the journal of  
18 April 6, 2010, was declared dispensed with and approved as corrected by  
19 the Chief Clerk.  
20  
21

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

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  
29 **HB10-1209** by Representative(s) Balmer; also Senator Gibbs--  
30 Concerning authorization to place voluntarily an identifier  
31 of a branch of the United States armed forces on certain  
32 identification documents issued by the department of  
33 revenue, and making an appropriation therefor.  
34

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

	YES	61	NO	4	EXCUSED	0	ABSENT	0
41	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
42	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
43	Balmer	Y	Judd	N	McNulty	Y	Schafer S.	Y

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

15 Co-sponsor(s) added: Representative(s) Casso, Court, Gardner B., Gerou,  
 16 Kefalas, Looper, Nikkel, Summers, Swalm, Todd, Speaker.

17

18

19

20

21 On motion of Representative Kerr A., the House resolved itself into  
 22 Committee of the Whole for consideration of General Orders, and he was  
 23 called to the Chair to act as Chairman.

24

25

## 26 **GENERAL ORDERS--SECOND READING OF BILLS**

27

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

32

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

35

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

39

40 Laid over until April 12, retaining place on Calendar.

41

42 **HB10-1351** by Representative(s) Ferrandino, Apuan, Casso, Curry,  
 43 Gagliardi, Hullinghorst, Kerr A., McCann, Merrifield,  
 44 Miklosi, Pace, Pommer, Ryden, Scanlan, Solano, Tyler,  
 45 Vigil; also Senator(s) Romer, Carroll M., Foster, Keller,  
 46 Morse--Concerning the maximum authorized interest rate  
 47 for a payday loan.

48

49 Rereferred to the Committee on Judiciary.

50

51 **SB10-100** by Senator(s) Schwartz, Carroll M., Foster, Gibbs, Heath,  
 52 Newell, Romer; also Representative(s) Miklosi--  
 53 Concerning greater financing flexibility for local districts  
 54 organized for purposes related to energy.

55

1 Amendment No. 1, Transportation & Energy Report, dated  
2 March 23, 2010, and placed in member's bill file; Report also printed in  
3 House Journal, March 25, pages 961-962.

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

6  
7 Amend the Transportation and Energy Committee Report, dated March  
8 23, 2010, page 1, line 17, strike ""WITHIN" and substitute ""THE  
9 CONTRACT OR AGREEMENT SHALL NOTE THE EXISTENCE OF ANY FIRST  
10 PRIORITY MORTGAGE OR DEED OF TRUST ON THE PROPERTY AND THE  
11 IDENTITY OF THE RECORD HOLDER THEREOF. WITHIN".

12  
13 Page 2, line 1, before "HOLDER" insert "RECORD".

14  
15 Page 2, line 11, before "WITHIN" insert "THE CONTRACT OR AGREEMENT  
16 SHALL NOTE THE EXISTENCE OF ANY FIRST PRIORITY MORTGAGE OR DEED  
17 OF TRUST ON THE PROPERTY AND THE IDENTITY OF THE RECORD HOLDER  
18 THEREOF.".

19  
20 Page 2, line 13, before "HOLDER" insert "RECORD".

21  
22 As amended, ordered revised and placed on the Calendar for Third  
23 Reading and Final Passage.

24  
25 **SB10-114** by Senator(s) Carroll M.; also Representative(s)  
26 Weissmann--Concerning the "Colorado Taxpayer  
27 Transparency Act of 2010".

28  
29 Laid over until April 12, retaining place on Calendar.

30  
31 **SB10-060** by Senator(s) Morse, Carroll M., Mitchell, Schwartz; also  
32 Representative(s) Labuda, Gardner B., Kagan, Levy,  
33 Roberts--Concerning implementation of recommendations  
34 of the committee on legal services in connection with  
35 legislative review of rules and regulations of state  
36 agencies.

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

40  
41

42  
43 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

44  
45 Passed Second Reading: **SB10-100 amended, 060.**

46  
47 Laid over until date indicated retaining place on Calendar: **HB10-1390,**  
48 **SB10-114**--April 12, 2010.

49  
50 Rereferred to Committee indicated: **HB10-1351**--Judiciary.

51  
52 The Chairman moved the adoption of the Committee of the Whole  
53 Report. As shown by the following roll call vote, a majority of those  
54 elected to the House voted in the affirmative, and the Report was  
55 **adopted.**

56



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	38	NO	27	EXCUSED	0	ABSENT	0
7	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
8	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
9	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
10	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
11	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
12	Bradford	N	Kerr A.	Y	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	Y	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	Y	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) Pommer, Vigil.

25  
 26 **HB10-1029** by Representative(s) Acree, Looper, Primavera, Todd; also  
 27 Senator(s) Keller, Steadman--Concerning agreements for  
 28 the purchase of medical goods.

29  
 30 (Amended as printed in Senate Journal, April 1, pages 741-742.)

31  
 32 Representative Acree moved that the House **concur** in Senate  
 33 amendments. The motion was declared **passed** by the following roll call  
 34 vote:

	YES	65	NO	0	EXCUSED	0	ABSENT	0
37	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
38	Apuan	Y	Hullinghorst	Y	McKinley	Y	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	Y
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	Y	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	65	NO	0	EXCUSED	0	ABSENT	0
7	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
8	Apuan	Y	Hullinghorst	Y	McKinley	Y	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	Y
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	Y	Weissmann	Y
23							Speaker	Y

24 Co-sponsor(s) added: Representative(s) Court, Kefalas, Stephens.

25  
 26 **HB10-1164** by Representative(s) Kerr A., Ferrandino, Scanlan, Solano;  
 27 also Senator(s) Tochtrop, Romer--Concerning service of  
 28 process in actions concerning incidents that may be  
 29 covered by a motor vehicle insurance policy.

30  
 31 (Amended as printed in Senate Journal, April 1, page 742.)

32  
 33 Representative Kerr A., moved that the House **concur** in Senate  
 34 amendments. The motion was declared **passed** by the following roll call  
 35 vote:

	YES	57	NO	8	EXCUSED	0	ABSENT	0
38	Acree	Y	Gerou	Y	McFadyen	N	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	Y	Merrifield	Y	Solano	Y
42	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
43	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
44	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
45	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
46	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
47	DelGrosso	Y	Lambert	Y	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	N	Vaad	Y
51	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
52	Gardner B.	N	May	Y	Riesberg	Y	Waller	N
53	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	N
54							Speaker	Y

55  
 56

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	42	NO	23	EXCUSED	0	ABSENT	0
7	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
8	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
9	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
10	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
11	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
12	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
13	Casso	Y	Kerr J.	N	Murray	N	Stephens	Y
14	Court	Y	King S.	N	Nikkel	N	Summers	Y
15	Curry	Y	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	Y	Vigil	Y
21	Gardner B.	N	May	N	Riesberg	Y	Waller	N
22	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
23							Speaker	Y

24  
 25  
 26 **HB10-1213** by Representative(s) Acree, Roberts; also Senator(s)  
 27 Keller--Concerning the elimination of an individualized  
 28 plan for a person with developmental disabilities who is on  
 29 the waiting list for services.

30  
 31 (Amended as printed in Senate Journal, April 1, pages 740-741.)

32  
 33 Representative Acree moved that the House **concur** in Senate  
 34 amendments. The motion was declared **passed** by the following roll call  
 35 vote:

	YES	65	NO	0	EXCUSED	0	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	Y	Schafer S.	Y
41	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
42	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
43	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
44	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
45	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
46	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
47	DelGrosso	Y	Lambert	Y	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	Y
51	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
52	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
53	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
54							Speaker	Y

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	64	NO	1	EXCUSED	0	ABSENT	0
7	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
8	Apuan	Y	Hullinghorst	Y	McKinley	Y	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	Y
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	Y	Weissmann	N
23							Speaker	Y

24 Co-sponsor(s) added: Representative(s) Court, Gerou, Kefalas, King S., Vigil.

25  
 26  
 27 **HB10-1276** by Representative(s) Levy; also Senator(s) Mitchell--  
 28 Concerning the sale by a railroad company of its right-of-  
 29 way for the operation of a public passenger rail service.

30  
 31 (Amended as printed in Senate Journal, April 1, page 741.)

32  
 33 Representative Levy moved that the House **concur** in Senate  
 34 amendments. The motion was declared **passed** by the following roll call  
 35 vote:

	YES	65	NO	0	EXCUSED	0	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	Y	Schafer S.	Y
41	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
42	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
43	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
44	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
45	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
46	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
47	DelGrosso	Y	Lambert	Y	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	Y
51	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
52	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
53	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
54							Speaker	Y

55  
 56



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	54	NO	11	EXCUSED	0	ABSENT	0
7	Acree	N	Gerou	Y	McFadyen	Y	Ryden	Y
8	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
9	Balmer	N	Judd	Y	McNulty	Y	Schafer S.	Y
10	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
11	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
12	Bradford	N	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	N
16	DelGrosso	Y	Lambert	N	Peniston	Y	Tipton	N
17	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
18	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
19	Frangas	Y	Looper	N	Priola	Y	Vaad	Y
20	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
21	Gardner B.	N	May	Y	Riesberg	Y	Waller	Y
22	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
23							Speaker	Y

24 Co-sponsor(s) added: Representative(s) Schafer S., Vigil.

25  
 26  
 27 House in recess. House reconvened.  
 28  
 29

### 30 31 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

#### 32 **BUSINESS AFFAIRS & LABOR**

33 After consideration on the merits, the Committee recommends the  
 34 following:  
 35

36  
 37 **HB10-1356** be postponed indefinitely.

38  
 39  
 40 **SB10-094** be amended as follows, and as so amended, be referred to  
 41 the Committee of the Whole with favorable  
 42 recommendation:  
 43

44 Amend reengrossed bill, page 5, after line 22 insert:

45 "**SECTION 4.** 24-48.5-312 (3) (a), Colorado Revised Statutes,  
 46 as amended by Senate Bill 10-158, is amended to read:  
 47

48 **24-48.5-312. [Formerly 24-80.5-101] Art in public places**  
 49 **program - allocations from capital construction costs - guidelines -**  
 50 **fund created - definitions - repeal.** (3) (a) (I) EXCEPT AS PROVIDED IN  
 51 SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), each capital construction  
 52 appropriation for a public construction project shall include as a  
 53 nondeductible item an allocation of not less than one percent of the  
 54 STATE FUNDED PORTION OF THE TOTAL capital construction costs to be  
 55 used for the acquisition of works of art. ~~except that the requirements~~  
 56 ~~specified in this subparagraph (I) shall not apply to:~~

- 1           ~~(A) Capital construction appropriations covered by section~~  
2 ~~24-48.5-313;~~  
3
- 4           ~~(B) Agricultural facilities where livestock are housed or~~  
5 ~~agricultural products are grown;~~  
6
- 7           ~~(C) The diagnostic center located in the city and county of~~  
8 ~~Denver;~~  
9
- 10          ~~(D) The facilities authorized by section 1 of Senate Bill 86-101,~~  
11 ~~enacted in 1986;~~  
12
- 13          ~~(E) The Front Range community college - Larimer campus,~~  
14 ~~Mount Antero and Blanca Peak buildings renovation, phase 2 of 2;~~  
15
- 16          ~~(F) The Pueblo community college - industrial~~  
17 ~~technology/technical education renovation, phase 1 of 2 and phase 2 of~~  
18 ~~2;~~  
19
- 20          ~~(G) The Morgan community college - automotive programs~~  
21 ~~relocation, phase 1 of 2 and phase 2 of 2;~~  
22
- 23          ~~(H) The Fort Lewis college - exercise science/athletic facilities,~~  
24 ~~phase 1 of 2 and phase 2 of 2;~~  
25
- 26          ~~(I) Department of public safety - Colorado state patrol, Grand~~  
27 ~~Junction troop office construction;~~  
28
- 29          ~~(J) Department of public safety - Colorado state patrol, Castle~~  
30 ~~Rock troop office construction - office portion only; and~~  
31
- 32          ~~(K) Department of personnel - North campus upgrades.~~  
33
- 34          ~~(II) Notwithstanding the provisions of subparagraph (I) of this~~  
35 ~~paragraph (a), the percentage of the capital construction costs for the~~  
36 ~~juvenile detention and juvenile commitment beds authorized by sections~~  
37 ~~15 and 16 of House Bill 94-1340, enacted in 1994, and sections 25, 26,~~  
38 ~~and 27 of House Bill 95-1352, enacted in 1995, allocated to acquisition~~  
39 ~~of works of art shall be one-tenth of one percent. It is the intent of the~~  
40 ~~general assembly that these allocations be utilized to acquire artworks~~  
41 ~~produced by residents of the state's juvenile facilities. EXCEPT AS~~  
42 ~~PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), COMMENCING~~  
43 ~~AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (a), AS AMENDED, ANY~~  
44 ~~CAPITAL CONSTRUCTION PROJECT THAT IS THE SUBJECT OF A~~  
45 ~~LEASE-PURCHASE AGREEMENT, AS DEFINED IN SECTION 24-82-801 (4),~~  
46 ~~THAT PROVIDES FOR LEASE PAYMENTS FROM MONEYS THAT HAVE BEEN~~  
47 ~~APPROPRIATED IN FULL OR IN PART BY THE STATE SHALL INCLUDE AS A~~  
48 ~~NONDEDUCTIBLE ITEM IN THE PROJECT BUDGET AN ALLOCATION OF NOT~~  
49 ~~LESS THAN ONE PERCENT OF THE TOTAL CONSTRUCTION COSTS TO BE USED~~  
50 ~~FOR THE ACQUISITION OF WORKS OF ART.~~  
51
- 52          ~~(III) THE REQUIREMENTS SPECIFIED IN THIS PARAGRAPH (a) SHALL~~  
53 ~~NOT APPLY TO:~~  
54
- 55          ~~(A) CAPITAL CONSTRUCTION APPROPRIATIONS COVERED BY~~  
56 ~~SECTION 24-48.5-313;~~

1 (B) AGRICULTURAL FACILITIES WHERE LIVESTOCK ARE HOUSED  
2 OR AGRICULTURAL PRODUCTS ARE GROWN;  
3

4 (C) CAPITAL CONSTRUCTION APPROPRIATIONS FOR CONTROLLED  
5 MAINTENANCE AS DEFINED IN SECTION 24-30-1301 (2);  
6

7 (D) ANY LEASE-PURCHASE AGREEMENTS ENTERED INTO BY THE  
8 STATE TREASURER ON BEHALF OF THE STATE PURSUANT TO ARTICLE 43.7  
9 OF TITLE 22, C.R.S.;

10  
11 (E) ANY CONSTRUCTION BY THE COLORADO DEPARTMENT OF  
12 PUBLIC HEALTH AND ENVIRONMENT FOR CLEANUP AND REDEVELOPMENT  
13 OF CONTAMINATED SITES; AND  
14

15 (F) ANY STATE APPROPRIATION FOR CHARTER SCHOOL CAPITAL  
16 CONSTRUCTION PURSUANT TO PART 4 OF ARTICLE 30.5 OF TITLE 22, C.R.S.  
17

18 **SECTION 5.** 24-82-801, Colorado Revised Statutes, is amended  
19 BY THE ADDITION OF A NEW SUBSECTION to read:  
20

21 **24-82-801. Lease-purchase agreements for acquisition of real**  
22 **or personal property.** (8) ALL LEASE-PURCHASE AGREEMENTS  
23 DESCRIBED IN SECTION 24-48.5-312 (3) (a) (II) SHALL INCLUDE THE TERMS  
24 SPECIFIED IN SAID SECTION."  
25

26 Page 5, strike lines 23 through 27.  
27

28 Strike page 6 and substitute:  
29

30 **"SECTION 6. Act subject to petition - effective date.**  
31 (1) Except as otherwise provided in subsection (2) of this section, this  
32 act shall take effect at 12:01 a.m. on the day following the expiration of  
33 the ninety-day period after final adjournment of the general assembly  
34 (August 11, 2010, if adjournment sine die is on May 12, 2010); except  
35 that, if a referendum petition is filed pursuant to section 1 (3) of article  
36 V of the state constitution against this act or an item, section, or part of  
37 this act within such period, then the act, item, section, or part shall not  
38 take effect unless approved by the people at the general election to be  
39 held in November 2010 and shall take effect on the date of the official  
40 declaration of the vote thereon by the governor.

41 (2) This act shall take effect either upon the applicable effective  
42 date of this act or upon the applicable effective date of Senate Bill  
43 10-158, whichever is later; except that:  
44

45 (a) Sections 2 and 3 of this act shall not take effect if Senate Bill  
46 10-158 is enacted and becomes law;  
47

48 (b) Sections 4 and 5 of this act shall take effect only if Senate  
49 Bill 10-158 is enacted and becomes law."  
50

51  
52  
53 **SB10-120** be referred favorably to the Committee on Appropriations.  
54  
55  
56

1 **FINANCE**

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

4  
5 **SB10-172** be referred to the Committee of the Whole with favorable  
6 recommendation.

7  
8  
9  
10  
11 **LOCAL GOVERNMENT**

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

14  
15 **HCR10-1001** be postponed indefinitely.

16  
17  
18 **SB10-174** be referred to the Committee of the Whole with favorable  
19 recommendation.

20  
21  
22  
23  
24 **STATE, VETERANS, & MILITARY AFFAIRS**

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

27  
28 **HB10-1366** be amended as follows, and as so amended, be referred to  
29 the Committee on Finance with favorable  
30 recommendation:

31  
32 Amend printed bill, page 2, strike lines 2 through 10.

33  
34 Renumber succeeding sections accordingly.

35  
36 Page 2, line 18, strike "AS DEFINED".

37  
38 Page 2, strike line 19 and substitute "PURSUANT TO SECTION 1-4-905,  
39 PART 1 OF ARTICLE 12 OF TITLE 1, SECTION 1-40-112, PART 2 OF ARTICLE  
40 2 OF TITLE 31, PART 5 OF ARTICLE 4 OF TITLE 31, PART 3 OF ARTICLE 10 OF  
41 TITLE 31, ARTICLE 11 OF TITLE 31, PART 1 OF ARTICLE 12 OF TITLE 31, AND  
42 PART 4 OF ARTICLE 4 OF TITLE 32, C.R.S."

43  
44 Page 2, line 23, strike "AS".

45  
46 Page 2, strike line 24 and substitute "PURSUANT TO SECTION 1-4-905,  
47 PART 1 OF ARTICLE 12 OF TITLE 1, SECTION 1-40-112, PART 2 OF ARTICLE  
48 2 OF TITLE 31, PART 5 OF ARTICLE 4 OF TITLE 31, PART 3 OF ARTICLE 10 OF  
49 TITLE 31, ARTICLE 11 OF TITLE 31, PART 1 OF ARTICLE 12 OF TITLE 31, AND  
50 PART 4 OF ARTICLE 4 OF TITLE 32, C.R.S."

51  
52 Page 3, line 8, strike "AS DEFINED IN SECTION".

53  
54 Page 3, strike line 9 and substitute "PURSUANT TO SECTION 1-4-905, PART  
55 1 OF ARTICLE 12 OF TITLE 1, SECTION 1-40-112, PART 2 OF ARTICLE 2 OF  
56 TITLE 31, PART 5 OF ARTICLE 4 OF TITLE 31, PART 3 OF ARTICLE 10 OF TITLE

1 31, ARTICLE 11 OF TITLE 31, PART 1 OF ARTICLE 12 OF TITLE 31, AND PART  
2 4 OF ARTICLE 4 OF TITLE 32, C.R.S."  
3  
4  
5

6 **HB10-1370** be amended as follows, and as so amended, be referred to  
7 the Committee on Appropriations with favorable  
8 recommendation:  
9

10 Amend printed bill, page 3, line 27, strike "10-\_\_\_\_," and substitute  
11 "10-1370,".  
12  
13  
14

15 **HB10-1392** be referred to the Committee of the Whole with favorable  
16 recommendation.  
17  
18  
19  
20

21 **TRANSPORTATION & ENERGY**

22 After consideration on the merits, the Committee recommends the  
23 following:  
24

25 **HB10-1331** be amended as follows, and as so amended, be referred to  
26 the Committee on Appropriations with favorable  
27 recommendation:  
28

29 Amend printed bill, page 5, line 17, strike "ON".  
30

31 Page 5, strike line 18 and substitute "THE GOVERNOR'S".  
32

33 Page 7, line 23, strike "OFFICE,".  
34

35 Page 7, strike lines 24 and 25 and substitute "OFFICE".  
36

37 Page 8, strike lines 5 through 7 and substitute:

38 **"SECTION 2. Act subject to petition - effective date.** This act  
39 shall take effect at 12:01 a.m. on the day following the expiration of the  
40 ninety-day period after final adjournment of the general assembly (August  
41 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a  
42 referendum petition is filed pursuant to section 1 (3) of article V of the  
43 state constitution against this act or an item, section, or part of this act  
44 within such period, then the act, item, section, or part shall not take effect  
45 unless approved by the people at the general election to be held in  
46 November 2010 and shall take effect on the date of the official  
47 declaration of the vote thereon by the governor."  
48  
49  
50

51 **HB10-1349** be amended as follows, and as so amended, be referred to  
52 the Committee on Appropriations with favorable  
53 recommendation:  
54

55 Amend printed bill, page 2, line 9, after "THE" insert "DIVISION OF PARKS  
56 AND OUTDOOR RECREATION IN THE".

- 1 Page 2, line 10, strike "RESOURCES OR OTHER STATE AGENCIES" and  
2 substitute "RESOURCES, ALSO REFERRED TO IN THIS SECTION AS THE  
3 "DIVISION",".  
4
- 5 Page 3, strike lines 1 through 3 and substitute "GENERATION PROJECTS".  
6
- 7 Page 3, line 6, strike "DEPARTMENT OF NATURAL RESOURCES" and  
8 substitute "DIVISION".  
9
- 10 Page 3, line 7, strike "OR OTHER STATE AGENCIES".  
11
- 12 Page 3, strike lines 9 and 10 and substitute "40-2-124, C.R.S.".   
13
- 14 Page 3, strike lines 14 and 15 and substitute "GENERATION DEVELOPMENT  
15 AREAS;".  
16
- 17 Page 3, line 23, after "ACCEPT" insert "PUBLIC AND".  
18
- 19 Page 4, line 3, after "OF" insert "MONEYS IN".  
20
- 21 Page 4, strike line 8 and substitute "GENERAL FUND".  
22
- 23 Page 4, line 21, strike "ACCOUNT" and substitute "FUND".  
24
- 25 Page 5, line 2, strike "**director.**" and substitute "**director - repeal.**".  
26
- 27 Page 5, line 16, strike "DEPARTMENT OF NATURAL RESOURCES" and  
28 substitute "DIVISION".  
29
- 30 Page 5, strike lines 17 and 18 and substitute:  
31 "(b) TO DEMONSTRATE BEST PRACTICES IN THE EFFICIENT  
32 DEPLOYMENT OF ELIGIBLE".  
33
- 34 Page 6, strike lines 5 through 8.  
35
- 36 Reletter succeeding paragraphs accordingly.  
37
- 38 Page 6, after line 27 insert:  
39 "(4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PERMIT  
40 ANY STATE AGENCY TO MAKE RETAIL SALES OF ELECTRIC ENERGY OR TO  
41 TRANSMIT OR DISTRIBUTE ELECTRIC ENERGY BETWEEN OR AMONG STATE  
42 AGENCIES OR PROPERTIES.  
43
- 44 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020".  
45
- 46 Page 7, line 7, after "INCLUDING" insert "LAND UNDER THE CONTROL OF  
47 THE DIVISION OF PARKS AND OUTDOOR RECREATION THAT HAS".  
48  
49  
50
- 51 **HB10-1358** be amended as follows, and as so amended, be referred to  
52 the Committee of the Whole with favorable  
53 recommendation:  
54
- 55 Amend printed bill, page 2, line 17, strike everything before "QUALIFIED"  
56 and substitute "BUILDER SHALL OFFER A MODEL THAT IS".

1 Page 3, strike lines 5 through 20 and substitute:  
2

3 (III) IF LANDSCAPING IS FINANCED, INSTALLED, OR SOLD AS  
4 UPGRADES THROUGH THE HOME BUILDER AND WILL BE MAINTAINED BY  
5 THE HOME OWNER, THE HOME BUILDER SHALL OFFER A LANDSCAPE DESIGN  
6 THAT FOLLOWS THE LANDSCAPE PRACTICES SPECIFIED IN THIS  
7 SUBPARAGRAPH (III) TO ENSURE BOTH THE PROFESSIONAL DESIGN AND  
8 INSTALLATION OF SUCH LANDSCAPING AND THAT WATER CONSERVATION  
9 WILL BE ACCOMPLISHED. THESE BEST MANAGEMENT PRACTICES ARE  
10 CONTAINED IN THE DOCUMENT TITLED: "GREEN INDUSTRY BEST  
11 MANAGEMENT PRACTICES (BMP) FOR THE CONSERVATION AND  
12 PROTECTION OF WATER RESOURCES IN COLORADO, 3RD EDITION", AND  
13 APPENDIX, RELEASED IN MAY 2008, OR THIS DOCUMENT'S SUCCESSORS  
14 DUE TO FUTURE INCLUSION OF IMPROVED LANDSCAPING PRACTICES,  
15 WATER CONSERVATION ADVANCEMENTS, AND NEW IRRIGATION  
16 TECHNOLOGY. THE BEST MANAGEMENT PRACTICES SPECIFIED IN THIS  
17 SUBPARAGRAPH (III), THROUGH UTILIZATION OF THE PROPER LANDSCAPE  
18 DESIGN, INSTALLATION, AND IRRIGATION TECHNOLOGY, ACCOMPLISH  
19 SUBSTANTIAL WATER SAVINGS COMPARED TO LANDSCAPE DESIGNS,  
20 INSTALLATION, AND IRRIGATION SYSTEM UTILIZATION WHERE THESE  
21 PRACTICES ARE NOT ADHERED TO. THE FOLLOWING BEST MANAGEMENT  
22 PRACTICES AND WATER BUDGET CALCULATOR FORM THE BASIS FOR THE  
23 DESIGN AND INSTALLATION FOR THE FRONT YARD LANDSCAPING OPTION  
24 IF SELECTED BY THE HOMEOWNER AS AN UPGRADE:  
25

26 (A) XERISCAPE: TO INCLUDE THE SEVEN PRINCIPLES OF XERISCAPE  
27 THAT PROVIDE A COMPREHENSIVE APPROACH FOR CONSERVING WATER;  
28

29 (B) WATER BUDGETING: TO INCLUDE EITHER A WATER ALLOTMENT  
30 BY THE WATER UTILITY FOR THE PROPERTY OR A LANDSCAPE WATER  
31 BUDGET BASED ON PLANT WATER REQUIREMENTS;  
32

33 (C) LANDSCAPE DESIGN: TO INCLUDE A PLAN AND DESIGN FOR THE  
34 LANDSCAPE TO COMPREHENSIVELY CONSERVE WATER AND PROTECT  
35 WATER QUALITY;  
36

37 (D) LANDSCAPE INSTALLATION AND EROSION CONTROL: TO  
38 MINIMIZE SOIL EROSION AND EMPLOY PROPER SOIL CARE AND PLANTING  
39 TECHNIQUES DURING CONSTRUCTION;  
40

41 (E) SOIL AMENDMENT AND GROUND PREPARATION: TO INCLUDE AN  
42 EVALUATION OF THE SOIL AND IMPROVE, IF NECESSARY, TO ADDRESS  
43 WATER RETENTION, PERMEABILITY, WATER INFILTRATION, AERATION, AND  
44 STRUCTURE;  
45

46 (F) TREE PLACEMENT AND TREE PLANTING: TO INCLUDE PROPER  
47 SOIL AND SPACE FOR ROOT GROWTH AND TO INCLUDE PROPER PLANTING OF  
48 TREES, SHRUBS, AND OTHER WOODY PLANTS TO PROMOTE LONG-TERM  
49 HEALTH OF THESE PLANTS;  
50

51 (G) IRRIGATION DESIGN AND INSTALLATION: TO INCLUDE DESIGN  
52 OF THE IRRIGATION SYSTEM FOR THE EFFICIENT AND UNIFORM  
53 DISTRIBUTION OF WATER TO PLANT MATERIAL AND THE DEVELOPMENT OF  
54 AN IRRIGATION SCHEDULE;  
55

56 (H) IRRIGATION TECHNOLOGY AND SCHEDULING: TO INCLUDE

1 WATER CONSERVING DEVICES THAT STOP WATER APPLICATION DURING  
 2 RAIN, HIGH WIND, AND OTHER WEATHER EVENTS AND INCORPORATE  
 3 EVAPOTRANSPIRATION CONDITIONS. IRRIGATION SCHEDULING SHOULD  
 4 ADDRESS FREQUENCY AND DURATION OF WATER APPLICATION IN THE  
 5 MOST EFFICIENT MANNER; AND

6

7 (I) MULCHING: TO INCLUDE THE USE OF ORGANIC MULCHES TO  
 8 REDUCE WATER LOSS THROUGH EVAPORATION, REDUCE SOIL LOSS, AND  
 9 SUPPRESS WEEDS."

10

11 Page 4, line 26, strike "ARE NOT INTENDED TO" and substitute "SHALL  
 12 NOT".

13

14

15

16 **SB10-110** be amended as follows, and as so amended, be referred to  
 17 the Committee of the Whole with favorable  
 18 recommendation:

19

20 Amend reengrossed bill, page 5, line 4, after "in a" insert "REAR-FACING  
 21 OR".

22

23 Page 6, line 25, strike "ECONOMIC DISADVANTAGE AND".

24

25 Page 6, line 26, strike "CERTIFIED".

26

27 Page 7, strike lines 1 through 5 and substitute:

28

29 ~~"(9) No driver in a motor vehicle shall be cited for a violation of~~  
 30 ~~subparagraph (I) of paragraph (b) of subsection (2) of this section unless~~  
 31 ~~such driver was stopped by a law enforcement officer for an alleged~~  
 32 ~~violation of articles 1 to 4 of this title other than a violation of this section~~  
 33 ~~or section 42-4-237."~~

34

35 Page 7, line 8, strike "THIS SECTION" and substitute "SUBPARAGRAPH (I)  
 36 OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION".

37

38 Page 7, strike lines 12 through 15.

39

40 Page 7, line 17, strike "June" and substitute "August".

41

42

43

#### 44 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

45

46 The Speaker has signed: **HB10-1020, 1026, 1104, 1135, 1167, 1216,**  
 47 **1226, 1233, 1255, 1256, 1346; HJR10-1018; HM10-1002; SB10-009,**  
 48 **027, 032, 063, 081, 083, 102, 115, 119, 130.**

49

50

#### 51 **DELIVERY OF BILLS TO GOVERNOR**

52

53 The Chief Clerk of the House of Representatives reports the following  
 54 bill has been delivered to the Office of the Governor: **HB10-1367** at  
 55 1:46 p.m. on April 6, 2010.

56



1 The Chief Clerk of the House of Representatives reports the following  
2 bills have been delivered to the Office of the Governor: **HB10-1024,**  
3 **1025, 1030, 1034, 1044, 1054, 1057, 1085, 1115, 1123, 1132, 1140,**  
4 **1227, 1320, 1327, 1339** at 11:57 a.m. on April 7, 2010.

5

6

7

8

9

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

10 On motion of Representative Todd, the following item(s) on the Calendar  
11 (was)were laid over until April 8, retaining place on Calendar:

12

13 Consideration of Senate Amendment(s)--**HB10-1188, 1098.**

14

15

16 On motion of Representative Todd, the House adjourned until 9:00 a.m.,  
17 April 8, 2010.

18

19

20

21

22

23

24

Approved:  
TERRANCE D. CARROLL,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk

