

SENATE JOURNAL
Sixty-seventh General Assembly
STATE OF COLORADO
Second Regular Session

73rd Legislative Day Friday, March 26, 2010

Prayer By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver. 10
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Call to Order By the President at 9:00 a.m. 12
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Pledge By Senator Schwartz. 14
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Roll Call Present--30. 16
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Absent--3, Brophy, Johnston, Penry. 18
Excused--2, Keller, Kopp. 19
Present later--4, Brophy, Johnston, Kopp, Penry. 20
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Quorum The President announced a quorum present. 22
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Reading of Journal On motion of Senator Hudak, reading of the Journal of Thursday, March 25, 2010, was 24
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dispensed with and the Journal was approved as corrected by the Secretary. 26
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Senate in recess. Senate reconvened.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR10-024 by Senator(s) Tapia; also Representative(s) Frangas--Concerning recognition of "César Chávez Day". 35
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On motion of Senator Tapia, the resolution was **adopted** by the following roll call vote: 38
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YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath, Hodge, Hudak, Johnston, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White, Whitehead and Williams. 51
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COMMITTEE OF REFERENCE REPORTS
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Local Government and Energy After consideration on the merits, the Committee recommends that **HB10-1267** be referred to the Committee on Appropriations with favorable recommendation. 60
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Local Government and Energy After consideration on the merits, the Committee recommends that **HB10-1117** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar. 64
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Finance After consideration on the merits, the Committee recommends that **SB10-186** be referred to the Committee on Appropriations with favorable recommendation.

Education The Committee on Education has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBERS OF THE
BOARD OF TRUSTEES FOR
WESTERN STATE COLLEGE OF COLORADO**

effective December 31, 2009, for terms expiring December 31, 2013:

Sandra L. Mark of Gunnison, Colorado, a Democrat, reappointed;

Noelle E. Hagan of Gunnison, Colorado, a Democrat, appointed;

Gregg P. Rippy of Glenwood Springs, Colorado, a Republican, reappointed.

Education The Committee on Education has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBERS OF THE
BOARD OF TRUSTEES FOR MESA STATE COLLEGE**

effective January 1, 2010 for terms expiring December 31, 2013:

Jerome Gonzales of Grand Junction, Colorado, a Democrat and resident of Mesa County, appointed;

Cecil M. Hernandez of Aspen, Colorado, an Unaffiliated, appointed;

Dan R. Robinson of Grand Junction, Colorado, a Democrat and resident of Mesa County, appointed.

Education After consideration on the merits, the Committee recommends that **HB10-1369** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 4, line 6, strike "DETERMINE" and substitute "DETERMINE, BASED ON BUDGET PROJECTIONS,".

Page 4, line 14, strike "YEAR." and substitute "YEAR; EXCEPT THAT THE DEPARTMENT OF EDUCATION AND THE STAFF OF THE LEGISLATIVE COUNCIL SHALL MAKE MID-YEAR REVISIONS TO REPLACE PROJECTIONS WITH ACTUAL FIGURES INCLUDING, BUT NOT LIMITED TO, ACTUAL PUPIL ENROLLMENT, ASSESSED VALUATIONS, AND SPECIFIC OWNERSHIP TAX REVENUE FROM THE PRIOR YEAR, TO DETERMINE ANY NECESSARY CHANGES IN THE AMOUNT OF THE REDUCTION TO ENSURE THAT THE TOTAL PROGRAM FUNDING FOR EACH OF THE 2010-11 AND 2011-12 BUDGET YEARS DOES NOT EXCEED TWO HUNDRED SIXTY MILLION DOLLARS LESS THAN THE SUM OF THE INITIAL TOTAL PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING FUNDING FOR INSTITUTE CHARTER SCHOOLS, FOR THE 2009-10 BUDGET YEAR.".

Page 4, line 22, strike "AND" and substitute "OR".

Page 4, line 23, strike "YEARS," and substitute "YEAR, AS APPLICABLE,".

Page 4, strike line 26 and substitute "2010-11 OR 2011-12 BUDGET YEAR, AS APPLICABLE; AND".

Page 5, line 4, strike "2010-11 BUDGET YEAR" and substitute "2010-11 OR 2011-12 BUDGET YEAR, AS APPLICABLE,".

Page 5, line 11, after "YEAR," insert "AS APPLICABLE,".

Page 5, line 14, strike "YEAR;" and substitute "YEAR, AS APPLICABLE;".

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Page 5, line 17, strike "YEAR" and substitute "YEAR, AS APPLICABLE,".

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Page 5, line 18, strike "YEAR." and substitute "YEAR, AS APPLICABLE.".

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Page 5, line 23, strike "YEAR." and substitute "YEAR, AS APPLICABLE.".

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Page 5, line 27, strike "YEAR" and substitute "YEAR, AS APPLICABLE,".

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Page 6, strike lines 2 and 3 and substitute:

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"(V) FOR THE 2010-11 AND 2011-12 BUDGET YEARS, IF A DISTRICT LEVIES THE NUMBER OF MILLS".

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Page 6, line 9, strike "APPLICABLE BUDGET YEAR" and substitute "2010-11 OR 2011-12 BUDGET YEAR, AS APPLICABLE,".

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Page 6, line 13, strike "APPLICABLE BUDGET YEAR" and substitute "2010-11 OR 2011-12 BUDGET YEAR, AS APPLICABLE,".

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Trans-
portation

After consideration on the merits, the Committee recommends that **HB10-1276** be referred to the Committee of the Whole with favorable recommendation.

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Health &
Human
Services

The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

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**MEMBERS OF THE
HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD**

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for a term expiring May 15, 2011:

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Ann M. King of Denver, Colorado, a member of a statewide organization of hospitals, to fill the vacancy occasioned by the resignation of Thomas J. Nash of Denver, Colorado, appointed.

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for a term expiring May 15, 2013:

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Flora Rodriguez Russel of Lakewood, Colorado, a consumer of health care who is not a representative or an employee of a hospital, health insurance carrier, or other health care industry entity, to fill the vacancy occasioned by the resignation of Lucille Gonzales of Pueblo, Colorado, appointed.

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Health &
Human
Services

The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

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**MEMBER OF THE
MEDICAL SERVICES BOARD**

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for terms expiring July 1, 2013:

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Virginia E. Riley of Loveland, Colorado, a Democrat from the 4th Congressional District with knowledge of medical assistance programs, reappointed.

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Health &
Human
Services

The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

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**MEMBER OF THE
COLORADO TRAUMATIC BRAIN INJURY BOARD**

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for terms expiring on June 30, 2012:

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Deborah A. Boyle of Franktown, Colorado, to serve as a member of the public, appointed.

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Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB10-1042** be referred to the Committee on Finance with favorable recommendation.

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Health & Human Services

After consideration on the merits, the Committee recommends that **HB10-1138** be referred to the Committee of the Whole with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB10-1228** be referred to the Committee on Appropriations with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB10-1330** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 6, line 23, strike "FUNCTION." and substitute "FUNCTION, INCLUDING WHERE THE DATABASE SHOULD BE HOUSED.".

Health & Human Services

After consideration on the merits, the Committee recommends that **HB10-1122** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 14 through 17 and substitute "THE NEED FOR LIFE-SUSTAINING MEDICAL TREATMENT, DIRECTIVES AND INSTRUCTIONS FOR THE ADMINISTRATION OF LIFE-SUSTAINING MEDICAL TREATMENT IN THE EVENT THE ADULT LATER IS IN A TERMINAL CONDITION AND LACKS THE DECISIONAL CAPACITY TO PROVIDE INFORMED CONSENT TO, WITHDRAW FROM, OR REFUSE LIFE-SUSTAINING MEDICAL TREATMENT;".

Page 4, line 15, strike "TREATMENT" and substitute "MEDICAL TREATMENT IN THE EVENT OF A TERMINAL CONDITION".

Page 6, after line 25 insert:

"(11) (a) "LIFE-SUSTAINING MEDICAL TREATMENT" MEANS ANY MEDICAL TREATMENT THAT, IF ADMINISTERED TO A PATIENT, WOULD SERVE ONLY TO PROLONG THE DYING PROCESS.

(b) "LIFE-SUSTAINING MEDICAL TREATMENT" SHALL NOT INCLUDE:

(I) ANY MEDICAL TREATMENT FOR NOURISHMENT OF A PATIENT, INCLUDING BUT NOT LIMITED TO ARTIFICIAL NUTRITION OR HYDRATION, UNLESS SUCH NOURISHMENT IS NO LONGER ADEQUATE TO SUSTAIN BODILY LIFE.

(II) ANY MEDICAL TREATMENT THAT A PATIENT'S ATTENDING PHYSICIAN CONSIDERS TO BE NECESSARY TO PROVIDE COMFORT OR ALLEVIATE PAIN.".

Page 6, line 26, strike "(11)" and substitute "(12)".

Page 7, after line 5 insert:

"(13) "TERMINAL CONDITION" MEANS AN INCURABLE OR IRREVERSIBLE CONDITION FOR WHICH THE ADMINISTRATION OF LIFE-SUSTAINING MEDICAL TREATMENT WILL SERVE ONLY TO POSTPONE THE MOMENT OF DEATH.".

Page 8, strike line 8 and substitute "SECTIONS 15-18.7-105, 15-18.7-107 (1), AND 15-18.7-108, EMERGENCY MEDICAL".

Page 11, line 26, strike "15-18.7-110 (3)," and substitute "15-18.7-111 (3),".

Page 13, line 4, strike "15-18.7-110 (3)," and substitute "15-18.7-111 (3),".

Page 13, after line 14 insert:

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"15-18.7-108. Withdrawal - withholding of life-sustaining medical treatment. IN THE EVENT THAT AN ATTENDING PHYSICIAN IS PRESENTED WITH AN UNREVOKED MEDICAL ORDERS FOR SCOPE OF TREATMENT FORM EXECUTED BY AN ADULT WHOM THE PHYSICIAN BELIEVES HAS A TERMINAL CONDITION, WHICH FORM AUTHORIZES THE WITHDRAWAL OR WITHHOLDING OF LIFE-SUSTAINING MEDICAL TREATMENT IN THE EVENT THAT THE ADULT IS IN A TERMINAL CONDITION AND LACKS THE DECISIONAL CAPACITY TO PROVIDE INFORMED CONSENT TO, WITHDRAW FROM, OR REFUSE LIFE-SUSTAINING MEDICAL TREATMENT, THE ATTENDING PHYSICIAN, PRIOR TO WITHDRAWING OR WITHHOLDING LIFE-SUSTAINING MEDICAL TREATMENT, SHALL CAUSE THE ADULT TO BE EXAMINED BY ONE OTHER PHYSICIAN. IF BOTH PHYSICIANS FIND THAT THE ADULT HAS A TERMINAL CONDITION, THEY SHALL CERTIFY SUCH FACT IN WRITING AND ENTER SUCH IN THE ADULT'S MEDICAL RECORD OF THE HOSPITAL IN WHICH THE WITHHOLDING OR WITHDRAWAL OF LIFE-SUSTAINING MEDICAL TREATMENT MAY OCCUR, TOGETHER WITH A COPY OF THE ADULT'S MEDICAL ORDERS FOR SCOPE OF TREATMENT FORM. IF THE ATTENDING PHYSICIAN HAS ACTUAL KNOWLEDGE OF THE WHEREABOUTS OF THE ADULT'S SPOUSE, ANY OF HIS OR HER ADULT CHILDREN, A PARENT, OR ATTORNEY-IN-FACT UNDER A DURABLE POWER OF ATTORNEY, THE ATTENDING PHYSICIAN SHALL IMMEDIATELY MAKE A REASONABLE EFFORT TO NOTIFY AT LEAST ONE OF SAID PERSONS, IN THE ORDER NAMED, THAT A CERTIFICATE OF TERMINAL CONDITION HAS BEEN SIGNED. IF NO ACTION TO CHALLENGE THE VALIDITY OF A DECLARATION HAS BEEN FILED WITHIN FORTY-EIGHT CONSECUTIVE HOURS AFTER THE CERTIFICATION IS MADE BY THE PHYSICIANS, THE ATTENDING PHYSICIAN SHALL THEN WITHDRAW OR WITHHOLD ALL LIFE-SUSTAINING MEDICAL TREATMENT PURSUANT TO THE TERMS OF THE ADULT'S EXECUTED MEDICAL ORDERS FOR SCOPE OF TREATMENT FORM."

Page 13, line 15, strike "**15-18.7-108.**" and substitute "**15-18.7-109.**".

Page 13, line 20, strike "**15-18.7-109.**" and substitute "**15-18.7-110.**".

Page 14, line 1, strike "**15-18.7-110.**" and substitute "**15-18.7-111.**".

Page 15, line 8, after "HYDRATION" insert "FROM A PATIENT WHO HAS EXECUTED A MEDICAL ORDERS FOR SCOPE OF TREATMENT FORM IN ACCORDANCE WITH THIS ARTICLE, AND WHO HAS BEEN CERTIFIED BY HIS OR HER ATTENDING PHYSICIAN AND AT LEAST ONE OTHER PHYSICIAN TO BE IN A TERMINAL CONDITION PURSUANT TO SECTION 15-18.7-108,".

Health & Human Services

After consideration on the merits, the Committee recommends that **HB10-1029** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 2, line 7, strike "LIST" and substitute "LINK".

Page 2, line 12, strike "DEVELOP" and substitute "PROVIDE".

Page 2, line 18, strike "THE LIST" and substitute "A LINK".

Page 2, line 20, strike "LIST" and substitute "LINK".

Page 2, line 24, strike "(1)." and substitute "(1), THROUGH THE SURVEY GIVEN TO APPLICANTS.".

Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that **HB10-1365** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 14, strike "CARBON DIOXIDE" and substitute "MANY AIR POLLUTANTS".

Page 4, line 10, strike everything after "POLICY" and substitute "GOALS,".

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- Page 4, line 11, strike everything before "IT". 1
- Page 6, line 19, strike "ANTICIPATED" and substitute "REASONABLY FORESEEABLE". 2
- Page 6, line 27, strike "ANTICIPATED" and substitute "REASONABLY FORESEEABLE". 3
- Page 7, line 5, strike "BASIS," and substitute "BASIS OR A FACILITY THAT CAPTURES AND SEQUESTERS MORE THAN SEVENTY PERCENT OF EMISSIONS NOT SUBJECT TO A NATIONAL AMBIENT AIR QUALITY STANDARD OR A HAZARDOUS AIR POLLUTANT STANDARD,". 4
- Page 7, strike lines 6 through 11 and substitute "WILL ACHIEVE EMISSION RATES EQUIVALENT TO OR LESS THAN A COMBINED-CYCLE NATURAL GAS GENERATING UNIT." 5
- Page 7, line 15, strike "ANTICIPATED" and substitute "REASONABLY FORESEEABLE". 6
- Page 8, line 7, strike "ANTICIPATED" and substitute "REASONABLY FORESEEABLE". 7
- Page 8, strike lines 20 and 21. 8
- Reletter succeeding paragraphs accordingly. 9
- Page 8, line 23, strike "POLLUTANTS" and substitute "POLLUTANT". 10
- Page 8, line 27, strike "RENEWABLE" and substitute "CLEAN". 11
- Page 9, line 9, strike "POTENTIAL FEDERAL CLIMATE POLICY;" and substitute "REASONABLY FORESEEABLE EMISSION REDUCTION REQUIREMENTS;". 12
- Page 9, line 18, strike "ANTICIPATED" and substitute "REASONABLY FORESEEABLE". 13
- Page 11, line 14, strike everything after "OTHER" and substitute "POLLUTANTS;". 14
- Page 11, strike line 15. 15
- Page 12, strike line 16 and substitute "REASONABLY FORESEEABLE EMISSION REGULATION CONSISTENT WITH THE COMMISSION'S EXISTING PRACTICE;". 16
- Page 13, line 23, strike "ANTICIPATED" and substitute "REASONABLY FORESEEABLE". 17
- Page 18, strike lines 3 and 4 and substitute: 18
- "40-3.2-209. Early reductions.** REDUCTIONS IN EMISSIONS ACHIEVED PURSUANT TO THIS PART 2". 19
- Page 18, line 7, strike "SUBJECT". 20
- Page 18, strike lines 8 through 19. 21

Agriculture and Natural Resources

The Committee on Agriculture and Natural Resources has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND

for terms expiring April 15, 2013:

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Peggy E. Montano of Denver, Colorado, a Democrat and resident of the 1st Congressional District, appointed;

Philip J. James of Fort Collins, Colorado, an Unaffiliated and resident of the 4th Congressional District, appointed;

James R. Spaanstra of Lakewood, Colorado, a Democrat and resident of the 7th Congressional District, appointed.

Agriculture and Natural Resources

The Committee on Agriculture and Natural Resources has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBER OF THE
STATE BOARD OF
STOCK INSPECTION COMMISSIONERS

for a term expiring May 1, 2012:

Christopher D. Whitney of Colorado Springs, Colorado, to fill the vacancy occasioned by the resignation of James C. Heird of Fort Collins, Colorado, and to serve as a representative with broad general knowledge of the Colorado livestock industry and shall represent commodity other than confinement and non-confinement cattle industries, with the largest percentage of charged fees, appointed.

Agriculture and Natural Resources

The Committee on Agriculture and Natural Resources has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COLORADO WATER CONSERVATION BOARD

for terms expiring February 12, 2013:

Geoff Blakeslee of Hayden, Colorado, to serve as a representative from the Yampa-White drainage basin and as a Democrat, reappointed;

John D. Redifer of Grand Junction, Colorado, to serve as a representative from the main Colorado drainage basin and as a Democrat, reappointed;

Barbara J. Biggs of Denver, Colorado, to serve as a representative from the City and County of Denver and as a Democrat, reappointed.

**THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR**

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB10-1232 by Representative Baumgardner; also Senator **King K.**--Concerning the definition of school vehicles.

Upon request of Senator Morse, **HB10-1232** was removed from the Third Reading of Bills Final Passage Consent Calendar of March 26 and was placed at the beginning of the Third Reading of Bills Final Passage Calendar of Friday, March 26.

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB10-1232 by Representative(s) Baumgardner; also Senator(s) King K.--Concerning the definition of school vehicles.

A majority of those elected to the Senate having voted in the affirmative, Senator Shaffer was given permission to offer a third reading amendment.

Third Reading Amendment No.1, (L.007) , by Senator Shaffer.

Amend revised bill, page 7, after line 7, insert:

"SECTION 8. Article 32 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-32-140. Safety belts required on school buses. EVERY PASSENGER SEAT ON A SCHOOL BUS PURCHASED AFTER JUNE 30, 2010, SHALL BE EQUIPPED WITH A THREE-POINT SHOULDER AND LAP SAFETY BELT SYSTEM, CONFORMING TO FEDERAL MOTOR VEHICLE SAFETY STANDARDS FOR SAFETY BELTS, FOR EACH PASSENGER THE SCHOOL BUS IS DESIGNED TO TRANSPORT."

Renumber succeeding sections accordingly.

Page 9, line 3, after "(88)" insert "(a)".

Page 9, strike line 11 and substitute:

"HOURS. PURSUANT TO SECTION 22-32-140, C.R.S., A SCHOOL BUS PURCHASED BY A SCHOOL DISTRICT AFTER JUNE 30, 2010, SHALL BE EQUIPPED WITH A THREE-POINT SHOULDER AND LAP SAFETY BELT SYSTEM, CONFORMING TO FEDERAL MOTOR VEHICLE SAFETY STANDARDS FOR SAFETY BELTS, FOR EACH PASSENGER THE SCHOOL BUS IS DESIGNED TO TRANSPORT."

(b) "SCHOOL BUS" does not include informal or intermittent".

Page 11, strike lines 3 and 4 and substitute:

"SECTION 13. 42-4-237 (2), the introductory portion to 42-4-237 (3), and 42-4-237 (7), Colorado Revised Statutes, are amended to read:

42-4-237. Safety belt systems - mandatory use - exemptions - penalty. (2) (a) Unless exempted pursuant to subsection (3) of this section, every driver of and every front-seat passenger in a motor vehicle equipped with a safety belt system shall wear a fastened safety belt while the motor vehicle is being operated on a street or highway in this state.

(b) (I) UNLESS EXEMPTED PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), EVERY DRIVER AND PASSENGER IN A SCHOOL BUS EQUIPPED WITH A SAFETY BELT SYSTEM SHALL WEAR A FASTENED SAFETY BELT WHILE THE SCHOOL BUS IS BEING OPERATED ON A STREET OR HIGHWAY IN THIS STATE. THE DRIVER OF A SCHOOL BUS SHALL BE IMMUNE FROM ANY PENALTY IMPOSED FOR A VIOLATION OF THIS PARAGRAPH (b) WHILE IN THE COURSE AND SCOPE OF THE DRIVER'S DUTIES.

(II) THIS PARAGRAPH (b) SHALL NOT APPLY TO A PERSON WITH A PHYSICALLY OR PSYCHOLOGICALLY DISABLING CONDITION WHOSE PHYSICAL OR PSYCHOLOGICAL DISABILITY PREVENTS APPROPRIATE RESTRAINT BY A SAFETY BELT SYSTEM IF SUCH PERSON POSSESSES A WRITTEN STATEMENT BY A PHYSICIAN THAT CERTIFIES THE CONDITION AND STATES THE REASON WHY SUCH RESTRAINT IS INAPPROPRIATE.

(3) Except as provided in section 42-2-105.5, the requirement of PARAGRAPH (a) OF subsection (2) of this section shall not apply to:

(7) Evidence of failure to comply with the requirement of subsection (2) of this section shall be admissible to mitigate damages with respect to any person who was involved in a motor vehicle accident

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and who seeks in any subsequent litigation to recover damages for injuries resulting from the accident. Such mitigation shall be limited to awards for pain and suffering and shall not be used for limiting recovery of economic loss and medical payments. SUCH MITIGATION SHALL NOT APPLY TO A MINOR UNDER THE AGE OF EIGHTEEN YEARS WHO IS A PASSENGER IN A SCHOOL BUS."

Renumber succeeding sections accordingly.

The amendment was lost on the following roll call vote:

YES	5	NO	29	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	N
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	N	Johnston	N	Penry	N	Tapia	N
Cadman	N	Keller	E	Renfroe	N	Tochtrop	N
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	N	Whitehead	N
Gibbs	N	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	N	Mitchell	N	Schwartz	N		

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Shaffer B.

HB10-1222 by Representative(s) Middleton; also Senator(s) Carroll M.--Concerning continuation of the requirement that a collection agency maintain an office in Colorado.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	28	NO	6	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	E	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Foster and Williams.

SB10-133 by Senator(s) Heath and Romer; also Representative(s) Rice--Concerning the creation of an income tax credit to incentivize Colorado businesses to rehire laid-off workers sooner.

Laid over until Monday, March 29, retaining its place on the calendar.

HB10-1225 by Representative(s) Soper; also Senator(s) Tochtrop--Concerning continuation of the

regulation of electrical work by the state electrical board.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	24	NO	10	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	E	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

HB10-1004 by Representative(s) Massey, Apuan, Frangas, Kerr J.; also Senator(s) Foster, Boyd, Schwartz--Concerning standardization of health insurance information provided to consumers.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	25	NO	9	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	E	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Bacon, Carroll M., Hodge, Hudak, Morse, Newell, Sandoval, Shaffer B., Steadman, Tochtrop and Williams.

HB10-1183 by Representative(s) Middleton; also Senator(s) Johnston--Concerning authorization of a pilot program to collect data concerning alternative school finance funding models.

A majority of those elected to the Senate having voted in the affirmative, Senator Schultheis was given permission to offer a third reading amendment.

Third Reading Amendment No. 1,(L.010), by Senator Schultheis.

Amend revised bill, page 3, line 21, after "FAILURE," insert "STUDENTS WHO ARE PRESENT IN THE COUNTRY ILLEGALLY,".

The amendment was lost on the following roll call vote:

YES	14	NO	20	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	Y	Johnston	N	Penry	Y	Tapia	N
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	White	Y
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	25	NO	9	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	E	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Bacon, Foster, Gibbs, Heath, Hodge, Hudak, Newell, Schwartz, Tochtrop and Williams.

HB10-1236 by Representative(s) Kerr A.; also Senator(s) Tochtrop--Concerning the continuation of the regulation of certified public accountants by the state board of accountancy.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	29	NO	5	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	E	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Morse and Williams.

HB10-1240 by Representative(s) Ferrandino; also Senator(s) Carroll M.--Concerning the foreclosure deferment process for residential properties.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Boyd, Foster, Heath, Hudak, Newell, Romer, Steadman and Williams.

HB10-1226 by Representative(s) Kefalas; also Senator(s) Spence--Concerning an alternative approach for a county department of social services to use in addressing certain intrafamilial child abuse or neglect cases.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	1	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Boyd, Brophy, Foster, Gibbs, Heath, Hudak, Kester, King K., Mitchell, Newell, Penry, Schwartz, Shaffer B., Steadman, Tapia, Tochtrop and Williams.

HB10-1026 by Representative(s) Solano and Benefield, Massey, Peniston; also Senator(s) Hodge and Hudak, Steadman, Williams--Concerning the creation of the Colorado quality in child care incentive grant program.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	12	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	E	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Boyd, Foster, Newell, Sandoval, Schwartz, Shaffer B. and Whitehead.

SB10-124 by Senator(s) Carroll M.; also Representative(s) Ryden--Concerning a requirement that certain health care providers disclose information about their practice history, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	23	NO	11	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	E	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Boyd and Tochtrop.

SB10-061 by Senator(s) Tochtrop and Williams, Newell; also Representative(s) Soper and Riesberg, Roberts, Tyler--Concerning medicaid payments for inpatient care for hospice recipients, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

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YES	33	NO	1	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Boyd, Foster, Hodge, Hudak, Kester, Penry, Schwartz, Shaffer B., Steadman and Tapia.

HB10-1114 by Representative(s) Liston; also Senator(s) Johnston--Concerning the registration of agents of persons in the business of transmitting money, and making an appropriation therefor.

A majority of those elected to the Senate having voted in the affirmative, Senator Johnston was given permission to offer a third reading amendment.

Third Reading Amendment No. 1,(L.010) , by Senator Johnston.

Amend revised bill, page 5, strike line 10 and substitute "CONTRACT WITH AN AGENT OR OWNER OF AN AGENT HOLDING MORE THAN A TEN PERCENT INTEREST IN THE BUSINESS WHO HAS BEEN CONVICTED OF OR PLEADED GUILTY OR".

The amendment was passed on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Foster

Committee of the Whole On motion of Senator Hodge, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Hodge was called to the chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

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

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the following bills were laid over until Monday, March 29, retaining their place on the calendar: HB10-1171, SB10-185, HB10-1165, HB10-1213, SB10-171.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the following bills were laid over until Tuesday, March 30, retaining their place on the calendar: HB10-1017, SB10-153.

HB10-1197 by Representative(s) Ferrandino; also Senator(s) Heath--Concerning a decrease in the maximum amount of a state income tax credit that may be claimed for the donation of a conservation easement in gross.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 12, page 529 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

SB10-162 by Senator(s) Heath; also Representative(s) Hullinghorst, May--Concerning modifications to the "Urban and Rural Enterprise Zone Act" to improve the accountability of income tax credits allowed by the act.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 19, pages 618-620 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

HB10-1201 by Representative(s) Middleton, Carroll T., Ferrandino, McFadyen, Miklosi, Pace, Vigil, Weissmann; also Senator(s) Steadman--Concerning duties related to peace officer contacts.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 23, pages 637-638 and placed in members' bill files.)

Amendment No. 2(L.013), by Senator Spence.

Amend reengrossed bill, page 3, after line 18, insert:

"SECTION 2. 42-4-1302, Colorado Revised Statutes, is amended to read:

42-4-1302. Stopping of suspect. (1) A law enforcement officer may stop any person who the officer reasonably suspects is committing or has committed a violation of section 42-4-1301 (1) or (2) and may require the person to give such person's name, address, and an explanation of his or her actions. The stopping shall not constitute an arrest.

(2) A LAW ENFORCEMENT OFFICER OR LAW ENFORCEMENT AGENCY SHALL NOT OPERATE A SOBRIETY CHECKPOINT THAT STOPS DRIVERS TO DETERMINE WHETHER THEY HAVE VIOLATED ANY PROVISION OF SECTION 42-4-1301 WITHOUT REASONABLE SUSPICION."

Renumber succeeding section accordingly.

Amendment No. 3(L.012), by Senator Steadman.

Amend reengrossed bill, page 2, line 27, strike "READ THE" and substitute "PROVIDE A SPECIFIC RECITATION OF THE ADVISEMENT;"

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Page 3, line 1, strike "STATEMENT VERBATIM;" and strike "CONTENT" and substitute "SUBSTANCE".

Page 3, line 2, strike "STATEMENT" and substitute "FACTORS".

As amended, ordered revised and placed on the calendar for third reading and final passage.

(For further action, see amendments to the report of the Committee of the Whole.)

SB10-106 by Senator(s) Bacon, Boyd, Newell, Sandoval; also Representative(s) Looper--Concerning the creation of a food systems advisory council.

Amendment No. 1, Health & Human Services Committee Amendment.

(Printed in Senate Journal, February 18, page 265-270 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, March 19, pages 621 and 622 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

HB10-1180 by Representative(s) Massey, Gerou, Rice; also Senator(s) Gibbs and Spence--Concerning the criteria to qualify for a performance-based incentive for film production activities in Colorado.

Amendment No. 1, Business, Labor & Technology Committee Amendment.

(Printed in Senate Journal, March 19, page 611 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB10-1249 by Representative(s) Labuda and Primavera; also Senator(s) Johnston, Hudak--Concerning expedited residential foreclosure sales.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 23, page 637 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB10-1168 by Representative(s) Levy, Judd, Kagan, Kerr A., Miklosi, Pace, Ryden, Tyler, Vigil, Weissmann, Apuan, Benefield, Carroll T., Casso, Court, Ferrandino, Hullinghorst, Labuda, McFadyen, Merrifield, Middleton, Pommer, Primavera, Scanlan, Schafer S., Solano, Todd; also Senator(s) Steadman, Brophy, Foster, Hodge, Hudak, Newell, Romer, Tochtrop, Bacon, Carroll M., Shaffer B.--Concerning a limitation on the ability of an insurer to obtain repayment of benefits from an injured party who recovers damages from the party responsible for the injury in situations when the injured party would not be fully compensated if the benefits are repaid to the insurer.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 23, page 637 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

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

Amendment No. 1, Business, Labor & Technology Committee Amendment.

(Printed in Senate Journal, March 23, page 638 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

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Call of the Senate.

Call raised.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB10-1201 by Representative(s) Middleton, Carroll T., Ferrandino, McFadyen, Miklosi, Pace, Vigil, Weissmann; also Senator(s) Steadman--Concerning duties related to peace officer contacts.

Senator Steadman moved to amend the Report of the Committee of the Whole to show that the following Spence floor amendment, (L.013) to HB 10-1201, did not pass.

Amend reengrossed bill, page 3, after line 18, insert:

"SECTION 2. 42-4-1302, Colorado Revised Statutes, is amended to read:

42-4-1302. Stopping of suspect. (1) A law enforcement officer may stop any person who the officer reasonably suspects is committing or has committed a violation of section 42-4-1301 (1) or (2) and may require the person to give such person's name, address, and an explanation of his or her actions. The stopping shall not constitute an arrest.

(2) A LAW ENFORCEMENT OFFICER OR LAW ENFORCEMENT AGENCY SHALL NOT OPERATE A SOBRIETY CHECKPOINT THAT STOPS DRIVERS TO DETERMINE WHETHER THEY HAVE VIOLATED ANY PROVISION OF SECTION 42-4-1301 WITHOUT REASONABLE SUSPICION."

Renumber succeeding section accordingly.

A majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was passed on the following roll call vote:

Table with 8 columns: YES (20), NO (14), EXCUSED (1), ABSENT (0). Rows list members: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath and their corresponding votes for Hodge, Hudak, Johnston, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Spence, Steadman, Tapia, Tochtrop, White, Whitehead, Williams, President.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hodge, the report of the Committee of the Whole was adopted on the following roll call vote:

Table with 8 columns: YES (34), NO (0), EXCUSED (1), ABSENT (0). Rows list members: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath and their corresponding votes for Hodge, Hudak, Johnston, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Spence, Steadman, Tapia, Tochtrop, White, Whitehead, Williams, President.

The Committee of the Whole took the following action:

Passed on second reading: SB10-162 as amended, SB10-106 as amended, HB10-1197 as

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amended, HB10-1201 as amended, HB10-1180 as amended, HB10-1249 as amended,
 HB10-1168 as amended, HB10-1166 as amended.
 Laid over until Monday, March 29: HB10-1171, SB10-185, HB10-1165, HB10-1213,
 SB10-171.
 Laid over until Tuesday, March 30: HB10-1017, SB10-153.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB10-008 by Senator(s) Johnston, Romer; also Representative(s) Scanlan, Massey, Middleton--
 Concerning a study to evaluate the feasibility of a system to determine pupil enrollment for
 purposes of the "Public School Finance Act of 1994" based on the average daily
 membership of pupils in school districts.

Senator Johnston moved that the Senate concur in House amendments to **SB10-008**, as
 printed in House journal, March 17, page 823. The motion was **adopted** by the following
 roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the
 following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as
 amended, was **repassed**.

SB10-109 by Senator(s) Romer and Spence, Boyd, Bacon, Hodge, Hudak, Johnston, Tapia, Tochtrop;
 also Representative(s) Massey and McCann, Rice, Frangas, McFadyen--Concerning
 regulation of the physician-patient relationship for medical marijuana patients, and making
 appropriations in connection therewith.

Senators Romer and Spence moved that the Senate not concur in House amendments to
SB10-109, as printed in House journal, March 1, pages 608-610, and that a conference
 committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the
 motion was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	E	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The President appointed Senators Romer, Chair, Spence, and Johnston as Senate conferees on the first conference committee on **SB10-109**.

Senators Romer and Spence moved that the Senate conferees on the first conference committee on **SB10-109** be granted permission to go beyond the scope of the differences between the two houses.

A majority of all members elected to the Senate having voted in the affirmative, permission was granted to go beyond the scope of the differences between the two houses.

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MESSAGE FROM THE HOUSE

March 26, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1355.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1372, amended as printed in House Journal, March 25, pages 956-957. HB10-1278, amended as printed in House Journal, March 25, pages 957-958.

The House has passed on Third Reading and returns herewith SB10-041.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB10-038, amended as printed in House Journal, March 25, page 959.

The House has voted to concur in the Senate amendments to HB10-1137, 1233, 1245, 1010, 1132, 1135, 1044, 1212 and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB10-1021 and requests that a conference committee be appointed. The Speaker has appointed Representatives Frangas, chairman, McCann, and Swalm as House conferees on the First Conference Committee on HB10-1021. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House voted to adhere to its position on HB10-1211. The bill is transmitted herewith.

The House has adopted and returns herewith SJR10-024.

The House has postponed indefinitely SB10-170. The bill is returned herewith.

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MESSAGE FROM THE REVISOR OF STATUTES

March 26, 2010

We herewith transmit:

- Without comment, HB10-1355.
- Without comment, as amended, HB10-1278 and 1372.
- Without comment, as amended, SB10-038.

INTRODUCTION OF MEMORIALS

The following memorial was read by title:

SJM10-002 by Senator(s) Kopp, Cadman, Mitchell, Johnston, Shaffer B., Harvey, Kester, King K., Morse, Penry, Scheffel, Schultheis, White; also Representative(s) King S.--Memorializing Congress to adopt the Honor and Remember Flag.

Laid over one day under Senate Rule 30(d).

INTRODUCTION OF BILLS -- FIRST READING

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

HB10-1018 by Representative(s) Looper and Primavera, Frangas, McFadyen, Solano; also Senator(s) Gibbs, Romer, Williams--Concerning increased authority to regulate waste tires, and making an appropriation therefor.
Transportation

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

SENATE SERVICES REPORT

Correctly Engrossed: SB10-061, 124 and 133; SJR10-023.

Correctly Reengrossed: SB10-172.

Correctly Revised: HB10-1004, 1026, 1114, 1183, 1222, 1225, 1226, 1236 and 1240; HJR10-1018.

Correctly Rerevised: HB10-1011, 1025, 1043, 1052, 1058, 1062, 1096, 1109, 1133, 1143, 1167, 1202, 1216, 1244, 1255 and 1288.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that **HB10-1367** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB10-1365** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB10-1369** be referred to the Committee of the Whole with favorable recommendation.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Friday, March 26, was laid over until Monday, March 29, retaining its place on the calendar.

Consideration of Resolutions: SJR10-010, SJR10-021, HJR10-1015.

Consideration of Governor's Appointments:

Members of the Water Quality Control Commission

Members of the State Board for Community Colleges and Occupational Education

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Member of the Board of Trustees for Fort Lewis college 1
 Members of the Colorado Educational and Cultural Facilities Authority Board of 2
 Directors 3
 Member of the State Housing Board 4
 Members of the Solid and Hazardous Waste Commission 5
 Members of the CoverColorado Board of Directors 6
 Members of the Hospital Provider Fee Oversight and Advisory Board 7
 Member of the Colorado Commission on the Aging 8
 Member of the Special Funds Board for Workers' Compensation Self Insurers 9
 Consideration of House Amendments to Senate Bills: SB10-047, SB10-071. 10
 Conference Committees to Report: HB10-1099. 11



On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, March 29, 2010. 18

Approved: 21

Brandon C. Shaffer 24
 President of the Senate 25

Attest: 28

Karen Goldman 31
 Secretary of the Senate 32

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