

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

79th Legislative Day Thursday, April 1, 2010

- Prayer 10
 By the chaplain, Rev. Vern Rempel, First Mennonite Church of Denver. 11
- Call to Order 12
 By the President at 9:00 a.m. 13
- Pledge 14
 By Senator Hodge. 15
- Roll Call 16
 Present--31. 17
 Absent--1, Penry. 18
 Excused--3, Gibbs, Kester, Kopp. 19
 Present later--3, Kopp, Penry. 20
- Quorum 21
 The President announced a quorum present. 22
- Reading of Journal 23
 On motion of Senator Steadman, reading of the Journal of Wednesday, March 31, 2010, 24
 was dispensed with and the Journal was approved as corrected by the Secretary. 25

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:

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. 35
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 Laid over until Monday, April 5, retaining its place on the calendar. 37
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HB10-1369 by Representative(s) Scanlan and Pommer; also Senator(s) Bacon--Concerning the financing of public schools, and making an appropriation therefor. 40
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 The question being "Shall the bill pass?", the roll call was taken with the following result: 42
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YES	33	NO	0	EXCUSED	2	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	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	E	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. 56
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HB10-1367 by Representative(s) Weissmann; also Senator(s) Morse--Concerning payment of expenses of the legislative department. 59
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The question being "Shall the bill pass?", the roll call was taken with the following result: 62
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YES	33	NO	0	EXCUSED	2	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	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	E	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.

HB10-1372 by Representative(s) Ferrandino, Pommer, Lambert; also Senator(s) White, Keller, Tapia-- Concerning changes to the appropriations sections of House Bill 09-1293 related to a hospital provider fee.

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

Third Reading Amendment No.1, (L.004) , by Senator White.

Amend revised bill, page 5, strike lines 21 through 27.

Page 6, strike lines 1 through 9.

Renumber succeeding section accordingly.

The amendment was passed on the following roll call vote:

YES	32	NO	1	EXCUSED	2	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	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	N	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	21	NO	12	EXCUSED	2	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	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	E	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	E	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.

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

**GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR**

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:

HB10-1117 by Representative(s) Benefield, Primavera, Solano; also Senator(s) Johnston, Hudak, Newell, Tochtrop--Concerning certain procedures regarding the levying of taxes by county officers, and, in connection therewith, raising the amount of abatement or refund that may be approved by a board of county commissioners and allowing for the electronic transmission of notices of valuation sent by the county assessor and tax statements sent by the county treasurer.

Ordered revised and placed on the calendar for third reading and final passage.

HB10-1083 by Representative(s) Gardner B.; also Senator(s) Steadman--Concerning the authority of the state to enter into lease-purchase agreements for a day surgery center.

Ordered revised and placed on the calendar for third reading and final passage.

HB10-1265 by Representative(s) Vigil; also Senator(s) Newell--Concerning a court's authority to waive certain charges levied against indigent defendants.

Ordered revised and placed on the calendar for third reading and final passage.

HB10-1218 by Representative(s) Waller, Bradford, Liston, Looper, Nikkel, Priola; also Senator(s) Newell--Concerning information in the central registry of protection orders.

Ordered revised and placed on the calendar for third reading and final passage.

HB10-1340 by Representative(s) Vigil; also Senator(s) Newell--Concerning the notice sent by a law enforcement agency when a vehicle has been towed from public property.

Ordered revised and placed on the calendar for third reading and final passage.

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

Ordered revised and placed on the calendar for third reading and final passage.

HB10-1020 by Representative(s) Weissmann; also Senator(s) Morse--Concerning contracts of the legislative department, and making an appropriation therefor.

Ordered revised and placed on the calendar for third reading and final passage.

HB10-1101 by Representative(s) Baumgardner; also Senator(s) Harvey--Concerning the registration of a vehicle used for agricultural production.

Ordered revised and placed on the calendar for third reading and final passage.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

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

YES	33	NO	0	EXCUSED	2	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	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB10-1117, HB10-1083, HB10-1265, HB10-1218, HB10-1340, HB10-1259, HB10-1020, HB10-1101.

Committee of the Whole

On motion of Senator Romer, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Romer 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:

HB10-1017 by Representative(s) Kagan, Gagliardi; also Senator(s) Boyd--Concerning authorization for certain public entities to enter into voluntary agreements affecting rent on private residential property.

Amendment No. 1(L.014), by Senator Boyd.

Amend reengrossed bill, page 2, line 8, strike "A" and substitute "EITHER".

Page 2, strike line 9 and substitute "private residential property OR A PRIVATE RESIDENTIAL HOUSING UNIT.".

Page 2, line 11, strike "A" and substitute "EITHER".

Page 2, line 12, after "RESIDENTIAL" insert "PROPERTY OR A PRIVATE RESIDENTIAL".

Page 2, line 13, strike "AN INDIVIDUALIZED NEGOTIATED" and substitute "A VOLUNTARY".

Page 2, line 15, after "THE" insert "PROPERTY OR".

Page 2, line 16, strike "PRESERVE" and substitute "PROVIDE".

Page 2, line 18, after "THE" insert "PROPERTY OR".

Page 2, line 19, strike "PRESERVE" and substitute "PROVIDE" and strike "AN".

Page 3, line 1, strike "INDIVIDUALIZED NEGOTIATED" and substitute "A VOLUNTARY".

Page 3, line 5, strike "A" and substitute "EITHER PRIVATE RESIDENTIAL PROPERTY OR A".

Page 3, after line 9 insert:

"(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A COUNTY OR MUNICIPALITY MAY NOT DENY AN APPLICATION FOR A DEVELOPMENT PERMIT AS DEFINED IN SECTION 29-20-103 (1), C.R.S., BECAUSE AN APPLICANT FOR SUCH A PERMIT DECLINES TO ENTER INTO AN AGREEMENT TO LIMIT RENT ON EITHER PRIVATE RESIDENTIAL PROPERTY OR A PRIVATE RESIDENTIAL HOUSING UNIT."

Page 3, line 10, strike "(4)" and substitute "(5)".

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.)

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

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, March 19, page 617 and placed in members' bill files.)

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- As amended, ordered revised and placed on the calendar for third reading and final passage. 1
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- HB10-1182** by Representative(s) Solano, Benefield, Casso, Fischer, Frangas, Hulinghorst, Kerr A., 4
Looper, McFadyen, Merrifield, Pace, Primavera, Todd, Tyler; also Senator(s) Schwartz, 5
Steadman--Concerning a limited expansion of the powers of the Colorado clean energy 6
development authority to finance electric transmission facilities, and, in connection 7
therewith, allowing the authority to make commercial loans only for electric power 8
interconnection projects connecting clean energy resources to the transmission grid. 9
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Ordered revised and placed on the calendar for third reading and final passage. 11
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- HB10-1275** by Representative(s) Baumgardner; also Senator(s) Newell--Concerning a requirement that 13
the location of a private burial be recorded. 14
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Ordered revised and placed on the calendar for third reading and final passage. 16
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- HB10-1098** by Representative(s) Levy; also Senator(s) Hodge--Concerning increased transparency in 18
the governance of cooperative electric associations. 19
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Amendment No. 1, Local Government & Energy Committee Amendment. 21
(Printed in Senate Journal, March 25, page 662 and placed in members' bill files.) 22
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As amended, ordered revised and placed on the calendar for third reading and final 24
passage. 25
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(For further action, see amendments to the report of the Committee of the Whole.) 27
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- HB10-1276** by Representative(s) Levy; also Senator(s) Mitchell--Concerning the sale by a railroad 30
company of its right-of-way for the operation of a public passenger rail service. 31
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Amendment No. 1(L.002), by Senator Mitchell. 33
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Amend reengrossed bill, page 3, strike line 18 and substitute: 35
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"(3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT 37
ANY VESTED RIGHT OF ANY PARTY. 38
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(4) FOR PURPOSES OF THIS SECTION, "PUBLIC PASSENGER". 40
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As amended, ordered revised and placed on the calendar for third reading and final 42
passage. 43
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- HB10-1138** by Representative(s) Gagliardi, Massey, Apuan, Casso, Ferrandino, Fischer, Frangas, 45
Hulinghorst, Kefalas, Labuda, McFadyen, Middleton, Pace, Rice, Scanlan, Todd, Tyler; 46
also Senator(s) Morse, Newell--Concerning the program to repay educational loans of 47
health care professionals. 48
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Laid over until Monday, April 5, retaining its place on the calendar. 50
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- HB10-1122** by Representative(s) Roberts and Merrifield, Gagliardi, Kefalas, Tyler; also Senator(s) 53
Williams, Morse--Concerning medical orders determining the scope of treatment an adult 54
wishes to receive under certain circumstances. 55
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A majority of all members elected to the Senate having voted in the affirmative, the bill 57
was referred to the Committee on Judiciary. 58
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(For further action, see amendments to the report of the Committee of the Whole.) 60
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- HB10-1029** by Representative(s) Acree, Looper, Primavera, Todd; also Senator(s) Keller, Steadman-- 62
Concerning agreements for the purchase of medical goods. 63
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Amendment No. 1, Health & Human Services Committee Amendment. 65
(Printed in Senate Journal, March 26, page 681 and placed in members' bill files.) 66
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Amendment No. 2(L.005), by Senator Keller.

Amend reengrossed bill, page 2, strike lines 14 through 17 and substitute "APPROVED VENDOR LIST."

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

HB10-1271 by Representative(s) Curry; also Senator(s) Morse--Concerning the registration date for eligibility of a person seeking to be placed in nomination as a candidate for a partisan office.

Laid over until Monday, April 5, retaining its place on the calendar.

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

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 30, page 717 and placed in members' bill files.)

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

SB10-171 by Senator(s) Newell, Bacon, Boyd, Heath, Hodge, Hudak, Keller, Kester, Lundberg, Morse, Penry, Romer, Shaffer B., Spence, Steadman, Williams; also Representative(s) Gagliardi, Acree, Casso, DelGrosso, Ferrandino, Frangas, Hullinghorst, Kefalas, Kerr J., Labuda, Levy, McNulty, Middleton, Nikkel, Primavera, Rice, Ryden, Scanlan, Todd, Tyler--Concerning the creation of a child protection ombudsman program.

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

(Printed in Senate Journal, March 12, pages 531-532 and placed in members' bill files.)

Amendment No. 2(L.005), by Senator Newell.

Amend printed bill, page 7, after line 3 insert:

"(6) SUBJECT TO THE PROVISIONS OF ANY CONTRACT AWARDED PURSUANT TO SECTION 19-3.3-106, THE STATE DEPARTMENT SHALL PROVIDE FOR THE AVAILABILITY OF LEGAL COUNSEL TO THE OMBUDSMAN FOR THE PURPOSE OF LEGAL ADVICE CONCERNING PERFORMING THE DUTIES OF THE OMBUDSMAN, AND MAY PROVIDE FOR LEGAL REPRESENTATION OF THE OMBUDSMAN IN ANY ACTION BROUGHT AGAINST THE OMBUDSMAN IN CONNECTION WITH THE DUTIES OF THE OMBUDSMAN PURSUANT TO THIS ARTICLE."

Page 7 of the bill, line 5, strike "**confidentiality.**" and substitute "**confidentiality - testimony.**"

Page 2 of the Health and Human Services Committee Report, dated March 11, 2010, strike line 1 and substitute "Page 7 of the bill, strike line 9 and substitute:

"(a) (I) (A) TO RECEIVE COMPLAINTS CONCERNING CHILD".

Page 7 of the bill, after line 18 insert:

"(B) THE OMBUDSMAN SHALL TREAT ALL COMPLAINTS RECEIVED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I) AS CONFIDENTIAL, INCLUDING THE IDENTITIES OF COMPLAINANTS AND INDIVIDUALS FROM WHOM INFORMATION IS ACQUIRED; EXCEPT THAT DISCLOSURES MAY BE PERMITTED IF THE OMBUDSMAN DEEMS IT NECESSARY TO ENABLE THE OMBUDSMAN TO PERFORM HIS OR HER DUTIES AND TO SUPPORT ANY RECOMMENDATIONS RESULTING FROM AN INVESTIGATION. RECORDS RELATING TO COMPLAINTS RECEIVED BY THE PROGRAM AND THE INVESTIGATION OF COMPLAINTS ARE EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO ARTICLE 72 OF TITLE 24, C.R.S."

Page 8 of the bill, line 2, after "TO" insert "SUB-SUBPARAGRAPH (A) OF".

Page 17 of the bill, after line 2 insert:

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"SECTION 4. 19-3-304 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19-3-304. Persons required to report child abuse or neglect.

(2) Persons required to report such abuse or neglect or circumstances or conditions shall include any:

(gg) THE CHILD PROTECTION OMBUDSMAN AS CREATED IN ARTICLE 3.3 OF THIS TITLE."

Renumber succeeding section accordingly.

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

SB10-153 by Senator(s) Boyd; --Concerning behavioral health transformation.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 19, pages 306-311 and placed in members' bill files.)

Amendment No. 2(L.006), by Senator Boyd.

Amend the Health and Human Services Committee Report, dated February 18, 2010, page 3, line 17, strike "EDUCATION" and substitute "EDUCATION, THE EXECUTIVE DIRECTOR OR CHIEF MEDICAL OFFICER OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,".

Page 3, line 20, strike "PUBLIC HEALTH AND ENVIRONMENT,".

Page 3, strike lines 31 through 37 and substitute:

"(b) THE COUNCIL MEMBERSHIP SHALL INCLUDE THE FOLLOWING:

(I) REPRESENTATIVES FROM EXECUTIVE BRANCH AGENCIES THAT FUND OR SERVE CLIENTS WHO USE THE BEHAVIORAL HEALTH SYSTEM, INCLUDING BUT NOT LIMITED TO THE DEPARTMENTS OF CORRECTIONS, EDUCATION, HEALTH CARE POLICY AND FINANCING, HUMAN SERVICES, LABOR AND EMPLOYMENT, LOCAL AFFAIRS, PUBLIC HEALTH AND ENVIRONMENT, AND PUBLIC SAFETY;

(II) AT LEAST TWO REPRESENTATIVES FROM THE JUDICIAL BRANCH, APPOINTED BY THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT;

(III) TWO REPRESENTATIVES FROM THE HOUSE OF REPRESENTATIVES, ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE APPOINTED BY THE MINORITY LEADER;

(IV) TWO REPRESENTATIVES FROM THE SENATE, ONE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE APPOINTED BY THE MINORITY LEADER;

(V) ONE REPRESENTATIVE FROM THE GOVERNOR'S OFFICE OF INFORMATION TECHNOLOGY; AND

(VI) AT LEAST TEN REPRESENTATIVES, RECOMMENDED BY THE LEAD AGENCY IN CONSULTATION WITH THE COUNCIL, FROM ANY GROUP OR COMMITTEE THAT ACTIVELY PARTICIPATED IN THE BEHAVIORAL HEALTH TRANSFORMATION GRANT IN 2009-2010, AND WHICH SHALL INCLUDE CONSUMERS OR ENTITIES REPRESENTING CONSUMERS OF BEHAVIORAL HEALTH SERVICES."

Page 4, strike lines 1 through 7.

Page 4, line 11, after "COMMITTEES," insert "AND THE STATE COURT ADMINISTRATOR'S OFFICE".

Page 5, line 23, strike "COMMISSION" and substitute "COUNCIL".

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

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SB10-182 by Senator(s) Schwartz, Foster, Kester, Newell; also Representative(s) Peniston-- Concerning the implementation of certain recommendations of the county elected officials' salary commission.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, March 25, page 655 and placed in members' bill files.)

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB10-1017 by Representative(s) Kagan, Gagliardi; also Senator(s) Boyd--Concerning authorization for certain public entities to enter into voluntary agreements affecting rent on private residential property.

Senator Schultheis moved to amend the Report of the Committee of the Whole to show that the following Schultheis floor amendment, (L.015) to HB 10-1017, did pass.

Amend the Boyd floor amendment (HB1017_L.014), page 2, line 1, strike "SECTION," and substitute "SECTION:".

Page 2, line 2, strike the first "A" and substitute:

"(a) A".

Page 2, line 6, strike "UNIT." and substitute "UNIT."

(b) ANY AGREEMENT AUTHORIZED BY THIS SECTION SHALL INCLUDE A PROVISION PROHIBITING THE USE OF PRIVATE RESIDENTIAL HOUSING FOR PERSONS IN THE UNITED STATES ILLEGALLY.".

Less than 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 **lost** on the following roll call vote:

YES	13	NO	19	EXCUSED	3	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	Y	Johnston	Y	Penry	E	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	E	Romer	N	White	Y
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	E	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Kopp moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 10-1017 did pass.

Amend reengrossed bill, page 2, line 5, strike "**prohibited.**" and substitute "**prohibited - repeal.**"

Page 3, after line 12 insert:

"(6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE PROVISIONS OF SUBSECTIONS (2), (3), AND (4) OF THIS SECTION SHALL BE REPEALED, EFFECTIVE SEPTEMBER 1, 2011. ON OR BEFORE SEPTEMBER 1, 2011, THE JOINT FINANCE COMMITTEE OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ITS SUCCESSOR JOINT COMMITTEE, SHALL HOLD A HEARING FOR THE PURPOSE OF DISCUSSING THE ECONOMIC EFFECTS OF SAID PROVISIONS, AND THE JOINT COMMITTEE SHALL MAKE A RECOMMENDATION TO THE GENERAL ASSEMBLY AS TO WHETHER THE PROVISIONS SHOULD BE EXTENDED.".

Renumber succeeding section accordingly.

Less than 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 **lost** on the following roll call vote:

YES	13	NO	19	EXCUSED	3	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	Y	Johnston	N	Penry	E	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	E	Romer	N	White	Y
Foster	Y	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	E	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

HB10-1122 by Representative(s) Roberts and Merrifield, Gagliardi, Kefalas, Tyler; also Senator(s) Williams, Morse--Concerning medical orders determining the scope of treatment an adult wishes to receive under certain circumstances.

Senator Sandoval moved to amend the Report of the Committee of the Whole to show that the motion to send HB 10-1122 to the Judiciary Committee did not pass.

Less than 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 **lost** on the following roll call vote:

YES	13	NO	19	EXCUSED	3	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	Y	Johnston	N	Penry	E	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	E	Romer	N	White	Y
Foster	N	King K.	Y	Sandoval	Y	Whitehead	N
Gibbs	E	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

HB10-1098 by Representative(s) Levy; also Senator(s) Hodge--Concerning increased transparency in the governance of cooperative electric associations.

Senator Cadman moved to amend the Report of the Committee of the Whole to show that the following Cadman floor amendment, (L.016) to HB 10-1098, did pass.

Amend reengrossed bill, page 3, line 13, strike "THE FOLLOWING" and substitute "A".

Page 3, line 14, strike "SECTIONS" and substitute "SECTION".

Page 4, strike lines 10 through 18.

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:

YES	31	NO	1	EXCUSED	3	ABSENT	0
Bacon	N	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	E	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	E	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB10-171 as amended, SB10-153 as amended, SB10-182 as amended, HB10-1017 as amended, HB10-1213 as amended, HB10-1182, HB10-1275, HB10-1098 as amended, HB10-1276 as amended, HB10-1029 as amended, HB10-1164 as amended.

Laid over until Monday, April 5: HB10-1138, HB10-1271.

Referred to Committee on Judiciary: HB10-1122.

CONSIDERATION OF RESOLUTIONS

SJR10-010 by Senator(s) White, Keller, Tapia; also Representative(s) Ferrandino, Pommer, Lambert-- Concerning the declaration of a state fiscal emergency pursuant to section 21 (7) of article X of the state constitution.

On motion of Senator White, the resolution was **adopted** by the following roll call vote:

YES	26	NO	6	EXCUSED	3	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	E	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	E	Kopp	Y	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

RECONSIDERATION OF AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB10-1098 by Representative(s) Levy; also Senator(s) Hodge--Concerning increased transparency in the governance of cooperative electric associations.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, amendments to the report of the Committee of the Whole, on HB10-1098.

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB10-1098 by Representative(s) Levy; also Senator(s) Hodge--Concerning increased transparency in the governance of cooperative electric associations.

Senator Cadman moved to amend the Report of the Committee of the Whole to show that the following Cadman floor amendment, (L.016) to HB 10-1098, did pass.

Amend reengrossed bill, page 3, line 13, strike "THE FOLLOWING" and substitute "A".

Page 3, line 14, strike "SECTIONS" and substitute "SECTION".

Page 4, strike lines 10 through 18.

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:

YES	31	NO	0	EXCUSED	3	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	E	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	E	Kopp	*	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senator Kopp.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

HB10-1021 by Representative(s) Frangas and McCann; also Senator(s) Foster, Boyd--Concerning required coverages for reproductive services for health insurance policies.

Senator Foster moved that the Senate conferees on the first conference committee on **HB10-1021** 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, the motion was **adopted**.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **HB10-1038** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB10-013** be referred to the Committee on Appropriations with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB10-1009** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB10-012** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 17, strike everything after "JUDGE," and substitute "BETWEEN the aggrieved party and".

Page 2, line 19, strike "THE MEDICAL SERVICES PROVIDER, AND".

Page 2, line 20, strike "(a)." and substitute "(a); EXCEPT THAT THE AMOUNT APPORTIONED TO THE AGGRIEVED PARTY SHALL BE A MINIMUM OF FIFTY PERCENT OF ANY PENALTY ASSESSED."

Judiciary After consideration on the merits, the Committee recommends that **SB10-011** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 5, strike "**information**" and substitute "**disclosures**".

Page 2, line 6, strike "**insurers**" and substitute "**insurers, self-insured employers, or claimants**".

Page 2, line 10, strike "INFORMATION" and substitute "A SUMMARY DISCLOSURE".

Page 3, line 3, strike "AN INSURER OR" and substitute "THE INSURER," and

strike "EMPLOYER." and substitute "EMPLOYER, OR CLAIMANT WHO IS A PARTY TO THE CLAIM."

Page 3, line 6, strike "INFORMATION." and substitute "SUMMARY DISCLOSURE."

Page 3, line 10, strike "INFORMATION;" and substitute "INFORMATION IN A SUMMARIZED FORMAT;"

Page 3, line 11, strike "INFORMATION" and substitute "SUMMARY DISCLOSURE"

Page 3, line 14, strike "INFORMATION" and substitute "SUMMARY DISCLOSURE"

Page 3, line 17, after "REQUESTED" insert "SUMMARIZED"

Page 4, strike lines 24 through 27.

Page 5, strike lines 1 through 4 and substitute the following:

"(II) THE TREATING PHYSICIAN MAKES A COMPLETE AND ACCURATE WRITTEN RECORD OF THE COMMUNICATION AND PROVIDES THE INJURED WORKER ACCESS TO THE WRITING IN THE SAME MANNER AS MEDICAL RECORDS DISCLOSURES AS REQUIRED BY DIRECTOR RULES."

Page 5, after line 15 insert:

"SECTION 5. 10-3-1104 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

10-3-1104. Unfair methods of competition and unfair or deceptive acts or practices. (1) The following are defined as unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

(hh) VIOLATION OF SECTION 8-43-401.5, C.R.S."

Renumber succeeding sections accordingly.

Page 5, line 20, strike "section 2" and substitute "sections 2 and 5"

Education After consideration on the merits, the Committee recommends that **HB10-1035** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 6, line 12, strike "SERVICES." and substitute "SERVICES AND THERE ARE CHILD CARE ASSISTANCE SLOTS AVAILABLE IN THE COUNTY WITHOUT A WAITING LIST."

Education After consideration on the merits, the Committee recommends that **HB10-1335** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 22 through 27 and substitute "BEVERAGES THAT SATISFY NUTRITIONAL STANDARDS FOR FOOD AND BEVERAGES SERVED TO CHILDREN DURING THE SCHOOL DAY, WHICH STANDARDS ARE ESTABLISHED BY A RESEARCH INSTITUTION NOT LESS THAN FORTY YEARS OLD THAT EXAMINES POLICY MATTERS PERTAINING TO THE HEALTH OF THE PUBLIC AND IS CHARTERED BY THE UNITED STATES CONGRESS TO ADVISE THE FEDERAL GOVERNMENT REGARDING SCIENTIFIC AND TECHNICAL MATTERS, WHICH RESEARCH INSTITUTION IS IDENTIFIED BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO PARAGRAPH (d) OF SUBSECTION (7) OF THIS SECTION."

Page 4, strike lines 1 through 5.

Page 5, line 6, after "(d)" insert "(I)".

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Page 5, after line 18 insert:

"(II) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, IF THE DEPARTMENT OF EDUCATION DOES NOT RECEIVE SUFFICIENT GIFTS, GRANTS, OR DONATIONS ON OR BEFORE MARCH 1 OF ANY YEAR, THE DEPARTMENT SHALL NOT BE REQUIRED TO DETERMINE AND ANNOUNCE GRANT RECIPIENTS ON OR BEFORE JUNE 1 OF THAT YEAR, AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (d). IF THE DEPARTMENT OF EDUCATION RECEIVES SUFFICIENT GIFTS, GRANTS, OR DONATIONS ONLY AFTER MARCH 1 OF ANY YEAR, THE DEPARTMENT SHALL DETERMINE AND ANNOUNCE GRANT RECIPIENTS, AS DESCRIBED IN SAID SUBPARAGRAPH (I), NO MORE THAN NINETY DAYS AFTER THE DATE UPON WHICH THE DEPARTMENT RECEIVED SUFFICIENT GIFTS, GRANTS, OR DONATIONS."

Page 5, strike lines 25 through 27 and substitute "SCHOOL DISTRICTS ONLY FOOD AND BEVERAGES THAT SATISFY NUTRITIONAL STANDARDS FOR FOOD AND BEVERAGES SERVED TO CHILDREN DURING THE SCHOOL DAY, WHICH STANDARDS ARE ESTABLISHED BY A RESEARCH INSTITUTION NOT LESS THAN FORTY YEARS OLD THAT EXAMINES POLICY MATTERS PERTAINING TO THE HEALTH OF THE PUBLIC AND IS CHARTERED BY THE UNITED STATES CONGRESS TO ADVISE THE FEDERAL GOVERNMENT REGARDING SCIENTIFIC AND TECHNICAL MATTERS, WHICH RESEARCH INSTITUTION IS IDENTIFIED BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO PARAGRAPH (d) OF SUBSECTION (7) OF THIS SECTION."

Page 6, strike lines 1 through 8.

Page 10, after line 18, insert:

"(d) FOR THE PURPOSES OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION AND SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION, THE IDENTIFICATION OF A RESEARCH INSTITUTION NOT LESS THAN FORTY YEARS OLD THAT EXAMINES POLICY MATTERS PERTAINING TO THE HEALTH OF THE PUBLIC AND IS CHARTERED BY THE UNITED STATES CONGRESS TO ADVISE THE FEDERAL GOVERNMENT REGARDING SCIENTIFIC AND TECHNICAL MATTERS."

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB10-1205** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB10-1053** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 4, line 18, after "strategic" insert "implementation".

Page 5, line 13, strike "A STUDY," and substitute "ANY STUDY CONDUCTED PURSUANT TO THIS SUBSECTION (1),".

Page 5, line 16, strike "A STUDY" and substitute "ALL STUDIES".

Page 5, line 23, strike "IS" and substitute "SHALL".

Page 5, line 24, strike "AUTHORIZED TO".

Page 7, after line 2 insert:

"(V) THE EXPERIENCES OF THE PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY, CREATED PURSUANT TO SECTION 25.5-5-412, WITH TIERED RATES FOR ALTERNATIVE CARE FACILITIES, INCLUDING COST SAVINGS OR COST AVOIDANCE;"

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Renumber succeeding subparagraphs accordingly.

Page 7, line 9, strike "JULY 1, 2011." and substitute "JANUARY 1, 2011, AND, IF FEDERAL APPROVAL IS OBTAINED PRIOR TO FINAL FIGURE-SETTING FOR THE FISCAL YEAR COMMENCING JULY 1, 2011, THE STATE DEPARTMENT SHALL SUBMIT A REQUEST THROUGH THE BUDGET PROCESS FOR IMPLEMENTATION OF THE APPROVED CHANGES FOR THAT FISCAL YEAR."

Page 7, line 16, after "DEPARTMENT" insert "OR, IF APPROPRIATE, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING".

Page 7, line 22, strike "DEPARTMENT IS" and substitute "DEPARTMENTS ARE".

Page 8, after line 4 insert:

"(III) THE TYPES OF SERVICES AND SUPPORTS NEEDED BY PERSONS OVER SIXTY YEARS OF AGE TO REMAIN IN THEIR OWN RESIDENCES AND COMMUNITIES FOR AS LONG AS POSSIBLE AND ANY EXISTING OR PROJECTED NEEDS FOR THOSE SERVICES AND SUPPORTS;"

Renumber succeeding subparagraphs accordingly.

Page 8, line 5, after "THE" insert "OVERALL" and after "SAVINGS" insert "TO THE STATE ACROSS THE CONTINUUM OF CARE".

Page 8, line 10, after "STRATEGIC" insert "IMPLEMENTATION".

Page 9, line 15, after "STRATEGIC" insert "IMPLEMENTATION".

Page 9, strike lines 20 through 24 and substitute:

"(3) IF THE STUDY CONDUCTED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION CONCLUDES THAT ONE OR MORE CHANGES WOULD RESULT IN COST SAVINGS TO THE STATE, WITHOUT ADVERSELY AFFECTING THE CARE PROVIDED, AND THE CHANGES ARE RECOMMENDED IN THE STRATEGIC IMPLEMENTATION PLAN DEVELOPED PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE STATE DEPARTMENT OR THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL REQUEST, THROUGH THE STATE".

Page 9, line 25, strike "OR MAY" and substitute "AND, IF NECESSARY, SHALL".

Page 9, line 26, after "LEGISLATION" insert "TO IMPLEMENT THE CHANGES".

Page 10, line 1, strike "TO IMPLEMENT THE CHANGES." and substitute "OR THE JOINT BUDGET COMMITTEE."

Page 10, after line 1 insert:

"(4) (a) IF THE STRATEGIC IMPLEMENTATION PLAN DEVELOPED PURSUANT TO SUBSECTION (2) OF THIS SECTION IDENTIFIES ADDITIONAL STUDIES THAT SHOULD BE CONDUCTED, SUBJECT TO THE RECEIPT OF SUFFICIENT MONEYS PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, THE STATE DEPARTMENT OR THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL CONTRACT FOR ONE OR MORE STUDIES IDENTIFIED IN THE STRATEGIC IMPLEMENTATION PLAN. THE STATE DEPARTMENT AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL MAKE NECESSARY DATA AVAILABLE TO ALL THE CONTRACTORS. IN SELECTING A CONTRACTOR TO PERFORM ANY STUDY CONDUCTED PURSUANT TO THIS SUBSECTION (4), THE STATE DEPARTMENTS ARE NOT REQUIRED TO FOLLOW THE COMPETITIVE BIDDING REQUIREMENTS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S.

(b) IF ONE OR MORE STUDIES CONDUCTED PURSUANT TO

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PARAGRAPH (a) OF THIS SUBSECTION (4) CONCLUDES THAT IMPLEMENTING THE CHANGES RECOMMENDED BY THE STUDY WOULD RESULT IN COST SAVINGS TO THE STATE, WITHOUT ADVERSELY AFFECTING THE CARE PROVIDED, THE STATE DEPARTMENT OR THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL REQUEST, THROUGH THE STATE BUDGET PROCESS, THAT THE CHANGES BE IMPLEMENTED AND, IF NECESSARY, SHALL RECOMMEND LEGISLATION TO IMPLEMENT THE CHANGES TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, OR TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY."

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Page 11, strike lines 11 through 20 and substitute:

"SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Health & Human Services

After consideration on the merits, the Committee recommends that **HB10-1229** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB10-1252** be referred to the Committee of the Whole with favorable recommendation.

Business, Labor, & Technology

After consideration on the merits, the Committee recommends that **HB10-1141** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend revised bill, page 2, after line 1 insert:

"SECTION 1. 12-61-106 (1), Colorado Revised Statutes, is amended to read:

12-61-106. Division of real estate - director, clerks, and assistants. (1) The executive director of the department of regulatory agencies is authorized by this section to employ, subject to the provisions of the state personnel system laws of the state, a director ~~for the commission~~ OF THE DIVISION OF REAL ESTATE, who in turn shall employ such attorneys, deputies, investigators, clerks, and assistants as are necessary to discharge the duties imposed by parts 1, 3, and 4 of this article. THE DIVISION OF REAL ESTATE, WHICH SHALL BE A DIVISION IN THE DEPARTMENT OF REGULATORY AGENCIES, AND THE DIRECTOR OF THE DIVISION SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF REGULATORY AGENCIES AS IF THEY WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER."

Renumber succeeding sections accordingly.

Page 3, line 16, strike "SEVEN" and substitute "FIVE".

Page 3, line 17, strike "FIVE" and substitute "THREE".

Page 3, line 22, strike "THREE" and substitute "TWO".

Page 3, line 25, strike "TWO" and substitute "ONE" and after "AS" insert "A" and strike "ORIGINATORS" and substitute "ORIGINATOR".

Page 4, line 7, strike "DIVISION" and substitute "DEPARTMENT OF REGULATORY AGENCIES".

Page 4, line 8, strike "DIVISION" and substitute "DEPARTMENT".

Page 5, line 24, after "(a)," insert "(1) (b), the introductory portion to 12-61-903 (2), 12-61-903 (2) (c) and (3), the introductory portion to 12-61-903 (4), and 12-61-903 (4) (b), (5), (5.5) (c), (6), (7), (8), (9), (10), (11), and (12)," and strike "is" and substitute "are".

Page 5, line 27, strike "director," and substitute "director BOARD,".

Page 6, line 3, strike "director" and substitute "director BOARD".

Page 6, after line 7 insert:

(1) (b) On and after January 1, 2010, a licensed mortgage loan originator shall apply for license renewal in accordance with subsection (4) of this section every calendar year as determined by the director BOARD by rule.

(2) An applicant for initial licensing as a mortgage loan originator shall submit to the director BOARD the following:

(c) The application fee established by the director BOARD in accordance with section 12-61-908.

(3) (a) In addition to the requirements imposed by subsection (2) of this section, on or after August 5, 2009, each individual applicant for initial licensing as a mortgage loan originator shall have satisfactorily completed a mortgage lending fundamentals course approved by the director BOARD and consisting of at least nine hours of instruction in subjects related to mortgage lending. In addition, the applicant shall have satisfactorily completed a written examination approved by the director BOARD.

(b) The director BOARD may contract with one or more independent testing services to develop, administer, and grade the examinations required by paragraph (a) of this subsection (3) and to maintain and administer licensee records. The contract may allow the testing service to recover from applicants its costs incurred in connection with these functions. The director BOARD may contract separately for these functions and may allow the costs to be collected by a single contractor for distribution to other contractors.

(c) The director BOARD may publish reports summarizing statistical information prepared by the nationwide mortgage licensing system and registry relating to mortgage loan originator examinations.

(4) An applicant for license renewal shall submit to the director BOARD the following:

(b) The renewal fee established by the director BOARD in accordance with section 12-61-908.

(5) (a) Prior to submitting an application for a license, an applicant shall submit a set of fingerprints to the Colorado bureau of investigation. Upon receipt of the applicant's fingerprints, the Colorado bureau of investigation shall use the fingerprints to conduct a state and national criminal history record check using records of the Colorado bureau of investigation and the federal bureau of investigation. All costs arising from such criminal history record check shall be borne by the applicant and shall be paid when the set of fingerprints is submitted. Upon completion of the criminal history record check, the bureau shall forward the results to the director BOARD. The director BOARD may acquire a name-based criminal history record check for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.

(b) If the director BOARD determines that the criminal background check provided by the nationwide mortgage licensing system and registry is a sufficient method of screening license applicants to protect Colorado consumers, the director BOARD may, by rule, authorize the use of that criminal background check instead of the criminal history record check otherwise required by this subsection (5).

(5.5) (c) The director BOARD may acquire a name-based criminal history record check for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints

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are unclassifiable.

(6) Before granting a license to an applicant, the ~~director~~ BOARD shall require the applicant to post a bond as required by section 12-61-907.

(7) The ~~director~~ BOARD shall issue or deny a license within sixty days after:

(a) The applicant has submitted the requisite information to the ~~director~~ BOARD and the nationwide mortgage licensing system and registry, including, but not limited to, the completed application, the application fee, and proof that the applicant has posted a surety bond and obtained errors and omissions insurance; and

(b) The ~~director~~ BOARD receives the completed criminal history record check and all other relevant information or documents necessary to reasonably ascertain facts underlying the applicant's criminal history.

(8) (a) The ~~director~~ BOARD may require, as a condition of license renewal on or after January 1, 2009, continuing education of licensees for the purpose of enhancing the professional competence and professional responsibility of all licensees.

(b) Continuing professional education requirements shall be determined by the ~~director~~ BOARD by rule; except that licensees shall be required to complete at least eight credit hours of continuing education each year. The ~~director~~ BOARD may contract with one or more independent service providers to develop, review, or approve continuing education courses. The contract may allow the independent service provider to recover from licensees its costs incurred in connection with these functions. The ~~director~~ BOARD may contract separately for these functions and may allow the costs to be collected by a single contractor for distribution to other contractors.

(9) (a) The ~~director~~ BOARD may require contractors and prospective contractors for services under subsections (3) and (8) of this section to submit, for the ~~director's~~ BOARD'S review and approval, information regarding the contents and materials of proposed courses and other documentation reasonably necessary to further the purposes of this section.

(b) The ~~director~~ BOARD may set fees for the initial and continuing review of courses for which credit hours will be granted. The initial filing fee for review of materials shall not exceed five hundred dollars, and the fee for continued review shall not exceed two hundred fifty dollars per year per course offered.

(10) The ~~director~~ BOARD may adopt reasonable rules to implement this section. The ~~director~~ BOARD may adopt rules necessary to implement provisions required in the federal "Secure and Fair Enforcement for Mortgage Licensing Act of 2008", 12 U.S.C. sec. 5101 et seq., and for participation in the nationwide mortgage licensing system and registry.

(11) In order to fulfill the purposes of this part 9, the ~~director~~ BOARD may establish relationships or contracts with the nationwide mortgage licensing system and registry or other entities designated by the nationwide mortgage licensing system and registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this part 9.

(12) The ~~director~~ BOARD may use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from or distributing information to the department of justice, a government agency, or any other source."

Page 6, line 14, strike "DIRECTOR," and substitute "BOARD,".

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Page 6, after line 24 insert:

"SECTION 7. The introductory portion to 12-61-903.3 (1) and 12-61-903.3 (1) (b), (1) (c), and (1) (e), Colorado Revised Statutes, are amended to read:

12-61-903.3. License or registration inactivation. (1) The ~~director~~ BOARD may inactivate a state license or a registration with the nationwide mortgage licensing system and registry when a licensee has failed to:

(b) Comply with the errors and omissions insurance requirement in section 12-61-903.5 or any rule of the ~~director~~ BOARD that directly or indirectly addresses errors and omissions insurance requirements;

(c) Maintain current contact information, surety bond information, or errors and omissions insurance information as required by this part 9 or by any rule of the ~~director~~ BOARD that directly or indirectly addresses such requirements;

(e) Comply with any of the education or testing requirements set forth in this part 9 or in any rule of the ~~director~~ BOARD that directly or indirectly addresses education or testing requirements; or

SECTION 8. 12-61-903.5 (2), Colorado Revised Statutes, is amended to read:

12-61-903.5. Errors and omissions insurance - duties of the board - certificate of coverage - when required - group plan made available - effect. (2) The ~~director~~ BOARD shall determine the terms and conditions of coverage required under this section, including the minimum limits of coverage, the permissible deductible, and permissible exemptions. Each licensee subject to the requirements of this section shall maintain evidence of coverage, in a manner satisfactory to the ~~director~~ BOARD, demonstrating continuing compliance with the required terms.

SECTION 9. 12-61-903.7 (1) (b) and (2), Colorado Revised Statutes, are amended to read:

12-61-903.7. License renewal. (1) In order for a licensed mortgage loan originator to renew a license issued pursuant to this part 9, the mortgage loan originator shall:

(b) Satisfy the annual continuing education requirements set forth in section 12-61-903 (8) and in rules adopted by the ~~director~~ BOARD; and

(2) If a licensed mortgage loan originator fails to satisfy the requirements of subsection (1) of this section for license renewal, the mortgage loan originator's license shall expire. The ~~director~~ BOARD shall adopt rules to establish procedures for the reinstatement of an expired license consistent with the standards established by the nationwide mortgage licensing system and registry."

Renumber succeeding sections accordingly.

Page 8, line 1, strike "DIRECTOR" and substitute "BOARD".

Page 8, after line 2 insert:

SECTION 11. 12-61-904.5 (2), Colorado Revised Statutes, is amended to read:

12-61-904.5. Originator's relationship to borrower - rules. (2) For purposes of implementing subsection (1) of this section, the ~~director~~ BOARD may adopt rules defining what constitutes a reasonable, tangible net benefit to the borrower."

Renumber succeeding sections accordingly.

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Page 8, line 3, strike "12-61-905 (1) (g), (4), and (7) (c)," and substitute "The introductory portion to 12-61-905 (1), 12-61-905 (1) (a), (1) (g), (1) (k), (1) (l), (2), (3), (4), (5) (b), (6) (a), (6) (b), (7) (a), the introductory portion to 12-61-905 (7) (b), and 12-61-905 (7) (c), (8), (9) (a), and (10),".

Page 8, line 5, strike "director." and substitute "board." and strike "director" and substitute "director BOARD".

Page 8, after line 7 insert:

"(a) Filed an application with the director BOARD containing material misstatements of fact or omitted any disclosure required by this part 9;"

Page 8, after line 11 insert:

"(k) Not completed the prelicense education requirements set forth in section 12-61-903 and any applicable rules of the director BOARD; or

(l) Not passed a written examination that meets the requirements set forth in section 12-61-903 and any applicable rules of the director BOARD.

(2) The director BOARD may investigate the activities of a licensee or other person that present grounds for disciplinary action under this part 9 or that violate section 12-61-910 (1).

(3) (a) If the director BOARD has reasonable grounds to believe that a mortgage loan originator is no longer qualified under subsection (1) of this section, the director BOARD may summarily suspend the mortgage loan originator's license pending a hearing to revoke the license. A summary suspension shall conform to article 4 of title 24, C.R.S.

(b) The director BOARD shall suspend the license of a mortgage loan originator who fails to maintain the bond required by section 12-61-907 until the licensee complies with such section."

Page 8, line 12, strike "director" and substitute "director BOARD".

Page 8, after line 15 insert:

"(5) (b) If the director BOARD or an administrative law judge determines that an application contained a misstatement of fact or omitted a required disclosure due to an unintentional error, the director BOARD shall allow the applicant to correct the application. Upon receipt of the corrected and completed application, the director BOARD or administrative law judge shall not bar the applicant from being licensed on the basis of the unintentional misstatement or omission.

(6) (a) The director BOARD or an administrative law judge may administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing or investigation conducted by the director BOARD or an administrative law judge. The director BOARD may request any information relevant to the investigation, including, but not limited to, independent credit reports obtained from a consumer reporting agency described in the federal "Fair Credit Reporting Act", 15 U.S.C. sec. 1681a (p).

(b) Upon failure of a witness to comply with a subpoena or process, the district court of the county in which the subpoenaed witness resides or conducts business may issue an order requiring the witness to appear before the director BOARD or administrative law judge; produce the relevant papers, books, records, documentary evidence, testimony, or materials in question; or both. Failure to obey the order of the court may

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be punished as a contempt of court. The ~~director~~ BOARD or an administrative law judge may apply for such order.

(7) (a) If the ~~director~~ BOARD has reasonable cause to believe that an individual is violating this part 9, including but not limited to section 12-61-910 (1), the ~~director~~ BOARD may enter an order requiring the individual to cease and desist such violations.

(b) The ~~director~~ BOARD, upon ~~his or her~~ ITS own motion, may, and, upon the complaint in writing of any person, shall, investigate the activities of any licensee or any individual who assumes to act in such capacity within the state. In addition to any other penalty that may be imposed pursuant to this part 9, any individual violating any provision of this part 9 or any rules promulgated pursuant to this article may be fined upon a finding of misconduct by the ~~director~~ BOARD as follows:".

Page 8, line 16, strike "(7)".

Page 8, after line 19 insert:

"(8) The ~~director~~ BOARD shall keep records of the individuals licensed as mortgage loan originators and of disciplinary proceedings. The records kept by the ~~director~~ BOARD shall be open to public inspection in a reasonable time and manner determined by the ~~director~~ BOARD.

(9) (a) The ~~director~~ BOARD shall maintain a system, which may include, without limitation, a hotline or web site, that gives consumers a reasonably easy method for making complaints about a mortgage loan originator.

(10) The ~~director~~ BOARD shall promulgate rules to allow licensed mortgage loan originators to hire unlicensed mortgage loan originators under temporary licenses. If an unlicensed mortgage loan originator has initiated the application process for a license, he or she shall be assigned a temporary license for a reasonable period until a license is approved or denied. The licensed mortgage loan originator who employs an unlicensed mortgage loan originator shall be held responsible under all applicable provisions of law, including without limitation this part 9 and section 38-40-105, C.R.S., for the actions of the unlicensed mortgage loan originator to whom a temporary license has been assigned under this subsection (10)."

Page 8, line 23, strike "~~director~~" and substitute "**board**".

Page 8, line 25, strike "DIRECTOR" and substitute "BOARD".

Page 9, line 2, strike "DIRECTOR" and substitute "BOARD".

Page 9, line 6, strike "DIRECTOR," and substitute "BOARD,".

Page 9, line 7, strike "DIRECTOR" and substitute "BOARD".

Page 9, line 9, strike "DIRECTOR" and substitute "BOARD" and strike "DIRECTOR;" and substitute "BOARD;".

Page 9, line 22, strike "DIRECTOR" and substitute "BOARD".

Page 9, line 24, strike "DIRECTOR" and substitute "BOARD" and strike "HIS OR HER" and substitute "ITS".

Page 10, line 2, strike "DIRECTOR" and substitute "BOARD".

Page 10, line 14, strike "DIRECTOR" and substitute "BOARD".

Page 10, line 21, strike "(1) (k), (5), and (7)," and substitute "(1) (d), (1) (h), (1) (i), (1) (j), (1) (k), (1) (m), (1) (p), (3), (5), (6), (7), (8) (a), and (9),".

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Page 10, line 24, strike "director," and substitute "~~director~~ BOARD," and strike "his or her" and substitute "~~his or her~~ ITS".

Page 10, line 26, strike "director" and substitute "~~director~~ BOARD".

Page 11, line 3, strike "director" and substitute "~~director~~ BOARD".

Page 11, after line 5 insert:

"(d) Violating any provision of the "Colorado Consumer Protection Act", article 1 of title 6, C.R.S., and, if the licensee has been assessed a civil or criminal penalty or been subject to an injunction under said act, the ~~director~~ BOARD shall revoke the licensee's license;

(h) Failing to account for or to remit, within a reasonable time, any moneys coming into his or her possession that belong to others, whether acting as a mortgage loan originator, real estate broker, salesperson, or otherwise, and failing to keep records relative to said moneys, which records shall contain such information as may be prescribed by the rules of the ~~director~~ BOARD relative thereto and shall be subject to audit by the ~~director~~ BOARD;

(i) Converting funds of others, diverting funds of others without proper authorization, commingling funds of others with the licensee's own funds, or failing to keep such funds of others in an escrow or a trustee account with a bank or recognized depository in this state, which account may be any type of checking, demand, passbook, or statement account insured by an agency of the United States government, and to ~~so~~ keep records relative to the deposit that contain such information as may be prescribed by the rules of the ~~director~~ BOARD relative thereto, which records shall be subject to audit by the ~~director~~ BOARD;

(j) Failing to provide the parties to a residential mortgage loan transaction with such information as may be prescribed by the rules of the ~~director~~ BOARD;"

Page 11, line 8, strike "director," and substitute "~~director~~ BOARD,"

Page 11, line 9, strike "director" and substitute "~~director~~ BOARD".

Page 11, line 11, strike "director" and substitute "~~director~~ BOARD" and strike "director;" and substitute "~~director~~ BOARD;"

Page 11, after line 11 insert:

"(m) Disregarding or violating any provision of this part 9 or of any rule adopted by the ~~director~~ BOARD pursuant to this part 9; violating any lawful orders of the ~~director~~ BOARD; or aiding and abetting a violation of any rule, order of the ~~director~~ BOARD, or provision of this part 9;

(p) Failing to immediately notify the ~~director~~ BOARD in writing of a conviction, plea, or violation pursuant to paragraph (n) or (o) of this subsection (1);

(3) Upon request of the ~~director~~ BOARD, when any mortgage loan originator is a party to any suit or proceeding, either civil or criminal, arising out of any transaction involving a residential mortgage loan and the mortgage loan originator participated in the transaction in his or her capacity as a licensed mortgage loan originator, the mortgage loan originator shall supply to the ~~director~~ BOARD a copy of the complaint, indictment, information, or other initiating pleading and the answer filed, if any, and advise the ~~director~~ BOARD of the disposition of the case and of the nature and amount of any judgment, verdict, finding, or sentence that may be made, entered, or imposed therein."

Page 11, line 12, strike "director" and substitute "~~director~~ BOARD".

Page 11, line 20, strike "DIRECTOR" and substitute "BOARD".

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Page 11, line 22, strike "DIRECTOR'S" and substitute "BOARD'S".

Page 11, after line 24 insert:

"(6) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the ~~director~~ BOARD, does not warrant formal action by the ~~director~~ BOARD but that should not be dismissed as being without merit, the ~~director~~ BOARD may send a letter of admonition by certified mail, return receipt requested, to the licensee against whom a complaint was made and a copy thereof OF THE LETTER OF ADMONITION to the person making the complaint, but the letter shall advise the licensee that the licensee has the right to request in writing, within twenty days after proven receipt, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal disciplinary proceedings."

Page 12, after line 1 insert:

"(8) (a) The ~~director~~ BOARD shall not consider an application for licensure from an individual whose license has been revoked until two years after the date of revocation.

(9) When the ~~director~~ BOARD or the division becomes aware of facts or circumstances that fall within the jurisdiction of a criminal justice or other law enforcement authority upon investigation of the activities of a licensee, the ~~director~~ BOARD or division shall, in addition to the exercise of its authority under this part 9, refer and transmit such information, which may include originals or copies of documents and materials, to one or more criminal justice or other law enforcement authorities for investigation and prosecution as authorized by law.

SECTION 15. 12-61-905.6, Colorado Revised Statutes, is amended to read:

12-61-905.6. Hearing - administrative law judge - review - rules. (1) Except as otherwise provided in this section, all proceedings before the ~~director~~ BOARD with respect to disciplinary actions and denial of licensure under this part 9, at the discretion of the ~~director~~ BOARD, may be conducted by an authorized representative of the ~~director~~ BOARD or an administrative law judge pursuant to sections 24-4-104 and 24-4-105, C.R.S.

(2) Proceedings shall be held in the county where the ~~director~~ BOARD has ~~his or her~~ ITS office or in such other place as the ~~director~~ BOARD may designate. If the licensee is employed by another licensed mortgage loan originator or by a real estate broker, the ~~director~~ BOARD shall also notify the licensee's employer by mailing, by first-class mail, a copy of the written notice required under section 24-4-104 (3), C.R.S., to the employer's last-known business address.

(3) The ~~director~~ BOARD, an authorized representative of the ~~director~~ BOARD, or an administrative law judge shall conduct all hearings for denying, suspending, or revoking a license or certificate on behalf of the ~~director~~ BOARD, subject to appropriations made to the department of personnel. Each administrative law judge shall be appointed pursuant to part 10 of article 30 of title 24, C.R.S. The administrative law judge shall conduct the hearing in accordance with sections 24-4-104 and 24-4-105, C.R.S. No license shall be denied, suspended, or revoked until the ~~director~~ BOARD has made ~~his or her~~ ITS decision.

(4) The decision of the ~~director~~ BOARD in any disciplinary action or denial of licensure under this section is subject to judicial review by the court of appeals. In order to effectuate the purposes of this part 9, the ~~director~~ BOARD has the power to promulgate rules pursuant to article 4 of title 24, C.R.S.

(5) In a judicial review proceeding, the court may stay the

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execution or effect of any final order of the ~~director~~ BOARD; but a hearing shall be held affording the parties an opportunity to be heard for the purpose of determining whether the public health, safety, and welfare would be endangered by staying the ~~director's~~ BOARD'S order. If the court determines that the order should be stayed, it shall also determine at the hearing the amount of the bond and adequacy of the surety, which bond shall be conditioned upon the faithful performance by such petitioner of all obligations as a mortgage loan originator and upon the prompt payment of all damages arising from or caused by the delay in the taking effect of or enforcement of the order complained of and for all costs that may be assessed or required to be paid in connection with such proceedings.

(6) In any hearing conducted by the ~~director~~ BOARD or an authorized representative of the ~~director~~ BOARD in which there is a possibility of the denial, suspension, or revocation of a license because of the conviction of a felony or of a crime involving moral turpitude, the ~~director~~ BOARD or ~~his or her~~ ITS authorized representative shall be governed by section 24-5-101, C.R.S.

SECTION 16. 12-61-905.7 (1), Colorado Revised Statutes, is amended to read:

12-61-905.7. Subpoena - misdemeanor. (1) The ~~director~~ BOARD or the administrative law judge appointed for hearings may issue subpoenas, as described in section 12-61-905 (6), which shall be served in the same manner as subpoenas issued by district courts and shall be issued without discrimination between public or private parties requiring the attendance of witnesses or the production of documents at hearings.

SECTION 17. 12-61-906, Colorado Revised Statutes, is amended to read:

12-61-906. Immunity. A person participating in good faith in the filing of a complaint or report or participating in an investigation or hearing before the ~~director~~ BOARD or an administrative law judge pursuant to this part 9 shall be immune from any liability, civil or criminal, that otherwise might result by reason of such action.

SECTION 18. 12-61-907 (1) and (3), Colorado Revised Statutes, are amended to read:

12-61-907. Bond required. (1) Before receiving a license, an applicant shall post with the ~~director~~ BOARD a surety bond in the amount of twenty-five thousand dollars or such other amount as may be prescribed by the ~~director~~ BOARD by rule. A licensed mortgage loan originator shall maintain the required bond at all times.

(3) The surety bond shall require the surety to provide notice to the ~~director~~ BOARD within thirty days if payment is made from the surety bond or if the bond is cancelled."

Renumber succeeding sections accordingly.

Page 12, line 4, strike "director" and substitute "~~director~~ BOARD".

Page 12, line 24, strike "director" and substitute "~~director~~ BOARD" and strike "his or her" and substitute "~~his or her~~ ITS".

Page 12, after line 27 insert:

"SECTION 20. 12-61-910 (3), Colorado Revised Statutes, is amended to read:

12-61-910. Violations - injunctions. (3) The ~~director~~ BOARD may request that an action be brought in the name of the people of the state of Colorado by the attorney general or the district attorney of the district in which the violation is alleged to have occurred to enjoin a person from engaging in or continuing the violation or from doing any

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act that furthers the violation. In such an action, an order or judgment may be entered awarding such preliminary or final injunction as is deemed proper by the court. The notice, hearing, or duration of an injunction or restraining order shall be made in accordance with the Colorado rules of civil procedure.

SECTION 21. 12-61-910.3, Colorado Revised Statutes, is amended to read:

12-61-910.3. Rule-making authority. ~~The director shall have~~ BOARD HAS the authority to promulgate rules as necessary to enable the ~~director~~ BOARD to carry out the ~~director's~~ BOARD'S duties under this part 9.

SECTION 22. 12-61-910.4, Colorado Revised Statutes, is amended to read:

12-61-910.4. Nontraditional mortgage products - consumer protections - rules - incorporation of federal interagency guidance. The ~~director~~ BOARD shall adopt rules governing the marketing of nontraditional mortgage products by mortgage loan originators. In adopting such rules, the ~~director~~ BOARD shall incorporate appropriate provisions of the final "Interagency Guidance on Nontraditional Mortgage Product Risks" released on September 29, 2006, by the office of the comptroller of the currency and the office of thrift supervision in the federal department of the treasury, the board of governors of the federal reserve system, the federal deposit insurance corporation, and the national credit union administration, as such publication may be amended.

SECTION 23. 12-61-911 (1) (j), Colorado Revised Statutes, is amended to read:

12-61-911. Prohibited conduct - fraud - misrepresentation - conflict of interest - rules. (1) A mortgage loan originator, including a mortgage loan originator otherwise exempted from this part 9 by section 12-61-904 (1) (b), shall not:

(j) Fail to comply with any requirement of the federal "Truth in Lending Act", 15 U.S.C. sec. 1601 and Regulation Z, 12 CFR 226; the "Real Estate Settlement Procedures Act of 1974", 12 U.S.C. sec. 2601 and Regulation X, 24 CFR 3500; the "Equal Credit Opportunity Act", 15 U.S.C. sec. 1691 and Regulation B, CFR 202.9, 202.11, and 202.12; Title V, Subtitle A of the financial modernization act of 1999 (known as the "Gramm-Leach-Bliley Act"), 12 U.S.C. secs. 6801 to 6809; the federal trade commission's privacy rules, 16 CFR 313-314, mandated by the "Gramm-Leach-Bliley Act"; the "Home Mortgage Disclosure Act of 1975", 12 U.S.C. sec. 2801 et seq. and Regulation C, home mortgage disclosure; the "Federal Trade Commission Act", 12 CFR 203, 15 U.S.C. sec. 45(a); the "Telemarketing and Consumer Fraud and Abuse Prevention Act", 15 U.S.C. secs. 6101 to 6108; and the federal trade commission telephone sales rule, 16 CFR 310, as amended, in any advertising of residential mortgage loans or any other applicable mortgage loan originator activities covered by the acts. The ~~director~~ BOARD may adopt rules requiring mortgage loan originators to comply with other applicable federal statutes and regulations.

SECTION 24. 12-61-912 (3) (b), Colorado Revised Statutes, is amended to read:

12-61-912. Dual status as real estate broker - requirements. (3) (b) This subsection (3) shall not require a real estate broker or salesperson licensed under part 1 of this article who also acts as a mortgage loan originator to maintain a physical separation within the office facility for the conduct of its real estate broker or sales and mortgage loan originator activities if the ~~director~~ BOARD determines that maintaining such physical separation would constitute an undue financial hardship upon the mortgage loan originator and is unnecessary for the protection of the public.

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SECTION 25. 12-61-914 (2) (d) and (4) (b), Colorado Revised Statutes, are amended to read:

12-61-914. Written disclosure of fees and costs - contents - limits on fees - lock-in agreement terms - rules. (2) The written disclosure shall contain the following information:

(d) If applicable, the cost, terms, duration, and conditions of a lock-in agreement and whether a lock-in agreement has been entered, whether the lock-in agreement is guaranteed by the mortgage loan originator or lender, and, if a lock-in agreement has not been entered, disclosure in a form acceptable to the ~~director~~ BOARD that the disclosed interest rate and terms are subject to change;

(4) (b) If the borrower's closing costs on the final settlement statement, excluding prepaid escrowed costs of ownership as defined by the ~~director~~ BOARD by rule, do not exceed the total closing costs in the most recent good-faith estimate, excluding prepaid escrowed costs of ownership, no other disclosures shall be required by this subsection (4).

SECTION 26. 12-61-916 (2), Colorado Revised Statutes, is amended to read:

12-61-916. Confidentiality. (2) The ~~director~~ BOARD may enter into agreements with other government agencies, the conference of state bank supervisors, the American association of residential mortgage regulators, or other associations representing government agencies as established by rule."

Renumber succeeding sections accordingly.

Page 13, line 1, strike "(1)," and substitute "(1) and (2)," and strike "is" and substitute "are".

Page 13, line 4, strike "director" and substitute "~~director~~ BOARD".

Page 13, after line 7 insert:

"(2) The ~~director~~ BOARD may report violations of this part 9, enforcement actions, and other relevant information to the nationwide mortgage licensing system and registry."

Page 13, line 15, strike "director" and substitute "~~director~~ BOARD".

Page 13, after line 15, insert:

"SECTION 29. 24-1-122 (2) (k), Colorado Revised Statutes, is amended to read:

24-1-122. Department of regulatory agencies - creation. (2) The department of regulatory agencies shall consist of the following divisions:

(k) (I) Division of real estate, the head of which shall be the ~~division~~ director OF THE DIVISION. THE DIVISION OF REAL ESTATE AND THE DIRECTOR OF THE DIVISION, CREATED BY PART 1 OF ARTICLE 61 OF TITLE 12, C.R.S., SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF REGULATORY AGENCIES AS IF THEY WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER. The real estate commission, created by part 1 of article 61 of title 12, C.R.S., and its powers, duties, and functions are transferred by a **type 1** transfer to the department of regulatory agencies. ~~as the division of real estate.~~

(II) The division shall include the board of real estate appraisers, created by part 7 of article 61 of title 12, C.R.S., which shall exercise its powers and perform its duties and functions under the department of regulatory agencies as if the same were transferred thereto by a **type 1** transfer. THE DIVISION SHALL ALSO INCLUDE THE BOARD OF MORTGAGE

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LOAN ORIGINATORS, CREATED BY SECTION 12-61-902.5. THE BOARD OF MORTGAGE LOAN ORIGINATORS SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF REGULATORY AGENCIES AS IF TRANSFERRED THERETO BY A TYPE 1 TRANSFER.

SECTION 30. 12-61-919, Colorado Revised Statutes, is amended to read:

12-61-919. Repeal of part. (1) This part 9 is repealed, effective July 1, 2013.

(2) Prior to its repeal, the department of regulatory agencies shall review the licensing of mortgage loan originators AND THE REGISTRATION OF MORTGAGE COMPANIES in accordance with section 24-34-104, C.R.S. The department shall include in its review of mortgage loan originators AND MORTGAGE COMPANIES an analysis of the number and types of complaints made about mortgage loan originators AND MORTGAGE COMPANIES and whether the licensing of mortgage loan originators AND THE REGISTRATION OF MORTGAGE COMPANIES correlates with public protection from fraudulent activities in the residential mortgage loan industry.

SECTION 31. Repeal. 24-34-104 (42) (k), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.

(42) The following agencies, functions, or both, shall terminate on July 1, 2011:

(k) ~~The licensing of mortgage loan originators pursuant to part 9 of article 61 of title 12, C.R.S.;~~

SECTION 32. 24-34-104 (44), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.

(44) The following agencies, functions, or both, shall terminate on July 1, 2013:

(p) THE LICENSING OF MORTGAGE LOAN ORIGINATORS AND THE REGISTRATION OF MORTGAGE COMPANIES PURSUANT TO PART 9 OF ARTICLE 61 OF TITLE 12, C.R.S."

Renumber succeeding section accordingly.

REPORT OF CONFERENCE COMMITTEES

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB10-1099

THIS REPORT AMENDS THE
REREVISED BILL

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

Your first conference committee appointed on HB10-1099, concerning authorization to consume an alcohol beverage purchased at the Colorado state fair at any location on the fairgrounds licensed for consumption, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 2, line 12, after the period add "THIS SECTION DOES NOT AUTHORIZE A PERSON TO BRING INTO THE FAIRGROUNDS AN ALCOHOL BEVERAGE PURCHASED OUTSIDE OF THE FAIRGROUNDS."

Page 2, line 21, strike "AUTHORITY," and substitute "AUTHORITY OR AT A LICENSED PREMISES ON THE FAIRGROUNDS WHEN NOT PURCHASED AT THE LICENSED PREMISES,".

Respectfully submitted,

House Committee:
(signed)
Sal Pace, Chairman
Edward Vigil
Tom Massey

Senate Committee:
(signed)
Abel Tapia, Chairman
Mary Hodge
Greg Brophy

MESSAGE FROM THE HOUSE

March 31, 2010

The House has voted to concur in the Senate amendments to HB10-1108, 1043, 1058, 1062, 1365, 1109, 1133, 1202, and has repassed the bills as so amended.

April 1, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1377, 1379, 1380, 1383.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1376, amended as printed in House Journal, March 31, pages 1026-1029.
HB10-1378, amended as printed in House Journal, March 31, pages 1022-1023.
HB10-1381, amended as printed in House Journal, March 31, page 1023.
HB10-1382, amended as printed in House Journal, March 31, page 1023.
HB10-1384, amended as printed in House Journal, March 31, page 1024.
HB10-1385, amended as printed in House Journal, March 31, page 1024.
HB10-1386, amended as printed in House Journal, March 31, pages 1024-1025.
HB10-1387, amended as printed in House Journal, March 31, page 1029.
HB10-1389, amended as printed in House Journal, March 31, page 1025.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1388, amended on Third Reading as printed in House Journal, April 1.

MESSAGE FROM THE REVISOR OF STATUTES

April 1, 2010

Without comment, HB10-1377, 1379, 1380, and 1383.
Without comment, as amended, HB10-1376, 1378, 1381, 1382, 1384, 1385, 1386, 1387, 1388, and 1389.

MESSAGE FROM THE GOVERNOR

Appointment Letters of designation and appointment from Governor Ritter were read and assigned to committees as follows:

March 15, 2010

To the Honorable
Colorado Senate

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Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

MEMBER OF THE
SPECIAL FUNDS BOARD FOR
WORKERS' COMPENSATION SELF INSURERS

for a term expiring July 1, 2014:

David L. Roper of Grand Junction, Colorado, a manager or employee of self-insured employers in good standing, with knowledge of risk management and finance, reappointed;

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 3/23/10
Karen Goldman, Secretary of the Senate

Committee on Business, Labor and Technology

March 15, 2010

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

MEMBER OF THE
ADVISORY COMMITTEE ON
GOVERNMENTAL ACCOUNTING

for a term expiring May 18, 2011:

John A. Carlson of Louisville, Colorado, to fill the vacancy occasioned by the resignation of Gregory W. Demko of Loveland, Colorado, and to serve as a representative of city and county government, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 3/23/10
Karen Goldman, Secretary of the Senate

Committee on Local Government

March 15, 2010

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building

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Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration the following:

MEMBER OF THE COLORADO TRAUMATIC BRAIN INJURY BOARD

for a term expiring June 30, 2011:

Timothy R. Hurtado, D.O. of Parker, Colorado, to fill the vacancy occasioned by the resignation of Dr. David T. Matero of Denver, Colorado, and to serve as a neurologist, appointed.

Sincerely,
(signed)

Bill Ritter, Jr.
Governor

Rec'd: 3/23/10

Karen Goldman, Secretary of the Senate

Committee on Health and Human Services

MESSAGE FROM THE GOVERNOR

March 31, 2010

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

Ladies and Gentlemen:

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

SB10-010 CONCERNING AUTHORIZING THE DEPARTMENT OF HUMAN SERVICES TO USE A PORTION OF EXISTING APPROPRIATIONS TO CONDUCT AN INDEPENDENT EVALUATION OF THE STATEWIDE STRATEGIC USE FUND.

Approved March 31, 2010 at 2:23 p.m.

SB10-014 CONCERNING CHANGES TO THE DEMONSTRATION PROGRAMS FOR SYSTEM OF CARE FAMILY ADVOCATES.

Approved March 31, 2010 at 2:24 p.m.

SB10-015 CONCERNING BEHIND-THE-WHEEL TRAINING REQUIREMENTS NECESSARY TO RECEIVE A DRIVER'S LICENSE.

Approved March 31, 2010 at 2:25 p.m.

SB10-031 CONCERNING A PROHIBITION AGAINST THE INCLUSION OF FACILITIES THAT OFFER GAMBLING-RELATED ACTIVITIES IN A REGIONAL TOURISM PROJECT FOR PURPOSES OF THE "COLORADO REGIONAL TOURISM ACT".

Approved March 31, 2010 at 2:26 p.m.

SB10-037 CONCERNING AN INCREASE IN THE AMOUNTS PAYABLE FROM THE HORSE BREEDERS' AND OWNERS' AWARDS AND SUPPLEMENTAL PURSE FUND FOR COSTS OF ADMINISTRATION.

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Approved March 31, 2010 at 2:27 p.m.

SB10-052 CONCERNING THE ABILITY OF THE GROUNDWATER COMMISSION TO ALTER THE BOUNDARIES OF A DESIGNATED GROUNDWATER BASIN.

Approved March 31, 2010 at 2:28 p.m.

SB10-112 CONCERNING RATE SETTING FOR WORKERS' COMPENSATION INSURANCE.

Approved March 31, 2010 at 2:10 p.m.

SB10-116 CONCERNING THE REIMBURSEMENT OF COSTS INCURRED ON CHANGE ORDERS IN PUBLIC WORKS CONTRACTS.

Approved March 31, 2010 at 2:13 p.m.

SB10-122 CONCERNING THE ELIMINATION OF THE NONPROFIT CORPORATION ORGANIZED TO BE A LESSOR IN THE MASTER LEASE PROGRAM OF THE STATE, AND, IN CONNECTION THEREWITH, SPECIFYING THE TYPES OF ENTITIES THAT CAN BE A LESSOR IN THE MASTER LEASE PROGRAM AND AUTHORIZING THE EXECUTIVE DIRECTOR IF THE DEPARTMENT OF PERSONNEL TO EXECUTE DOCUMENTS REGARDING LEASE-PURCHASE AGREEMENTS FOR WHICH SAID NONPROFIT CORPORATION WAS THE LESSOR.

Approved March 31, 2010 at 2:29 p.m.

SB10-146 CONCERNING A TEMPORARY MODIFICATION TO THE CONTRIBUTION RATES FOR CERTAIN DIVISIONS OF THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION, AND MAKING AN APPROPRIATION THEREFOR.

Approved March 31, 2010 at 2:30 p.m.

SB10-163 CONCERNING WORKERS' COMPENSATION PROCEDURES.

Approved March 31, 2010 at 2:31 p.m.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 3/31/2010, 4:11 p.m.
Karen Goldman, Secretary of the Senate

SENATE SERVICES REPORT

- Correctly Printed:** SCR10-002.
- Correctly Revised:** HB10-1367, 1369 and 1372.
- Correctly Rerevised:** HB10-1076, 1104, 1116, 1165, 1171, 1178, 1215 and 1365.
- Correctly Enrolled:** SB10-063, 081, 130 and 158.

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 Thursday, April 1 was laid over until Monday, April 5, retaining its place on the calendar.

- Consideration of Resolutions: HJR10-1015, SJR10-025.
- Consideration of Memorials: SJM10-002.
- Consideration of House Amendments to Senate Bills: SB10-047, SB10-071, SB10-038, SB10-099, SB10-098.
- Consideration of House Adherence: HB10-1211.
- Consideration of Governor's Appointments:
 - Members of the Water Quality Control Commission
 - Members of the State Board for Community Colleges and Occupational Education

- Member of the Board of Trustees for Fort Lewis College 1
- Members of the Colorado Educational and Cultural Facilities Authority Board of Directors 2
- Member of the State Housing Board 3
- Members of the Solid and Hazardous Waste Commission 4
- Members of the CoverColorado Board of Directors 5
- Members of the Hospital Provider Fee Oversight and Advisory Board 6
- Member of the Colorado Commission on the Aging 7
- Member of the Special Funds Board for Workers' Compensation Self Insurers 8
- Members of the Board of Trustees for Western State College of Colorado 9
- Members of the Board of Trustees for Mesa State College 10
- Members of the Hospital Provider Fee Oversight and Advisory Board 11
- Member of the Medical Services Board 12
- Member of the Colorado Traumatic Brain Injury Board 13
- Members of the State Board of the Great Outdoors Colorado Trust Fund 14
- Member of the State Board of Stock Inspection Commissioners 15
- Members of the Colorado Water Conservation Board 16
- Members of the Colorado Tourism Office Board of Directors 17
- Conference Committees to Report: SB10-109, HB10-1021. 18

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, April 5, 2010. 19

Approved: 20

Brandon C. Shaffer 21
President of the Senate 22

Attest: 23

Karen Goldman 24
Secretary of the Senate 25

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