

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

78th Legislative Day Wednesday, March 31, 2010

- Prayer 10
 By Senator Kopp. 11
- Call to Order 12
 By the President at 9:00 a.m. 13
- Pledge 14
 By Senator Hodge. 15
- Roll Call 16
 Present--34. 17
 Excused--1, Gibbs. 18
- Quorum 19
 The President announced a quorum present. 20
- Reading of Journal 21
 On motion of Senator Steadman, reading of the Journal of Tuesday, March 30, 2010, was dispensed with and the Journal was approved as corrected by the Secretary. 22

**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:

HB10-1178 by Representative(s) Stephens; also Senator(s) Scheffel--Concerning increasing the transparency in the use of gifts, grants, and donations to fund programs by state agencies.

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	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	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.

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

HB10-1116 by Representative(s) Todd; also Senator(s) Newell--Concerning the revision of certain administrative provisions relating to the conduct of elections, and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law.

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	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	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.

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

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	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	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.

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

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	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	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.

Co-sponsors added: Boyd, Cadman, Heath, Hodge, Hudak, King K., Kopp, Morse, Newell, Romer, Sandoval and Scheffel.

HB10-1076 by Representative(s) DelGrosso; also Senator(s) Heath--Concerning the classification of a participant in a property tax work-off program for purposes of employee labor benefits.

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	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	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.

Co-sponsors added: Boyd, Carroll M., Foster, Hodge, Hudak, Morse, Newell, Sandoval, Schwartz, Tapia, Tochtrop and Whitehead.

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.

Laid over until Thursday, April 1, retaining its place on the calendar.

HB10-1171 by Representative(s) Benefield, Scanlan; also Senator(s) Steadman--Concerning education-related data reporting requirements.

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

Third Reading Amendment No.1, (L.010) , by Senators Schwartz and Whitehead.

Amend revised bill, page 4, after line 15, insert:

"SECTION 3. 22-44-111 (3), Colorado Revised Statutes, is amended to read:

22-44-111. Budget - filing. (3) (a) Each board of education shall submit its adopted annual budget to the department of education on or before January 31, 2009, and on or before January 31 each year thereafter. The budget shall include data available to the board of education as of December 31 of the immediately preceding calendar year.

(b) IN COMPLYING WITH THE REQUIREMENTS OF THE "PUBLIC SCHOOL FINANCIAL TRANSPARENCY ACT", PART 3 OF THIS ARTICLE, EACH BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION ARE ENCOURAGED TO ALSO POST ON THEIR RESPECTIVE WEB SITES THE BUDGET WITH UPDATED DATA SUBMITTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3)."

Renumber succeeding sections accordingly.

Page 6, line 1, before "This", insert "(1)".

Page 6, after line 10, add:

"(2) Notwithstanding any provision of subsection (1) of this section to the contrary, section 3 of this act shall take effect only if House Bill 10-1036 is enacted and becomes law."

The amendment was passed on the following roll call vote:

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YES	20	NO	14	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	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	N
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		

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

YES	20	NO	14	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	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	N
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.

Co-sponsors added: Hudak and Williams.

HB10-1165 by Representative(s) Merrifield; also Senator(s) Tapia--Concerning the authority of the state board of land commissioners regarding state land.

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	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	N
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.

HB10-1365 by Representative(s) Solano and Roberts, Balmer, Benefield, Carroll T., Court, Fischer, Frangas, Gerou, Hullinghorst, Kagan, Kerr A., Kerr J., King S., Levy, Liston, Massey, May, McFadyen, McNulty, Merrifield, Middleton, Miklosi, Peniston, Pommer, Primavera, Rice, Ryden, Scanlan, Schafer S., Stephens, Todd, Tyler, Vaad, Vigil; also Senator(s) Whitehead and Penry--Concerning incentives for electric utilities to reduce air emissions, and, in connection therewith, requiring plans to achieve such reductions that give primary consideration to replacing or repowering coal generation with natural gas and also considering other low-emitting resources, and making an appropriation.

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

YES	20	NO	13	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	N
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	N
Carroll M.	Y	Kester	Y	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	N	Whitehead	Y
Gibbs	E	Kopp	*	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

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

Co-sponsors added: Bacon, Boyd, Brophy, Carroll M., Foster, Heath, Johnston, Morse, Romer, Shaffer B., Steadman and Williams.

IMMEDIATE RECONSIDERATION OF HB10-1365

HB10-1365 by Representative(s) Solano and Roberts, Balmer, Benefield, Carroll T., Court, Fischer, Frangas, Gerou, Hullinghorst, Kagan, Kerr A., Kerr J., King S., Levy, Liston, Massey, May, McFadyen, McNulty, Merrifield, Middleton, Miklosi, Peniston, Pommer, Primavera, Rice, Ryden, Scanlan, Schafer S., Stephens, Todd, Tyler, Vaad, Vigil; also Senator(s) Whitehead and Penry--Concerning incentives for electric utilities to reduce air emissions, and, in connection therewith, requiring plans to achieve such reductions that give primary consideration to replacing or repowering coal generation with natural gas and also considering other low-emitting resources, and making an appropriation.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB10-1365.

YES	15	NO	19	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	N	Johnston	N	Penry	N	Tapia	Y
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	Y
Carroll M.	N	Kester	Y	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		

Less than a majority of all members elected to the Senate having voted in the affirmative, reconsideration failed.

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

HB10-1369 by Representative(s) Scanlan and Pommer; also Senator(s) Bacon--Concerning the financing of public schools, and making an appropriation therefor.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, March 26, pages 678-679 and placed in members' bill files.)

Amendment No. 2(L.017), by Senator Bacon.

Amend reengrossed bill, page 5, line 23, strike "THE STATE BUDGET".

Page 5, strike lines 24 through 27.

Page 6, strike line 1.

Page 6, line 9, strike "ANY".

Page 6, strike lines 10 through 14.

Page 9, line strike lines 23 and 24 and substitute "Revised Statutes, are amended to read:".

Page 11, strike lines 4 through 27.

Page 12, strike line 1.

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.)

HB10-1367 by Representative(s) Weissmann; also Senator(s) Morse--Concerning payment of expenses of the legislative department.

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

On motion of Senator Morse , and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB10-171, HB10-1017, SB10-153, HB10-1213, SB10-182, HB10-1182, HB10-1275, HB10-1098, HB10-1276, HB10-1138, HB10-1122) of Wednesday, March 31, was laid over until Thursday, April 1, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB10-1369 by Representative(s) Scanlan and Pommer; also Senator(s) Bacon--Concerning the financing of public schools, and making an appropriation therefor.

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following Penry floor amendment, (L.020) to HB 10-1369, did pass.

Amend reengrossed bill, page 13, after line 11 insert:

"SECTION 9. Article 54 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-54-135. School district consolidation report. WITHIN ONE HUNDRED EIGHTY DAYS OF THE PASSAGE OF HOUSE BILL 10-1369, ENACTED IN 2010, EACH SCHOOL DISTRICT SHALL PROVIDE A REPORT TO THE DEPARTMENT EVALUATING THE FINANCIAL BENEFITS OF CONSOLIDATING THE CENTRAL ADMINISTRATIVE FUNCTIONS OF MULTIPLE SCHOOL DISTRICTS WITHIN INDIVIDUAL COUNTIES. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ALL SAVINGS AND EFFICIENCIES ACHIEVED THROUGH CONSOLIDATION OF CENTRAL ADMINISTRATIVE FUNCTIONS OF MULTIPLE SCHOOL DISTRICTS SHALL RESIDE IN THE RESPECTIVE SCHOOL DISTRICTS IN TERMS AGREED TO BY THE SCHOOL DISTRICTS."

Renumber succeeding sections accordingly.

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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	20	NO	14	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	Y
Carroll M.	N	Kester	Y	Romer	Y	White	Y
Foster	Y	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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Keller, the report of the Committee of the Whole 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	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	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: HB10-1369 as amended, HB10-1367.

Laid over until Thursday, April 1: SB10-171, HB10-1017, SB10-153, HB10-1213, SB10-182, HB10-1182, HB10-1275, HB10-1098, HB10-1276, HB10-1138, HB10-1122.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **HB10-1372** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 23 strike "FIVE MILLION".

Page 3, line 1 strike "FIVE HUNDRED THOUSAND DOLLARS" and substitute "FIVE HUNDRED FIFTY THOUSAND DOLLARS".

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB10-1372 was made Special Orders at 11:29 a.m.

Committee of the Whole

The hour of 11:29 a.m. having arrived, Senator Keller moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Keller was called to the chair to act as Chairman.

SPECIAL 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:

HB10-1372 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.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 31, and placed in members' bill files.)

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

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	Y	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	E	Kopp	N	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB10-1372 as amended.

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the Committee recommends that **SB10-156** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike line 2.

Page 3, line 3, strike "COMMUNITIES," and substitute "BECAUSE OF".

Page 3, line 8, strike "FROM EVICTION WITHOUT CAUSE AND".

Page 3, strike lines 16 through 19 and substitute "viability of current parks."

Page 4, line 25, strike "NINETY" and substitute "SIXTY".

Page 5, strike lines 1 through 5 and substitute "posted. ~~In those situations where a multisection mobile home is being leased to, or occupied by, persons other than its owner and in a manner contrary to the rules and regulations of the landlord, then in that event, the tenancy may be terminated by the landlord upon giving a thirty-day notice rather than said sixty-day notice.~~"

Page 5, strike lines 8 and 9 and substitute "ten days ~~to be extended to not less than fifteen days where the home owner must remove a multisection mobile home,~~ to remove any mobile".

Page 5, line 12, after "his" insert "OR HER".

Page 5, strike lines 14 through 23 and substitute "~~However, any lease may provide that the tenancy may be terminated on the landlord's notice in writing to the home owner, in such prescribed manner, to remove the home owner's unit from the premises within a period of not less than thirty days, to be extended to not less than sixty days where the home~~"

~~owner must remove a multisection mobile home, from the date the notice is served or posted. In those situations where a multisection mobile home is being leased to, or occupied by, persons other than its owner and in a manner contrary to the rules and regulations of the landlord, then, in that event, the tenancy may be terminated by the landlord upon giving a thirty-day notice rather than said sixty-day notice."~~

Page 6, line 8, strike "NINETY-DAY" and substitute "SIXTY-DAY".

Page 6, line 9, strike "AND".

Page 6, line 10, strike "SUBSECTION (2)".

Page 6, strike lines 16 through 20 and substitute:

"(4) (a) IF THE TENANCY IS TERMINATED DUE TO A CHANGE IN USE, THE LANDLORD SHALL PROVIDE COMPENSATION TO THE HOME OWNER AS FOLLOWS:

(I) IF THE HOME OWNER IS UNABLE TO MOVE THE MOBILE HOME DUE TO THE PERMANENT OR SEMIPERMANENT NATURE OF THE HOME, THE LANDLORD SHALL PROVIDE COMPENSATION TO THE HOME OWNER FOR THE FAIR MARKET VALUE OF THE HOME; OR

(II) IF THE HOME OWNER IS READILY ABLE TO MOVE THE MOBILE HOME DUE TO THE MOBILE NATURE OF THE HOME, THE LANDLORD SHALL COMPENSATE THE HOME OWNER FOR ANY EXPENSES THE HOME OWNER INCURS IN MOVING THE HOME; EXCEPT THAT THE LANDLORD SHALL NOT BE REQUIRED TO COMPENSATE THE HOME OWNER FOR ANY EXPENSES ABOVE AND BEYOND THE FAIR MARKET VALUE OF THE HOME. ANY COMPENSATION REQUIRED BY THIS SUBPARAGRAPH (II) SHALL BE PAID BY THE LANDLORD TO THE HOME OWNER NO LATER THAN FIVE DAYS AFTER THE HOME OWNER INCURS SUCH EXPENSES AND REPORTS THE EXPENSES TO THE LANDLORD.

(b) IF A LANDLORD TERMINATES A TENANCY AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4), THE NOTICE REQUIRED BY SECTION 38-12-204.3 SHALL INCLUDE A SECTION ADVISING THE HOME OWNER OF THE COMPENSATION REQUIRED BY THIS SUBSECTION (4)."

Page 8, line 19, strike "six" and substitute "six".

Page 8, line 20, strike "months ONE YEAR" and substitute "months".

Page 9, strike line 16 and substitute:

"PURSUANT TO SECTION 38-12-216 OF THE "MOBILE HOME PARK ACT"."

Page 10, line 22, after "OWNER" insert "SHALL PREPAY TO THE LANDLORD AN AMOUNT EQUAL TO THE TOTAL AMOUNT DUE TO THE LANDLORD AND".

Page 10, line 23, strike "PAY" and substitute "PREPAY".

Page 10, strike lines 24 through 26 and substitute "LANDLORD FOR EACH DAY THE MOBILE HOME WILL REMAIN ON THE PREMISES AFTER THE SEVENTH DAY FOLLOWING THE COURT RULING."

Page 11, line 13, strike "PURPOSE OF PEACEABLE ASSEMBLY" and substitute "RESIDENTS OF THE MOBILE HOME PARK AND ANY INVITED GUESTS OF THE RESIDENTS OF THE MOBILE HOME PARK TO PEACEABLY ASSEMBLE."

Page 12, line 7, before "MONTHLY" insert "LANDLORD SHALL REDUCE THE".

Page 12, line 8, strike "SHALL BE REDUCED".

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Page 13, line 1, strike "~~one hundred~~" and substitute "one hundred".

Page 13, line 2, strike "~~eighty days~~ ONE YEAR" and substitute "eighty days".

Page 13, line 24, strike "costs." and substitute "costs IF THE HOME OWNER IS SUCCESSFUL IN THE ACTION.".

Finance

After consideration on the merits, the Committee recommends that **HB10-1293** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, strike lines 12 and 13 and substitute "APPOINTED BY THE COMMISSIONER OF AGRICULTURE;".

Finance

After consideration on the merits, the Committee recommends that **SB10-125** be postponed indefinitely.

Business, Labor, & Technology

After consideration on the merits, the Committee recommends that **HB10-1220** 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 7, strike lines 24 through 27 and substitute "OF AN INSURER;".

Page 8, strike lines 1 through 4.

Page 9, after line 7 insert:

"(XV) MAKING OR PERMITTING ANY UNFAIR DISCRIMINATION BETWEEN INDIVIDUALS OR RISKS OF THE SAME CLASS AND OF ESSENTIALLY THE SAME HAZARDS BY REFUSING TO INSURE, REFUSING TO RENEW, CANCELING, OR LIMITING THE AMOUNT OF INSURANCE COVERAGE ON THE RESIDENTIAL PROPERTY RISK, OR THE PERSONAL PROPERTY CONTAINED THEREIN, SOLELY BECAUSE OF THE AGE OF THE RESIDENTIAL PROPERTY;

(XVI) TERMINATING OR MODIFYING COVERAGE OR REFUSING TO ISSUE OR RENEW ANY PROPERTY OR CASUALTY POLICY SOLELY BECAUSE THE APPLICANT OR INSURED OR ANY EMPLOYEE OF EITHER IS MENTALLY OR PHYSICALLY IMPAIRED; EXCEPT THAT, THIS SUBPARAGRAPH (XVI) DOES NOT:

(A) APPLY TO ACCIDENT AND HEALTH INSURANCE SOLD BY A CASUALTY INSURER; OR

(B) MODIFY ANY OTHER PROVISION OF LAW RELATING TO THE TERMINATION, MODIFICATION, ISSUANCE, OR RENEWAL OF ANY INSURANCE POLICY OR CONTRACT.

(XVII) REFUSING TO INSURE A PERSON SOLELY BECAUSE ANOTHER INSURER HAS REFUSED TO WRITE A POLICY, OR HAS CANCELLED OR HAS REFUSED TO RENEW AN EXISTING POLICY, IN WHICH THE PERSON WAS THE NAMED INSURED. NOTHING IN THIS SUBPARAGRAPH (XVII) PREVENTS AN INSURER FROM TERMINATING AN EXCESS INSURANCE POLICY BASED ON THE FAILURE OF THE INSURED TO MAINTAIN ANY REQUIRED UNDERLYING INSURANCE.".

Page 9, line 14, strike "AN ANALYSIS OF THE INSURER" and substitute "OTHER MARKET CONDUCT ACTION".

Page 9, line 16, strike "ANALYSIS" and substitute "OR OTHER MARKET CONDUCT ACTION, IN AN AGGREGATED FORMAT,".

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Trans- portation	The Committee on <u>Transportation</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	1 2 3 4 5 6 7 8
	MEMBERS OF THE COLORADO AERONAUTICAL BOARD	9 10 11 12 13 14
	for a term expiring December 19, 2012:	15 16 17
	Harold W. Patton, Jr. of Greenwood Village, Colorado, to serve as a member from the eastern slope and who represents local governments which operate airports, reappointed;	18 19 20
	Louis A. Spera of Pueblo West, Colorado, to serve as a member from the eastern slope and who represents local governments which operate airports, reappointed;	21 22 23 24
	David A. Ubell of Olathe, Colorado, to serve as a member from the western slot and who represents local governments which operate airports, reappointed.	25 26 27 28 29
Trans- portation	After consideration on the merits, the Committee recommends that HB10-1341 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	30 31 32 33
Trans- portation	After consideration on the merits, the Committee recommends that HB10-1161 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	34 35 36 37 38 39 40 41
Local Government and Energy	After consideration on the merits, the Committee recommends that SB10-181 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	42 43 44 45 46 47 48 49 50 51 52 53 54 55
Local Government and Energy	After consideration on the merits, the Committee recommends that HB10-1125 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	56 57 58 59 60 61 62 63 64 65 66 67
	Amend reengrossed bill, page 3, line 26, after the period add "THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE STATE'S SHARING OF DATA GENERATED UNDER THIS SECTION WITH LOCAL ENTITIES THAT REGULATE WASTE DISPOSAL WILL ENHANCE PROTECTION OF THE PUBLIC HEALTH AND ENVIRONMENT, AND, TO THAT END, THE DEPARTMENT IS ENCOURAGED TO SHARE SUCH INFORMATION WITH SUCH OTHER REGULATING ENTITIES."	
	Page 7, strike line 17 and substitute "FILLED OUT A UNIFORM MANIFEST".	
	Page 7, line 18, strike everything before "ON".	
	Page 8, after line 13 insert:	
	"(IV) THE UNIFORM MANIFEST REQUIRED UNDER THIS SECTION SHALL BE AVAILABLE FROM THE DEPARTMENT'S WEB SITE IN SUCH A MANNER THAT ENABLES A PERSON TO EITHER PRINT A HARD COPY OF THE MANIFEST OR COMPLETE, STORE, AND SUBMIT THE MANIFEST ELECTRONICALLY. A UNIFORM MANIFEST SHALL BE MAINTAINED USING THE SAME MEDIUM IN WHICH IT WAS FILLED OUT AND IN ACCORDANCE WITH THIS SECTION AND RULES PROMULGATED BY THE COMMISSION."	
	Page 11, after line 11 insert:	
	"(11) THE DEPARTMENT MAY MAKE THE DATA IT COLLECTS UNDER THIS SECTION AVAILABLE TO REGULATING ENTITIES."	
	<hr style="width: 10%; margin: 0 auto;"/>	
	MESSAGE FROM THE HOUSE	
	March 30, 2010	
	The Speaker has appointed Representatives Massey, chairman, McCann, and Rice as	

House conferees on the First Conference Committee on SB10-109.

March 31, 2010

The House has passed on Third Reading and returns herewith SB10-154.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committees indicated:

SCR10-002 by Senator(s) Williams and Romer, Bacon, Hudak, Shaffer B.; also Representative(s) Benefield, Frangas, McKinley, Merrifield, Middleton, Peniston, Rice, Scanlan, Schafer S., Solano, Todd, Apuan, Casso, Fischer, Gagliardi, Kagan, Labuda, Levy, McCann, Miklosi, Pace, Pommer, Primavera, Ryden, Soper, Tyler, Vigil, Weissmann--Submitting to the registered electors of the state of Colorado an amendment to article IX of the constitution of the state of Colorado, concerning the authority of the general assembly to generate additional state revenues for funding preschool through postsecondary public education without prior voter approval, and, in connection therewith, notwithstanding the prior voter approval requirement of section 20 (4) (a) of article X of the state constitution, allowing the general assembly to enact statutes that result in additional state revenues to be used to fund preschool through postsecondary public education and exempting any additional state revenues raised for this purpose from the constitutional limitations on fiscal year spending.
Education
Finance

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Foster , Chair, Boyd, and Scheffel as Senate conferees on the first conference committee on **HB10-1021**.

SENATE SERVICES REPORT

March 31, 2010

Correctly Revised: HB10-1365.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB10-1036, 1050, 1170, 1185; HJR10-1018.

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 Wednesday, March 31 was laid over until Thursday, April 1, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB10-1117, HB10-1029, HB10-1083, HB10-1265, HB10-1218, HB10-1340, HB10-1259.
Consideration of Resolutions: SJR10-010, 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.
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
Members of the Colorado Educational and Cultural Facilities Authority Board of Directors

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Member of the State Housing Board	1
Members of the Solid and Hazardous Waste Commission	2
Members of the CoverColorado Board of Directors	3
Members of the Hospital Provider Fee Oversight and Advisory Board	4
Member of the Colorado Commission on the Aging	5
Member of the Special Funds Board for Workers' Compensation Self Insurers	6
Members of the Board of Trustees for Western State College of Colorado	7
Members of the Board of Trustees for Mesa State College	8
Members of the Hospital Provider Fee Oversight and Advisory Board	9
Member of the Medical Services Board	10
Member of the Colorado Traumatic Brain Injury Board	11
Members of the State Board of the Great Outdoors Colorado Trust Fund	12
Member of the State Board of Stock Inspection Commissioners	13
Members of the Colorado Water Conservation Board	14
Conference Committees to Report: HB10-1099.	15
Requests for Conference Committee: SB10-109.	16

TRIBUTES

Honoring:	21
2010 Winter Olympic, Bobsled Gold Medal Winner - - By Senator Keith King and Representative Marsha Looper.	22
Dr. Michael Nyikos - - Senator Penry.	23

Journal correction:	24
Page 715, line 68, after "8," insert "after "PLANTS".	25
Page 716, line 8, after "strike", insert "the second".	26

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, April 1, 2010.	27
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Approved:	28
Brandon C. Shaffer	29
President of the Senate	30

Attest:	31
Karen Goldman	32
Secretary of the Senate	33