

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

113th Legislative Day Wednesday, May 5, 2010

Prayer By the chaplain, Reverend Vern Rempel, First Mennonite Church of Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Tochtrop.

Roll Call Present--29.
Absent--5, Johnston, Kopp, Mitchell, Renfroe, Williams.
Excused--1, Spence.
Present later--6, Johnston, Kopp, Mitchell, Renfroe, Spence, Williams.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Foster, reading of the Journal of Tuesday, May 4, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Local Government and Energy After consideration on the merits, the Committee recommends that **HB10-1349** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Trans- portation After consideration on the merits, the Committee recommends that **HB10-1113** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 4, line 21, strike "ARTICLE 2," and substitute "ARTICLE 2 OF THIS TITLE,".

Page 4, line 22, strike "sections 42-3-107 (17), 42-4-225 (1.5), and".

Page 4, line 23, strike "42-4-235;" and substitute "~~sections 42-3-107(17); 42-4-225 (1.5), and 42-4-235~~ SECTION 42-3-107 (17);".

Page 5, line 17, strike "safety and" and substitute "~~safety and~~".

REPORT OF CONFERENCE COMMITTEES

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB10-1125**

**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 HB10-1125,
concerning the authority of the department of public health and
environment to regulate certain activities with respect to waste grease

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derived from food preparation, and making an appropriation therefor, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill.

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 5, line 17, strike "ON" and substitute "EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ON".

Page 12, after line 1 insert:

"(12) (a) A PERSON MAY STORE ON THE PERSON'S PROPERTY GREASE THAT THE PERSON INTENDS TO USE.

(b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE DEPARTMENT HAS EXCLUSIVE AUTHORITY TO REGULATE THE STORAGE OF GREASE."

Page 12, strike lines 2 through 27.

Page 13, strike line 1.

Renumber succeeding sections accordingly.

Respectfully submitted,

House Committee:
(signed)
Dickey Hullinghorst, Chairman
Buffy McFadyen
Marsha Looper

Senate Committee:
(signed)
Gail Schwartz, Chairman
Joyce Foster
Ken Kester

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of House Amendments to Senate Bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB10-071 by Senator(s) Morse; also Representative(s) Riesberg--Concerning creation of a lifetime pass to state parks and recreation areas that shall be available for purchase by Colorado residents who are of eligible age, and making an appropriation therefor.

Senator Morse moved that the Senate concur in House amendments to SB10-071, as printed in House journal, March 23, page 901. The motion was adopted by the following roll call vote:

Table with 4 columns: YES (29), NO (0), EXCUSED (1), ABSENT (5). Rows list names and their corresponding votes.

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

YES	23	NO	6	EXCUSED	1	ABSENT	5
Bacon	Y	Hodge	Y	Morse	Y	Spence	E
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	A	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	A	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	A	Scheffel	N	Williams	A
Harvey	N	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	A	Schwartz	Y		

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

Co-sponsors added: Newell, Schwartz and Whitehead.

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

Senator Boyd moved that the Senate concur in House amendments to **SB10-153**, as printed in House journal, April 23, pages 1393-1394. The motion was **adopted** by the following roll call vote:

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

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

YES	22	NO	9	EXCUSED	1	ABSENT	3
Bacon	Y	Hodge	Y	Morse	Y	Spence	E
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	A	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	A	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	A	Schwartz	Y		

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

SB10-159 by Senator(s) Foster; also Representative(s) Miklosi--Concerning defendant's statements at a community corrections hearing.

Senator Foster moved that the Senate concur in House amendments to **SB10-159**, as printed in House journal, April 23, page 1391. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	1	ABSENT	1
Bacon	Y	Hodge	Y	Morse	Y	Spence	E
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	A	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	33	NO	0	EXCUSED	1	ABSENT	1
Bacon	Y	Hodge	Y	Morse	Y	Spence	E
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	A	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

SB10-162

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

Senator Heath moved that the Senate concur in House amendments to **SB10-162**, as printed in House journal, April 26, pages 1421-1422. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	1	ABSENT	1
Bacon	Y	Hodge	Y	Morse	Y	Spence	E
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	A	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	31	NO	2	EXCUSED	1	ABSENT	1
Bacon	Y	Hodge	Y	Morse	Y	Spence	E
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	A	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

SB10-006 by Senator(s) Boyd, Hudak, Sandoval, White; also Representative(s) Summers, Gagliardi, Kefalas, Waller--Concerning reductions in barriers to obtaining identity-related documents.

Senator Boyd moved that the Senate concur in House amendments to **SB10-006**, as printed in House journal, April 28, page 1466-1467. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	1	ABSENT	1
Bacon	Y	Hodge	Y	Morse	Y	Spence	E
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	A	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	22	NO	11	EXCUSED	1	ABSENT	1
Bacon	Y	Hodge	Y	Morse	Y	Spence	E
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	A	Penry	N	Tapia	Y
Cadman	N	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	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

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

Senator Tochtrop moved that the Senate concur in House amendments to **SB10-061**, as printed in House journal, April 28, page 1467. The motion was **adopted** by the following roll call vote:

YES	33	NO	1	EXCUSED	0	ABSENT	1
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	A	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	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	33	NO	1	EXCUSED	0	ABSENT	1
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	A	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Heath

SB10-103

by Senator(s) Sandoval, Schwartz, Gibbs, Harvey, Hudak, Kester, Morse, Romer, Tochtrop, White, Williams; also Representative(s) Baumgardner, Bradford, Fischer, Frangas, Gardner B., Kerr A., McFadyen, McNulty, Miklosi, Murray, Nikkel, Primavera, Priola, Solano, Tyler--Concerning the creation of a Colorado state parks special license plate, and making an appropriation therefor.

Senator Sandoval moved that the Senate concur in House amendments to **SB10-103**, as printed in House journal, April 28, page 1467. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	0	ABSENT	1
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	A	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	33	NO	1	EXCUSED	0	ABSENT	1
Bacon	Y	Hodge	N	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	A	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Heath

SB10-120

by Senator(s) White, Bacon, Steadman; also Representative(s) Rice, Bradford, McCann-- Concerning the inclusion of prepaid wireless telephone service among the services subject to the surcharge that funds enhanced 911 emergency services, and making an appropriation in connection therewith.

Senator White moved that the Senate concur in House amendments to **SB10-120**, as printed in House journal, April 28, page May 4. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	0	ABSENT	1
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	A	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	23	NO	11	EXCUSED	0	ABSENT	1
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	A	Penry	N	Tapia	Y
Cadman	N	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	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Schwartz

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, and making an appropriation therefor.

Senator Newell moved that the Senate concur in House amendments to **SB10-171**, as printed in House journal, April 28, page 1469. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	35	NO	0	EXCUSED	0	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

SB10-156 by Senator(s) Heath; also Representative(s) Hullinghorst--Concerning increased protections for mobile home owners who lease space in mobile home parks.

Senator Heath moved that the Senate concur in House amendments to **SB10-156**, as printed in House journal, April 28, page 1470. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	21	NO	14	EXCUSED	0	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	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

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

Senator Bacon moved that the Senate concur in House amendments to **SB10-106**, as printed in House journal, April 28, page 1468. The motion was **adopted** by the following roll call vote:

YES	34	NO	1	EXCUSED	0	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	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	23	NO	12	EXCUSED	0	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	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of House Amendments to Senate Resolutions.

**CONSIDERATION OF HOUSE AMENDMENTS TO
SENATE RESOLUTIONS**

SJR10-040 by Senator(s) Scheffel, Gibbs, Kopp; also Representative(s) Scanlan--Concerning the designation of a portion of State Highway 91 as the "Fallen Heroes Highway".

Senator Scheffel moved that the Senate concur in House amendments to **SJR10-040**, as printed in House Journal, April 27, page 1433.

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

YES	35	NO	0	EXCUSED	0	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The question being "Shall the resolution, as amended, be repassed?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Mitchell

On motion of Senator Morse, and with a majority of those elected to the Senate having

voted in the affirmative, the Senate proceeded out of order for consideration of Governor's Appointments -- Consent Calendar.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS -- CONSENT CALENDAR

On motion of Senator Morse, the following Governor's appointments were confirmed by a roll call vote:

BOARD OF DIRECTORS OF DENVER METROPOLITAN MAJOR LEAGUE STADIUM DISTRICT

for terms expiring August 1, 2013:

- Raymond T. Baker of Lakewood, Colorado, reappointed;
- Wil Alston of Denver, Colorado, appointed;
- Ruben A. Valdez of Lakewood, Colorado, appointed;
- F. Robert Lee of Littleton, Colorado, reappointed;
- Patricia D. Baca of Denver, Colorado, reappointed;
- John P. Dikeou of Denver, Colorado, reappointed;
- Patricia G. Imhoff of Greenwood Village, Colorado, reappointed.

MEMBERS OF THE COLORADO CHANNEL AUTHORITY BOARD OF DIRECTORS

for terms expiring October 6, 2011:

- Luisa F. Collins of Denver, Colorado, an Unaffiliated who has experience in the business operations of broadcast journalism, appointed;
- Ken Fellman of Arvada, Colorado, a Democrat, appointed;
- John W. Montgomery of Centennial, Colorado, an Unaffiliated who has experience in the business operations of broadcast journalism, appointed.

MEMBER OF THE CHARTER SCHOOL INSTITUTE BOARD

for terms expiring July 1, 2012:

- John G. Schlichting of Greenwood Village, Colorado, to serve as a charter school board member or founder of a charter school, and as a Democrat, reappointed.

MEMBERS OF THE BOARD OF ASSESSMENT APPEALS

for terms expiring July 1, 2011:

- James R. Meurer of Golden, Colorado, reappointed;
- MaryKay Kelley of Silverthorne, Colorado, reappointed;
- Diane M. DeVries of Wheat Ridge, Colorado, reappointed;
- Lyle D. Hansen of Denver, Colorado, reappointed;
- A. Louesa Maricle of Denver, reappointed.

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MEMBERS OF THE
COLORADO LOTTERY COMMISSION

for terms expiring July 1, 2014:

Dana M. Franzen of Monument, Colorado, a Republican and certified public accountant who has practiced accountancy in Colorado for at least five years, reappointed;

Robin H. Wise of Denver, Colorado, a Republican, reappointed.

MEMBERS OF THE
BOARD OF PARKS AND OUTDOOR RECREATION

for terms expiring June 30, 2014:

Lenna M. Watson of Grand Junction, Colorado, to serve as a representative of the Western Region and as a Republican, reappointed;

William G. Kane of Aspen, Colorado, to serve as a representative of the Northern Region, reappointed.

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

for a term expiring April 15, 2013:

Alan E. Schwartz of Snowmass Village, Colorado, a Democrat and resident of the 3rd Congressional District, to fill the vacancy occasioned by the resignation of James S. Lochhead of Glenwood Springs, Colorado, appointed.

MEMBER OF THE
STATE BOARD OF
STOCK INSPECTION COMMISSIONERS

for a term expiring May 1, 2014:

Marla A. Rock of Wray, Colorado, to represent the confinement cattle industry, appointed.

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.

for terms expiring on June 30, 2012:

Laetitia L. Thompson, Ph.D. of Denver, Colorado, to serve as a neuropsychologist, appointed.

UNIVERSITY OF COLORADO HOSPITAL AUTHORITY
BOARD OF DIRECTORS

From the Sixth Congressional District: Mary K. Rhinehart, for a term effective June 1, 2009, and continuing until May 31, 2013 (or until her successor is appointed by the Board of Regents).

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**MEMBERS OF THE
COVERCOLORADO BOARD OF DIRECTORS**

effective July 2, 2010 for terms expiring July 1, 2014:

Leo Tokar of Englewood, Colorado, a representative of insurance carriers, reappointed;

Cynthia Palmer of Monte Vista, Colorado, a representative of insurance carriers, appointed.

**MEMBER OF THE
PUBLIC EMPLOYEES' RETIREMENT BENEFIT PLANS**

for a term expiring July 10, 2014:

Lynn E. Turner of Broomfield, Colorado, to serve as a representative with experience and competence in investment, management, finance, banking, economics, accounting, pension administration, or actuarial analysis, and as a Democrat, appointed.

YES	35	NO	0	EXCUSED	0	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

RECONSIDERATION OF GOVERNOR'S APPOINTMENTS

Having voted on the prevailing side, Senator Schwartz moved for reconsideration of the last Senate action, consideration of Governor's Appointments Consent Calendar, on Member of the State Board of the Great Outdoors Colorado Trust Fund.

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

CONSIDERATION OF GOVERNOR'S APPOINTMENTS -- CONSENT CALENDAR

On motion of Senator Morse, the following Governor's appointment was confirmed by a roll call vote:

**MEMBER OF THE
STATE BOARD OF THE
GREAT OUTDOORS COLORADO TRUST FUND**

for a term expiring April 15, 2013:

Alan E. Schwartz of Snowmass Village, Colorado, a Democrat and resident of the 3rd Congressional District, to fill the vacancy occasioned by the resignation of James S. Lochhead of Glenwood Springs, Colorado, appointed.

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YES	34	NO	0	EXCUSED	0	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	*		

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

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of Conference Committee Reports.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

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

Senators Romer and Spence moved for the adoption of the first report of the second conference committee on **SB10-109**, as printed in Senate journal, April 23, pages 996-997. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	35	NO	0	EXCUSED	0	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

HJR10-1015 by Representative(s) Roberts, Tipton; also Senator(s) Whitehead--Concerning the removal of FCC broadcasting restrictions to allow access to Denver television stations in southwestern Colorado.

Senators Whitehead moved for the adoption of the first report of the first conference committee on **HJR10-1015**, as printed in Senate journal, May 3, page 1167. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	35	NO	0	EXCUSED	0	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

HB10-1125 by Representative(s) Hullinghorst; also Senator(s) Schwartz--Concerning the authority of the department of public health and environment to regulate certain activities with respect to waste grease derived from food preparation, and making an appropriation therefor.

Senators Schwartz moved for the adoption of the first report of the first conference committee on **HB10-1125**, as printed in Senate journal, May 5. The motion was **adopted** by the following roll call vote:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	Y	Tapia	Y
Cadman	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

COMMITTEE OF REFERENCE REPORTS

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- Finance After consideration on the merits, the Committee recommends that **HB10-1402** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.
- Amend reengrossed bill, page 9, strike lines 26 and 27.
- Page 10, strike lines 1 through 7.
- Renumber succeeding section accordingly.
- Page 1, line 104, strike "**DOME, AND**" and substitute "**DOME.**".
- Page 1, strike line 105.
- Finance After consideration on the merits, the Committee recommends that **HB10-1350** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.
- Amend reengrossed bill, page 3, line 7, after "CREATED" insert "OR RETAINED".
- Page 3, strike lines 11 through 14.
- Reletter succeeding paragraph accordingly.
- Page 3, line 15, strike "SUBPARAGRAPH" and substitute "SUBSECTION".
- Finance After consideration on the merits, the Committee recommends that **HB10-1425** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
- Finance After consideration on the merits, the Committee recommends that **HB10-1285** be referred to the Committee on Appropriations with favorable recommendation.
- Finance After consideration on the merits, the Committee recommends that **SB10-207** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.
- Amend printed bill, page 9, line 27, after "PAYMENTS" insert "OR TO BE USED TO DEFRAY ANY INCREMENTAL COSTS INCURRED BY THE STATE CONTROLLER IN MANAGING ACCOUNTING AND REPORTING REQUIREMENTS RELATED TO LEASE-PURCHASE AGREEMENTS ENTERED INTO PURSUANT TO SUBSECTION (3) OF THIS SECTION".
- Page 10, line 8, after "ON" insert "AND DEFRAYING ANY INCREMENTAL COSTS INCURRED BY THE STATE CONTROLLER IN MANAGING ACCOUNTING AND REPORTING REQUIREMENTS RELATED TO".
- Finance After consideration on the merits, the Committee recommends that **HB10-1103** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.
- Amend reengrossed bill, page 2, line 7, strike "**commission**" and substitute "**advisory board**" and after "**funding -**" insert "**rules -**".
- Page 2, after line 8 insert:

"(a) "ADVISORY BOARD" MEANS THE ADVISORY BOARD FOR THE RELIEF FUND FOR CHILDREN WITH A CATASTROPHIC MEDICAL CONDITION CREATED IN SUBSECTION (4) OF THIS SECTION."

Reletter succeeding paragraphs accordingly.

Page 2, line 10, strike "IN WHICH THE MEDICAL EXPENSES" and substitute "THAT RESULT IN MEDICAL OR OTHER EXPENSES THAT".

Page 2, line 11, strike "ARE NOT COVERED" and substitute "ARE:

(I) NOT REIMBURSED".

Page 3, strike line 1 and substitute "INSURANCE COVERAGE; AND

(II) EXCEED TEN PERCENT".

Page 3, line 2, strike "INCOME" and substitute "FEDERAL TAXABLE INCOME, AS DEFINED UNDER THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED,".

Page 3, line 4, strike "INCOME" and substitute "FEDERAL TAXABLE INCOME, AS DEFINED UNDER THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED,".

Page 3, line 8, strike "PARENT" and substitute "PARENTS".

Page 3, line 9, strike "GUARDIAN" and substitute "GUARDIANS" and strike "IS" and substitute "ARE".

Page 3, strike lines 11 through 13 and substitute:

"(e) "COVERED LIFE" MEANS ANY RECIPIENT OF HEALTH OR DENTAL COVERAGE IN THIS STATE."

Page 3, line 24, strike "PARENT" and substitute "PARENTS" and strike "GUARDIAN" and substitute "GUARDIANS".

Page 4, line 1, strike "AND".

Page 4, line 2, strike "(5)" and substitute "(6)" and strike "SECTION." and substitute "SECTION, AND ANY OTHER MONEYS DEPOSITED IN THE FUND."

Page 4, line 13, strike "SHALL BE" and substitute "ARE".

Page 4, line 14, after "ASSEMBLY" insert "FOR FINANCIAL ASSISTANCE AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION AND".

Page 4, strike lines 17 through 19 and substitute:

"(b) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND".

Page 4, line 20, strike "AND DEPOSIT".

Page 5, line 1, after "IMPLEMENTATION" insert "OR ADMINISTRATION".

Page 5, strike lines 2 through 4.

Page 5, line 12, strike "COMMISSION IN" and substitute "MEDICAL SERVICES BOARD PURSUANT TO".

Page 5, after line 23 insert:

"(d) THE MEDICAL SERVICES BOARD SHALL NOT AWARD ANY FINANCIAL ASSISTANCE PURSUANT TO THIS SUBSECTION (3) UNTIL THE BALANCE IN THE FUND EQUALS AT LEAST TWO MILLION DOLLARS."

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Page 5, line 25, strike "COMMISSION" and substitute "ADVISORY BOARD".

Page 5, line 26, strike "COMMISSION" and substitute "ADVISORY BOARD".

Page 6, line 16, strike "COMMISSION" and substitute "ADVISORY BOARD".

Page 6, line 18, strike "ONE-THIRD" and substitute "TWO MEMBERS".

Page 6, line 19, strike the first "ONE-THIRD" and substitute "THREE MEMBERS" and strike the second "ONE-THIRD" and substitute "THREE MEMBERS".

Page 6, line 25, strike "COMMISSION" and substitute "ADVISORY BOARD".

Page 7, line 3, strike "COMMISSION" and substitute "ADVISORY BOARD".

Page 7, strike lines 5 and 6 and substitute:

"(e) THE ADVISORY BOARD SHALL MAKE RECOMMENDATIONS TO THE MEDICAL SERVICES BOARD WITH REGARD TO THE ADOPTION OF RULES BY THE MEDICAL SERVICES BOARD TO:".

Page 7, line 7, strike "TO ESTABLISH" and substitute "ESTABLISH".

Page 7, line 11, strike "TO ESTABLISH" and substitute "ESTABLISH".

Page 7, line 15, strike "To" and substitute "ESTABLISH A PROCESS TO".

Page 7, line 17, strike "COMMISSION" and substitute "ADVISORY BOARD".

Page 7, line 19, strike "COMMISSION" and substitute "ADVISORY BOARD".

Page 7, strike lines 21 through 27.

Page 8, strike lines 1 through 5 and substitute:

"(IV) ESTABLISH A SLIDING-FEE SCALE FOR DETERMINING THE AMOUNT OF REIMBURSEMENT FOR THE MEDICAL AND RELATED EXPENSES OF EACH CHILD WITH A CATASTROPHIC MEDICAL CONDITION WHO IS ELIGIBLE FOR FINANCIAL ASSISTANCE FROM THE FUND. THE MEDICAL SERVICES BOARD SHALL BASE THE SLIDING-FEE SCALE ON THE ABILITY OF THE CHILD'S FAMILY TO PAY FOR MEDICAL AND RELATED EXPENSES, TAKING INTO ACCOUNT THE SIZE, INCOME AND ASSETS, AND MEDICAL AND RELATED EXPENSES OF THE CHILD'S FAMILY.

(f) THE ADVISORY BOARD SHALL ALSO MAKE RECOMMENDATIONS TO THE MEDICAL SERVICES BOARD REGARDING THE FOLLOWING:".

Page 8, line 6, strike "(V) TO ESTABLISH THE" and substitute "(I) THE".

Page 8, strike lines 8 through 11 and substitute "MEDICAL CONDITION BASED ON THE SLIDING-FEE SCALE ESTABLISHED BY RULE BY THE MEDICAL SERVICES BOARD PURSUANT TO SUBPARAGRAPH (IV) OF PARAGRAPH (e) OF THIS SUBSECTION (4);".

Page 8, line 12, strike "(VI) TO ADJUST" and substitute "(II) ADJUSTMENTS TO".

Page 8, line 14, strike "(VII) TO IDENTIFY OTHER" and substitute "(III) OTHER".

Page 8, line 16, strike "(VIII) To" and substitute "(IV) METHODS TO".

Page 8, strike line 17 and substitute:

"PUBLIC; AND

(V) ANY OTHER MATTERS DEEMED APPROPRIATE BY THE ADVISORY BOARD OR REQUESTED BY THE MEDICAL SERVICES BOARD IN CONNECTION WITH THE PROGRAM ESTABLISHED PURSUANT TO THIS SECTION."

Page 8, line 18, strike "(IX) To" and substitute "(g) THE ADVISORY BOARD SHALL".

Page 8, line 19, strike "FUND; AND" and substitute "FUND."

Page 8, line 20, strike "(X) To" and substitute "(h) THE ADVISORY BOARD SHALL" and before "GENERAL" insert "MEDICAL SERVICES BOARD, DETAILING THE INFORMATION DESCRIBED IN SUBSECTION (7) OF THIS SECTION. UPON RECEIPT AND REVIEW, THE MEDICAL SERVICES BOARD SHALL SUBMIT THE REPORT TO THE".

Page 8, line 21, strike "PURSUANT TO" and substitute "IN ACCORDANCE WITH" and strike "(6)" and substitute "(7)".

Page 8, after line 21 insert:

"(5) THE MEDICAL SERVICES BOARD SHALL ADOPT RULES AS DESCRIBED IN PARAGRAPH (e) OF SUBSECTION (4) OF THIS SECTION. IN ADOPTING SUCH RULES, THE MEDICAL SERVICES BOARD SHALL TAKE INTO CONSIDERATION THE RECOMMENDATIONS OF THE ADVISORY BOARD."

Renumber succeeding subsections accordingly.

Page 8, line 22, before "FOR" insert "(a)".

Page 8, line 23, after "SECTION," insert "THE DIVISION OF INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES SHALL CHARGE ALL".

Page 8, line 25, strike "SHALL CHARGE AN" and substitute "AND ALL INSURERS, AS DEFINED IN SECTION 10-8-503 (10.5), C.R.S., AN ANNUAL".

Page 8, line 26, strike "POLICIES" and substitute "COVERAGE" and after "EXCEPT FOR" insert "THOSE PERSONS WHO HAVE".

Page 8, line 27, strike "CARRIERS" and substitute "DIVISION OF INSURANCE SHALL TRANSMIT ALL ASSESSMENTS COLLECTED FROM CARRIERS AND INSURERS TO THE STATE TREASURER,".

Page 9, strike line 1.

Page 9, after line 2 insert:

"(b) CARRIERS AND INSURERS SHALL PAY THE ASSESSMENT TO THE DIVISION OF INSURANCE IN ACCORDANCE WITH RULES PROMULGATED BY THE COMMISSIONER OF INSURANCE PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (6). IF A CARRIER OR INSURER FAILS TO PAY THE ASSESSMENT WITHIN THE PERIODS ESTABLISHED BY RULE, THE COMMISSIONER MAY USE ALL LAWS OF THIS STATE TO ENFORCE PAYMENT OF THE ASSESSMENTS.

(c) THE COMMISSIONER OF INSURANCE SHALL PROMULGATE RULES TO IMPLEMENT THIS SUBSECTION (6), INCLUDING, BUT NOT LIMITED TO:

(I) THE REASONABLE TIME PERIODS FOR THE BILLING AND COLLECTION OF THE ASSESSMENTS;

(II) THE PROCESS FOR DETERMINING THE TOTAL AMOUNT OF THE ASSESSMENT OWED BY EACH CARRIER AND INSURER SUBJECT TO THIS SUBSECTION (6), INCLUDING THE PROCESS FOR OBTAINING ACCURATE INFORMATION ABOUT THE NUMBER OF COVERED LIVES INSURED BY ANY CARRIER OR INSURER WITHIN THE SIX MONTHS PRIOR TO AN ASSESSMENT;

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AND

(III) ANY PROCEDURES FOR THE APPROVAL OF DEFERRAL OR ABATEMENT OF ASSESSMENTS, IN WHOLE OR IN PART, INCLUDING, BUT NOT LIMITED TO, THE CREATION OF A CREDIT AGAINST THE AMOUNT OF AN ASSESSMENT OWED BY A CARRIER OR INSURER FOR SUCH CARRIER OR INSURER WHO ISSUES BENEFIT PLANS TO PERSONS WHO ARE ELIGIBLE FOR THE PROGRAM."

Page 9, line 4, strike "COMMISSION" and substitute "ADVISORY BOARD" and after "TO" insert "THE MEDICAL SERVICES BOARD,".

Page 9, strike lines 5 and 6.

Page 9, line 10, after "REPORT." add "THE MEDICAL SERVICES BOARD SHALL SUBMIT THE REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, BY EACH JANUARY 31 FOLLOWING RECEIPT OF THE REPORT FROM THE ADVISORY BOARD."

Page 9, line 13, strike "EACH" and substitute "THE DIVISION SHALL CHARGE EACH".

Page 9, line 14, strike "3, OR 4" and substitute "2, 3, 4, OR 5".

Page 9, line 15, strike "SHALL CHARGE".

Page 9, line 16, strike "POLICIES" and substitute "COVERAGE" and after "EXCEPT FOR" insert "THOSE PERSONS WHO HAVE".

Page 9, line 17, strike "CARRIERS" and substitute "DIVISION".

Page 9, line 20, strike "25-1-126 (2)," and substitute "25.5-1-126 (2),".

Page 9, after line 21 insert:

SECTION 3. 25.5-1-303 (1) (e), Colorado Revised Statutes, is amended, and the said 25.5-1-303 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25.5-1-303. Powers and duties of the board - scope of authority - rules. (1) The board shall have the authority set forth in subsection (3) of this section over the following programs administered by the state department:

(e) The old age pension health and medical care program and the supplemental old age pension health and medical care program, as specified in section 25.5-2-101; AND

(f) THE RELIEF FUND FOR CHILDREN WITH A CATASTROPHIC MEDICAL CONDITION, CREATED IN SECTION 25.5-1-126."

Renumber succeeding sections accordingly.

Finance

After consideration on the merits, the Committee recommends that **HB10-1264** be amended as follows, and as so amended, be referred to the Committee on with favorable recommendation.

Amend reengrossed bill, page 9, line 14, strike "SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF".

Page 10, line 14, strike "SUBPARAGRAPH (II)" and substitute "SUBPARAGRAPHS (II), (III), AND (IV)".

Page 11, after line 1 insert:

"(II) FOR A STATE AGENCY THAT CONSTITUTES AN ENTERPRISE

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FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE SAVINGS REALIZED AS VERIFIED BY THE STATE AUDITOR AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (4) SHALL BE DISTRIBUTED, NO LATER THAN THE LAST DAY OF THE EIGHTEENTH MONTH FOLLOWING THE IMPLEMENTATION OF THE INNOVATIVE IDEA, AS FOLLOWS:

(A) FIVE PERCENT, UP TO FIVE THOUSAND DOLLARS, OF THE SAVINGS REALIZED AS A ONE-TIME HONORARY AWARD TO THE EMPLOYEE WHO SUBMITTED THE IDEA APPLICATION;

(B) THE REMAINDER, AFTER THE DISTRIBUTION MADE PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III), TO THE STATE AGENCY AND TO THE GENERAL FUND. THE AMOUNT DISTRIBUTED TO THE GENERAL FUND SHALL BE THE SAME PERCENTAGE OF THE SAVINGS REALIZED THAT THE STATE AGENCY RECEIVES IN TOTAL ANNUAL REVENUES FROM THE STATE GENERAL FUND."

Page 11, line 2, strike "(II)" and substitute "(III)".

Page 11, line 4, strike "SUBPARAGRAPH (I) OF".

Page 11, line 5 strike "A DEPARTMENT" and substitute "THE STATE AGENCY".

Page 11, after line 7 insert:

"(IV) IF THE SAVINGS REALIZED RESULT IN SAVINGS OF MONEYS FROM PUBLIC OR PRIVATE GRANTS, GIFTS, AWARDS, OR DONATIONS WHERE THE USE OF SUCH MONEYS IS RESTRICTED, SUCH RESTRICTED MONEYS SHALL NOT BE DISTRIBUTED AS SPECIFIED IN THIS PARAGRAPH (d) BUT SHALL EITHER BE USED FOR A REALLOCATION OF MONEYS WITHIN THE STATE AGENCY OR SHALL REVERT, DEPENDING ON THE USE SPECIFIED FOR SUCH PARTICULAR RESTRICTED MONEYS."

Page 11, line 8, strike "SUBPARAGRAPH (II)" and substitute "SUBPARAGRAPHS (II) AND (III)".

Page 11, after line 23 insert:

"(III) THIS PARAGRAPH (e) SHALL NOT APPLY TO A STATE AGENCY THAT CONSTITUTES AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION."

Page 12, line 4, strike "SUBPARAGRAPH (I)".

Page 12, line 5, strike "OF".

Finance

After consideration on the merits, the Committee recommends that **SCR10-002** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed concurrent resolution, page 2, line 10, before "NOTWITHSTANDING" insert "(1)".

Page 3, line 14, strike "SECTION" and substitute "SUBSECTION (1)".

Page 3, line 16, strike "SECTION" and substitute "SUBSECTION (1)".

Page 3, line 20, strike "SECTION." and substitute "SUBSECTION (1).".

Page 3, after line 20 insert:

"(2) (a) NOTWITHSTANDING ANY PROVISION OF THIS CONSTITUTION TO THE CONTRARY, ALL STATE REVENUES RESULTING FROM THE EXERCISE OF THE AUTHORITY GRANTED IN SUBSECTION (1) OF THIS SECTION SHALL BE CREDITED TO THE STATE EDUCATION IMPROVEMENT FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY. MONEYS IN THE STATE EDUCATION IMPROVEMENT FUND

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SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY AND SHALL BE USED ONLY FOR THE PURPOSES SET FORTH IN SUBSECTION (1) OF THIS SECTION. ALL INTEREST EARNED ON MONEYS IN THE STATE EDUCATION IMPROVEMENT FUND SHALL BE CREDITED TO THE STATE EDUCATION IMPROVEMENT FUND. MONEYS REMAINING IN THE STATE EDUCATION IMPROVEMENT FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND.

(b) THE EXPENDITURE OF ANY MONEYS CREDITED TO THE STATE EDUCATION IMPROVEMENT FUND PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL SUPPLEMENT AND NOT SUPPLANT THE LEVEL OF GENERAL FUND APPROPRIATIONS EXISTING ON JANUARY 1, 2010, FOR ANY OF THE PURPOSES FOR WHICH MONEYS MAY BE EXPENDED FROM THE STATE EDUCATION IMPROVEMENT FUND, INCLUDING BUT NOT LIMITED TO APPROPRIATIONS FOR TOTAL PROGRAM FUNDING UNDER THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF TITLE 22, COLORADO REVISED STATUTES, FOR CATEGORICAL PROGRAMS AS DEFINED IN SECTION 17 (2) OF THIS ARTICLE, FOR THE COLLEGE OPPORTUNITY FUND CREATED PURSUANT TO SECTION 23-18-202, COLORADO REVISED STATUTES, AND FOR FEE-FOR-SERVICE CONTRACTS PURSUANT TO SECTION 23-1-104 (1) (a) (IV), COLORADO REVISED STATUTES."

Page 4, line 5, strike "EDUCATION" and substitute "EDUCATION,".

Page 4, line 6, strike "AND" and substitute "CREATING THE STATE EDUCATION IMPROVEMENT FUND TO WHICH SUCH ADDITIONAL STATE REVENUES SHALL BE CREDITED, AND".

Page 1, line 113, strike "EDUCATION AND" and substitute "EDUCATION, CREATING THE STATE EDUCATION IMPROVEMENT FUND TO WHICH SUCH ADDITIONAL STATE REVENUES SHALL BE CREDITED, AND".

Finance

After consideration on the merits, the Committee recommends that **HB10-1200** be referred to the Committee of the Whole with favorable recommendation.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Special Orders -- Second Reading of Bills calendar was laid over to follow the General Orders -- Second Reading of Bills calendar.

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:

SB10-196

by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning the minimum speed at which a motor vehicle may travel on interstate 70.

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

YES	33	NO	2	EXCUSED	0	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Newell, Schwartz, Whitehead and Williams.

SB10-193 by Senator(s) Hudak; also Representative(s) Levy--Concerning the safe treatment of pregnant persons in custody.

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

YES	35	NO	0	EXCUSED	0	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Foster, Gibbs, Heath, Hodge, King K., Mitchell, Morse, Newell, Sandoval, Schwartz, Shaffer B., Steadman, Tochtrop and Williams.

SB10-192 by Senator(s) Kopp, Hodge, Harvey, Renfroe, Johnston, Romer, Carroll M., Morse, Scheffel, Spence, Gibbs, Mitchell, Kester, Schultheis, Cadman, Foster, King K., Lundberg, Penry, Tochtrop, White, Whitehead, Williams; also Representative(s) Sonnenberg, Acree, Baumgardner, Bradford, Casso, Curry, Gardner B., Gerou, Kerr A., Kerr J., King S., Lambert, Liston, Looper, Massey, May, Murray, Nikkel, Priola, Summers, Swalm, Tipton, Vaad, Waller--Concerning the use of revenues derived from limited gaming activity to fund restoration work on the state capitol building, and, in connection therewith, creating the capitol dome restoration fund and redirecting moneys from the portion of limited gaming revenue constitutionally allocated to historic preservation to the capitol dome restoration fund.

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	N
Brophy	Y	Johnston	Y	Penry	N	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	Y	Kopp	Y	Scheffel	Y	Williams	N
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: Newell

SB10-003 by Senator(s) Morse and Penry, Heath; also Representative(s) Middleton and May, Court, Gerou--Concerning higher education flexibility.

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

Third Reading Amendment No. 1(L.045) , by Senator Morse.

Amend engrossed bill, page 49, line 26, strike "COMMITTEE".

The amendment was passed on the following roll call vote:

YES	35	NO	0	EXCUSED	0	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	34	NO	1	EXCUSED	0	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	N	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd and Newell.

Senator Schwartz requested that her name be removed as co-sponsor on SB10-003.

RECONSIDERATION OF SB10-192

SB10-192

by Senator(s) Kopp, Hodge, Harvey, Renfroe, Johnston, Romer, Carroll M., Morse, Scheffel, Spence, Gibbs, Mitchell, Kester, Schultheis, Cadman, Foster, King K., Lundberg, Penry, Tochtrop, White, Whitehead, Williams; also Representative(s) Sonnenberg, Acree, Baumgardner, Bradford, Casso, Curry, Gardner B., Gerou, Kerr A., Kerr J., King S., Lambert, Liston, Looper, Massey, May, Murray, Nikkel, Priola, Summers, Swalm, Tipton, Vaad, Waller--Concerning the use of revenues derived from limited gaming activity to fund restoration work on the state capitol building, and, in connection therewith, creating the capitol dome restoration fund and redirecting moneys from the portion of limited gaming revenue constitutionally allocated to historic preservation to the capitol dome restoration fund.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB10-192.

YES	33	NO	2	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	N	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	N	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

THIRD READING OF BILLS -- FINAL PASSAGE

SB10-192

by Senator(s) Kopp, Hodge, Harvey, Renfroe, Johnston, Romer, Carroll M., Morse, Scheffel, Spence, Gibbs, Mitchell, Kester, Schultheis, Cadman, Foster, King K., Lundberg, Penry, Tochtrop, White, Whitehead, Williams; also Representative(s) Sonnenberg, Acree, Baumgardner, Bradford, Casso, Curry, Gardner B., Gerou, Kerr A., Kerr J., King S., Lambert, Liston, Looper, Massey, May, Murray, Nikkel, Priola, Summers, Swalm, Tipton, Vaad, Waller--Concerning the use of revenues derived from limited gaming activity to fund restoration work on the state capitol building, and, in connection therewith, creating the capitol dome restoration fund and redirecting moneys from the portion of limited gaming revenue constitutionally allocated to historic preservation to the capitol dome restoration fund.

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

Table with 8 columns: YES, NO, EXCUSED, ABSENT and corresponding names of senators and representatives.

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

Senator Carroll requested that her name be removed as co-sponsor on SB10-192.

Committee of the Whole

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

HB10-1284

by Representative(s) Massey and Summers, McCann, Rice; also Senator(s) Romer and Spence--Concerning regulation of medical marijuana, and making an appropriation therefor.

Amendment No. 1, Local Government & Energy Committee Amendment. (Printed in Senate Journal, April 28, page 1066 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment. (Printed in Senate Journal, May 3, page 1151-1153 and placed in members' bill files.)

Amendment No. 3(L.151), by Senator Schwartz.

Amend reengrossed bill, page 53, line 6, strike "and".

Page 53, strike line 10 and substitute "constitution; AND

(VII) A WAIVER PROCESS TO ALLOW A HOMEBOUND PATIENT WHO IS ON THE REGISTRY TO HAVE A PRIMARY CAREGIVER TRANSPORT THE PATIENT'S MEDICAL MARIJUANA FROM A LICENSED MEDICAL MARIJUANA CENTER TO THE PATIENT."

Page 59, after line 4 insert:

"(d) IF THE STATE HEALTH AGENCY GRANTS A PATIENT A WAIVER TO ALLOW A PRIMARY CAREGIVER TO TRANSPORT THE PATIENT'S MEDICAL MARIJUANA FROM A MEDICAL MARIJUANA CENTER TO THE PATIENT, THE

STATE HEALTH AGENCY SHALL DESIGNATE THE WAIVER ON THE PATIENT'S
REGISTRY IDENTIFICATION CARD.

(e) A HOMEBOUND PATIENT WHO RECEIVES A WAIVER FROM THE
STATE HEALTH AGENCY TO ALLOW A PRIMARY CAREGIVER TO TRANSPORT
THE PATIENT'S MEDICAL MARIJUANA TO THE PATIENT FROM A MEDICAL
MARIJUANA CENTER SHALL PROVIDE THE PRIMARY CAREGIVER WITH THE
PATIENT'S REGISTRY IDENTIFICATION CARD, WHICH THE PERSON SHALL
CARRY WHEN THE PERSON IS TRANSPORTING THE MEDICAL MARIJUANA.
A MEDICAL MARIJUANA CENTER MAY PROVIDE THE MEDICAL MARIJUANA
TO THE PERSON FOR TRANSPORT TO THE PATIENT IF THE PERSON
PRODUCES THE PATIENT'S REGISTRY IDENTIFICATION CARD."

Amendment No. 4(L.153), by Senator Romer.

Amend the Local Government and Energy Committee Report, dated
April 27, 2010, page 2, strike line 27 and substitute "APPLICATION;
EXCEPT THAT FOR A PERSON WHO SUBMITS AN APPLICATION FOR
LICENSURE PURSUANT TO THIS ARTICLE BY DECEMBER 15, 2010, THIS
REQUIREMENT SHALL NOT APPLY TO THAT PERSON IF THE PERSON WAS A
RESIDENT OF THE STATE OF COLORADO ON DECEMBER 15, 2009."

Amend reengrossed bill, page 7, line 21, strike "NOTWITHSTANDING" and
substitute "SUBJECT TO".

Page 17 of the bill, strike line 22 and substitute "INTEREST. THE LOCAL".

Page 22 of the bill, line 9, strike "EMPLOYEES" and substitute "EMPLOYS".

Page 37 of the bill, line 3, strike "(VIII)." and substitute "(IV).".

Page 37 of the bill, line 11, after "(1)" insert "OR 12-43.3-404 (1)".

Page 41 of the bill, line 18, strike "AND TAXES".

Page 43 of the bill, line 1, strike "A" and substitute "EXCEPT IN THE CASE
OF A SUMMARY SUSPENSION, A".

Page 65 of the bill, line 27, after "COMMUNITY" insert "MENTAL".

Page 71 of the bill, after line 14 insert:

"SECTION 15. Severability. If any provision of this act or the
application thereof to any person or circumstance is held invalid, such
invalidity shall not affect other provisions or applications of the act that
can be given effect without the invalid provision or application, and to
this end the provisions of this act are declared to be severable."

Renumber succeeding sections accordingly.

Amendment No. 5(L.164), by Senator Romer.

Amend the Senate Local Government and Energy Committee Report,
dated April 27, 2010, strike page 1 and substitute:

"Amend reengrossed bill, page 3, strike line 19 through 27 and substitute
the following:

"12-43.3-103. Applicability. (1) (a) ON JULY 1, 2010, A PERSON
WHO IS OPERATING AN ESTABLISHED, LOCALLY APPROVED BUSINESS FOR
THE PURPOSE OF CULTIVATION, MANUFACTURE, OR SALE OF MEDICAL
MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS OR A PERSON
WHO HAS APPLIED TO A LOCAL GOVERNMENT TO OPERATE A LOCALLY
APPROVED BUSINESS FOR THE PURPOSE OF CULTIVATION, MANUFACTURE,
OR SALE OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED
PRODUCTS WHICH IS SUBSEQUENTLY GRANTED MAY CONTINUE TO
OPERATE THAT BUSINESS IN ACCORDANCE WITH ANY APPLICABLE STATE

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OR LOCAL LAWS. "ESTABLISHED", AS USED IN THIS PARAGRAPH (a), SHALL MEAN OWNING OR LEASING A SPACE WITH A STOREFRONT AND REMITTING SALES TAXES IN A TIMELY MANNER ON RETAIL SALES OF THE BUSINESS AS REQUIRED PURSUANT TO 39-26-105, C.R.S., AS WELL AS ANY APPLICABLE LOCAL SALES TAXES.

(b) TO CONTINUE OPERATING A BUSINESS OR OPERATION AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1), THE OWNER SHALL, ON OR BEFORE AUGUST 1, 2010, COMPLETE FORMS AS PROVIDED BY THE DEPARTMENT OF REVENUE AND SHALL PAY A FEE, WHICH SHALL BE CREDITED TO THE MEDICAL MARIJUANA LICENSE CASH FUND ESTABLISHED PURSUANT TO SECTION 12-43.3-501. THE PURPOSE OF THE FEE SHALL BE TO PAY FOR THE DIRECT AND INDIRECT COSTS OF THE STATE LICENSING AUTHORITY AND THE DEVELOPMENT OF APPLICATION PROCEDURES AND RULES NECESSARY TO IMPLEMENT THIS ARTICLE. PAYMENT OF THE FEE AND COMPLETION OF THE FORM SHALL NOT CREATE A LOCAL OR STATE LICENSE OR A PRESENT OR FUTURE ENTITLEMENT TO RECEIVE A LICENSE. AN OWNER ISSUED A LOCAL LICENSE AFTER AUGUST 1, 2010, SHALL COMPLETE THE FORMS AND PAY THE FEE PURSUANT TO THIS PARAGRAPH (b) WITHIN THIRTY DAYS OF ISSUANCE OF THE LOCAL LICENSE. IN ADDITION TO ANY CRIMINAL PENALTIES FOR SELLING WITHOUT A LICENSE, IT SHALL BE UNLAWFUL TO CONTINUE OPERATING A BUSINESS OR OPERATION WITHOUT FILING THE FORMS AND PAYING THE FEE AS DESCRIBED IN THIS SUBSECTION (b), AND ANY VIOLATION OF THIS SECTION SHALL BE PRIMA-FACIE EVIDENCE OF UNSATISFACTORY CHARACTER, RECORD, AND REPUTATION FOR ANY FUTURE APPLICATION FOR LICENSE UNDER THIS ARTICLE.

(c) A COUNTY, CITY AND COUNTY, OR MUNICIPALITY SHALL PROVIDE TO THE STATE LICENSING AUTHORITY, UPON REQUEST, A LIST THAT INCLUDES THE NAME AND LOCATION OF EACH LOCAL CENTER OR OPERATION LICENSED IN SAID COUNTY, CITY AND COUNTY, OR MUNICIPALITY SO THAT THE STATE LICENSING AUTHORITY CAN IDENTIFY ANY CENTER OR OPERATION OPERATING UNLAWFULLY.

(2) (a) PRIOR TO JULY 1, 2011, A COUNTY, CITY AND COUNTY, OR MUNICIPALITY MAY ADOPT AND ENFORCE A RESOLUTION OR ORDINANCE LICENSING, REGULATING, OR PROHIBITING THE CULTIVATION OR SALE OF MEDICAL MARIJUANA. IN A COUNTY, CITY AND COUNTY, OR MUNICIPALITY WHERE SUCH AN ORDINANCE OR RESOLUTION HAS BEEN ADOPTED, A PERSON WHO IS NOT REGISTERED AS A PATIENT OR PRIMARY CAREGIVER PURSUANT TO SECTION 25-1.5-106, C.R.S., AND WHO IS CULTIVATING OR SELLING MEDICAL MARIJUANA SHALL NOT BE ENTITLED TO AN AFFIRMATIVE DEFENSE TO A CRIMINAL PROSECUTION AS PROVIDED FOR IN SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION UNLESS THE PERSON IS IN COMPLIANCE WITH THE APPLICABLE COUNTY OR MUNICIPAL LAW.

(b) ON OR BEFORE SEPTEMBER 1, 2010, A BUSINESS OR OPERATION SHALL CERTIFY THAT IT IS CULTIVATING AT LEAST SEVENTY PERCENT OF THE MEDICAL MARIJUANA NECESSARY FOR ITS OPERATION.

(c) ON AND AFTER JULY 1, 2011, ALL BUSINESSES FOR THE PURPOSE OF CULTIVATION, MANUFACTURE, OR SALE OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS, AS DEFINED IN THIS ARTICLE, SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THIS ARTICLE AND ANY RULES PROMULGATED PURSUANT TO THIS ARTICLE."

Strike page 4 of the reengrossed bill."

Amend the Appropriations Committee Report, dated April 30, 2010, strike page 1.

Page 2 of the appropriations committee report, strike line 1 through 18 and substitute:

"Amend reengrossed bill, page 8, line 17, strike "**creation.**" and

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substitute "**creation - repeal.**".

Amend reengrossed bill, page 47, line 13, strike "OR".

Page 47 of the reengrossed bill, line 16, strike "MARIJUANA." and substitute "MARIJUANA; OR".

Page 47 of the reengrossed bill, after line 16, insert:

"(c) TO CONTINUE OPERATING A BUSINESS FOR THE PURPOSE OF CULTIVATION, MANUFACTURE, OR SALE OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS WITHOUT FILING THE FORMS AND PAYING THE FEE AS DESCRIBED IN SECTION 12-43.3-103 (1) (b).

(d) TO CONTINUE A OPERATING A BUSINESS FOR THE PURPOSE OF CULTIVATION, MANUFACTURE, OR SALE OF MEDICAL MARIJUANA OR MEDICAL MARIJUANA-INFUSED PRODUCTS WITHOUT SATISFYING THE CONDITIONS OF SECTION 12-43.3-103 (2) (b)."

Amendment No. 6(L.152), by Senator Newell.

Amend reengrossed bill, page 9, line 3, strike "**authority.**" and substitute "**authority - repeal.**".

Page 9, line 15, strike "(b)" and substitute "(b) (I)".

Page 9, after line 23 insert:

"(II) (A) THE STATE LICENSING AUTHORITY SHALL CONDUCT A PUBLIC REVIEW HEARING WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT BY SEPTEMBER 1, 2010, TO RECEIVE PUBLIC INPUT ON ANY EMERGENCY RULES ADOPTED BY THE STATE LICENSING AUTHORITY AND BE PROVIDED WITH AN UPDATE FROM THE INDUSTRY, CAREGIVERS, PATIENTS, AND OTHER STAKEHOLDERS REGARDING THE INDUSTRY'S CURRENT STATUS. THE STATE LICENSING AUTHORITY SHALL PROVIDE AT LEAST FIVE BUSINESS DAYS' NOTICE PRIOR TO THE HEARING.

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2011."

Page 51, line 14, strike "**agency.**" and substitute "**agency - repeal.**".

Page 54, after line 4 insert:

(c) (I) THE STATE HEALTH AGENCY SHALL CONDUCT A PUBLIC REVIEW HEARING WITH THE DEPARTMENT OF REVENUE BY SEPTEMBER 1, 2010, TO RECEIVE PUBLIC INPUT ON ANY EMERGENCY RULES ADOPTED BY THE STATE HEALTH AGENCY AND BE PROVIDED WITH AN UPDATE FROM THE INDUSTRY, CAREGIVERS, PATIENTS, AND OTHER STAKEHOLDERS REGARDING THE INDUSTRY'S CURRENT STATUS. THE STATE HEALTH AGENCY SHALL PROVIDE AT LEAST FIVE BUSINESS DAYS' NOTICE PRIOR TO THE HEARING.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2011."

Amendment No. 7(L.163), by Senator Newell.

Amend reengrossed bill, page 40, line 16, before "DIRECT" insert "ACTUAL".

Page 40, line 17, strike "ARTICLE." and substitute "ARTICLE SO THAT THE FEES AVOID EXCEEDING THE STATUTORY LIMIT ON UNCOMMITTED RESERVES IN ADMINISTRATIVE AGENCY CASH FUNDS AS SET FORTH IN SECTION 24-75-402 (3), C.R.S."

Page 62, line 1 after the period insert "THE AMOUNT OF THE FEES SET PURSUANT TO THIS SECTION SHALL REFLECT THE ACTUAL DIRECT AND

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INDIRECT COSTS OF THE STATE LICENSING AUTHORITY IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE SO THAT THE FEES AVOID EXCEEDING THE STATUTORY LIMIT ON UNCOMMITTED RESERVES IN ADMINISTRATIVE AGENCY CASH FUNDS AS SET FORTH IN SECTION 24-75-402 (3), C.R.S."

Amendment No. 8(L.154), by Senator Steadman.

Amend reengrossed bill, page 21, strike line 24 and substitute:

"(D) STAY OUT OF DEFAULT ON A GOVERNMENT-ISSUED STUDENT LOAN."

Amendment No. 9(L.155), by Senator Steadman.

Amend reengrossed bill, page 51, line 5, strike "SUNRISE" and substitute "SUNSET".

Page 51, line 9, strike "SUNRISE" and substitute "SUNSET".

Page 51, line 10, strike "24-34-104.1 (8)," and substitute "24-34-104 (8),".

Page 67, strike lines 10 through 18 and substitute:

"SECTION 12. 24-34-104 (46), 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.
(46) The following agencies, functions, or both shall terminate on July 1, 2015:

(m) THE REGULATION OF PERSONS LICENSED PURSUANT TO ARTICLE 43.3 OF TITLE 12, C.R.S."

Amendment No. 10(L.156), by Senator Steadman.

Amend reengrossed bill, page 20, line 21, strike "(1)" and substitute "(1)(c)".

Amendment No. 11(L.159), by Senator Steadman.

Amend reengrossed bill, page 28, line 20, strike "OPERATORS" and substitute "OWNERS, OFFICERS, MANAGERS, AND EMPLOYEES".

Amendment No. 12(L.160), by Senator Steadman.

Amend reengrossed bill, page 25, line 19, strike "SCHOOLS OR" and substitute "SCHOOLS,".

Page 25, line 20, strike "CAMPUSES" insert "CAMPUSES, OR FACILITIES".

Page 35, line 23, strike "EDIBLE".

Page 38, line 22, strike "UNSEALED OR".

Amendment No. 13(L.158), by Senator Steadman.

Amend reengrossed bill, page 64, line 20, strike "and use".

Page 64, line 22, strike "AND USE" and strike "OR USE".

Page 64, line 24, strike "AND USE".

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Page 64, line 25, strike "OR USE".

Page 65, line 2, strike "and use".

Page 65, line 5, strike "AND USE".

Page 65, line 6, strike "OR USE".

Page 65, line 7, strike "AND USE" and strike the second "AND".

Page 65, line 8, strike "USE".

Page 66, line 10, strike "and use".

Amendment No. 14(L.162), by Senator Steadman.

Amend the Local Government and Energy Committee Report, dated April 27, 2010, page 3, strike lines 8 through 13.

Amend reengrossed bill, page 14, line 20, strike "AND".

Page 14 of the reengrossed bill, after line 20 insert:

"(III) REASONABLE RESTRICTIONS ON THE HOURS OF OPERATIONS OF A LICENSEE; AND".

Page 14 of the reengrossed bill, line 21, strike "(III)" and substitute "(IV)".

Amendment No. 15(L.165), by Senator Steadman.

Amend reengrossed bill, page 31, after line 16, insert:

"(14) STATE AND LOCAL APPLICATIONS AND LICENSES FOR AN OPTIONAL PREMISES CULTIVATION OPERATION AS DESCRIBED IN SECTION 12-43.3-403 SHALL BE CONFIDENTIAL RECORDS AND SHALL BE EXEMPT FROM THE COLORADO OPEN RECORDS ACT. STATE AND LOCAL LICENSING AUTHORITIES SHALL KEEP THE LOCATION OF AN OPTIONAL PREMISES CULTIVATION OPERATION CONFIDENTIAL. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A STATE OR LOCAL LICENSING AGENCY MAY SHARE INFORMATION REGARDING THE LICENSURE AND LOCATION OF AN OPTIONAL PREMISES CULTIVATION OPERATION WITH A PEACE OFFICER OR A LAW ENFORCEMENT AGENCY."

Page 67, after line 18, insert:

SECTION 13. 24-72-202 (6) (b) (XI) and (6) (b) (XII), Colorado Revised Statutes, are amended, and the said 24-72-202 (6) (b) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

24-72-202. Definitions. As used in this part 2, unless the context otherwise requires:

(6) (b) "Public records" does not include:

(XI) Information security incident reports prepared pursuant to section 24-37.5-404 (2) (e) or 24-37.5-404.5 (2) (e); ~~or~~

(XII) Information security audit and assessment reports prepared pursuant to section 24-37.5-403 (2) (d) or 24-37.5-404.5 (2) (d); OR

(XIII) STATE AND LOCAL APPLICATIONS AND LICENSES FOR AN OPTIONAL PREMISES CULTIVATION OPERATION AS DESCRIBED IN SECTION 12-43.3-403, C.R.S., AND THE LOCATION OF THE OPTIONAL PREMISES CULTIVATION OPERATION."

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Renumber succeeding sections accordingly.

Amendment No. 16(L.143), by Senator Carroll.

Amend reengrossed bill, page 37, after line 8 insert:

"(8) A LICENSED MEDICAL MARIJUANA CENTER SHALL COMPLY WITH ALL PROVISIONS OF ARTICLE 34 OF TITLE 24, C.R.S., AS THE PROVISIONS RELATE TO PERSONS WITH DISABILITIES."

Amendment No. 17(L.145), by Senator Carroll.

Amend reengrossed bill, page 50, line 1, strike "OR".

Page 50, line 5, strike "SOLD." and substitute "SOLD; OR".

Page 50, after line 5, insert:

"(1) TO VIOLATE THE PROVISIONS OF SECTION 6-2-103 OR 6-2-105, C.R.S."

Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 1:30 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in recess.

Senate in Recess Senate Reconvened..

Call of the Senate. Call raised.

Committee of the Whole reconvened.

GENERAL ORDERS -- SECOND READING OF BILLS -- con't

HB10-1284 by Representative(s) Massey and Summers, McCann, Rice; also Senator(s) Romer and Spence--Concerning regulation of medical marijuana, and making an appropriation therefor.

Amendment No. 18(L.170), by Senator Johnston.

Amend reengrossed bill, page 59, line 19, after "MARIJUANA" insert "IN OR ON THE GROUNDS OF A SCHOOL OR".

Amendment No. 19(L.173), by Senator Penry.

Amend reengrossed bill, page 64, strike lines 11 through 27.

Strike pages 65 and 66.

Page 67, strike lines 1 and 2.

Renumber succeeding sections accordingly.

Amendment No. 20(L.150), by Senator Romer.

Amend reengrossed bill, page 37, strike line 15 and substitute "LICENSE

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OR THE PERSON'S MEDICAL MARIJUANA-INFUSED PRODUCTS
MANUFACTURING LICENSE."

Page 38 of the reengrossed bill, line 9, strike "TWO" and substitute "MORE
THAN FIVE".

Page 38 of the reengrossed bill, after line 26, insert:

"(8) A MEDICAL MARIJUANA-INFUSED PRODUCTS LICENSEE THAT
HAS AN OPTIONAL PREMISES CULTIVATION LICENSE SHALL NOT SELL ANY
OF THE MEDICAL MARIJUANA THAT IT CULTIVATES."

Page 50 of the reengrossed bill, line 8, strike the first "CENTER" and
substitute "CENTER, MEDICAL MARIJUANA-INFUSED PRODUCTS
MANUFACTURING OPERATION WITH AN OPTIONAL PREMISES CULTIVATION
LICENSE,".

Page 50 of the reengrossed bill, line 12, after "LICENSE" insert "OR
MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING OPERATION
WITH AN OPTIONAL PREMISES CULTIVATION LICENSE".

Page 54 of the reengrossed bill, line 23, strike "LICENSE" and substitute
"LICENSE, A MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING
OPERATION WITH AN OPTIONAL PREMISES CULTIVATION LICENSE,".

Page 60 of the reengrossed bill, line 10, after "CAREGIVERS," insert
"MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING OPERATIONS
WITH AN OPTIONAL PREMISES CULTIVATION LICENSE,".

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.)

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 (HB10-1271, HB10-1352, HB10-1278, HB10-1131, HB10-1214, HB10-1250,
SCR10-001, SCR10-003, HB10-1209.) of Wednesday, May 5, was laid over until
Thursday, May 6, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB10-1284 by Representative(s) Massey and Summers, McCann, Rice; also Senator(s) Romer and
Spence--Concerning regulation of medical marijuana, and making an appropriation
therefor.

Senator Kopp moved to amend the Report of the Committee of the Whole to
show that the following Steadman floor amendment, (L.162) to HB 10-1284, did
not pass.

Amend the Local Government and Energy Committee Report, dated April 27,
2010, page 3, strike lines 8 through 13.

Amend reengrossed bill, page 14, line 20, strike "AND".

Page 14 of the reengrossed bill, after line 20 insert:

"(III) REASONABLE RESTRICTIONS ON THE HOURS OF OPERATIONS OF A
LICENSEE; AND".

Page 14 of the reengrossed bill, line 21, strike "(III)" and substitute "(IV)".

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	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	N	Morse	Y	Spence	Y
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	Y	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	Y	White	Y
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	Y	Schultheis	N	President	Y
Heath	N	Mitchell	N	Schwartz	Y		

Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following Renfroe floor amendment, (L.166) to HB 10-1284, did pass.

Amend reengrossed bill, page 3, strike lines 19 through 27.

Strike pages 4 through 7.

Page 8, strike lines 1 through 3.

Re-number succeeding C.R.S. section accordingly.

Page 8, strike lines 15 through 27.

Strike pages 9 through 71 and substitute:

"SECTION 2. 25-1.5-106, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

25-1.5-106. Medical marijuana program - powers and duties of department. (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "PRIMARY CARE-GIVER" MEANS A NATURAL PERSON, OTHER THAN THE PATIENT AND THE PATIENT'S PHYSICIAN, WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND HAS SIGNIFICANT RESPONSIBILITY FOR MANAGING THE WELL-BEING OF A PATIENT WHO HAS A DEBILITATING MEDICAL CONDITION. A "PRIMARY CARE-GIVER" SHALL ASSIST THE PATIENT WITH HANDLING THE EFFECTS AND CONSEQUENCES OF THE DEBILITATING MEDICAL CONDITION, INCLUDING ADMINISTRATION OF PRESCRIPTION MEDICATION, ATTENDANCE AT MEDICAL APPOINTMENTS, ASSURING THE PATIENT COMPLIES WITH DIETARY REQUIREMENTS, AND ASSISTANCE WITH OTHER DAILY ASPECTS OF THE PATIENT'S HOUSING, SAFETY, AND COMFORT. "PRIMARY CARE-GIVER" SHALL NOT INCLUDE A PERSON WHOSE RESPONSIBILITIES FOR THE PATIENT INCLUDE ONLY THE CULTIVATION OF MARIJUANA ON BEHALF OF THE PATIENT OR THE PROVISION, SALE, OR DISTRIBUTION OF MARIJUANA TO THE PATIENT.

(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PERMIT THE OPERATION OF A RETAIL MEDICAL MARIJUANA OPERATION OR A COMMERCIAL MEDICAL MARIJUANA CULTIVATION OPERATION."

Re-number succeeding section accordingly.

Strike the Local Government and Energy Committee Report, dated April 27, 2010.

Strike the Appropriations Committee Report, dated April 30, 2010.

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:

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YES	10	NO	25	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	N
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	N	Johnston	N	Penry	N	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	White	N
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	N	Schwartz	Y		

Senator Foster moved to amend the Report of the Committee of the Whole to show that the following Penry floor amendment, (L.173) to HB 10-1284, did not pass.

Amend reengrossed bill, page 64, strike lines 11 through 27.

Strike pages 65 and 66.

Page 67, strike lines 1 and 2.

Renumber succeeding sections accordingly.

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

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

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 10-1284 did pass.

Amend reengrossed bill, page 53, line 6, strike "and" and substitute "and".

Page 53, strike line 10 and substitute "constitution; AND"

Page 53, after line 10 insert:

"(VIII) A SALES TAX EXEMPTION FOR PATIENTS BASED ON THE SEVERITY OF THE PATIENTS' DEBILITATING CONDITIONS AND THEIR ABILITY TO PURCHASE MEDICAL MARIJUANA."

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	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	E		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	32	NO	2	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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	E		

The Committee of the Whole took the following action:

Passed on second reading: HB10-1284 as amended.

Laid over until Thursday, May 6: HB10-1271, HB10-1352, HB10-1278, HB10-1131, HB10-1214, HB10-1250, SCR10-001, SCR10-003, HB10-1209.

RECALL OF HB10-1394

Senator Scheffel moved for recall of **HB10-1394** from the House for purpose of reconsideration. A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** by the following roll call vote. The bill was ordered recalled.

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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	E		

Call of the Senate.

Call raised.

RECONSIDERATION OF COMMITTEE OF THE WHOLE REPORT

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Adoption of the Committee of the Whole Report.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted 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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	E		

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

HB10-1284 by Representative(s) Massey and Summers, McCann, Rice; also Senator(s) Romer and Spence--Concerning regulation of medical marijuana, and making an appropriation therefor.

Having voted on the prevailing side, Senator Kopp moved for reconsideration of the last Senate action, adoption of the amendment to the Committee of the Whole Report, HB10-1284.001.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted 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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	E		

AMENDMENT TO THE REPORT OF THE COMMITTEE OF THE WHOLE - HB10-1284.001

Senator Kopp moved to amend the Report of the Committee of the Whole to show that the following Steadman floor amendment, (L.162) to HB 10-1284, did not pass.

Amend the Local Government and Energy Committee Report, dated April 27, 2010, page 3, strike lines 8 through 13.

Amend reengrossed bill, page 14, line 20, strike "AND".

Page 14 of the reengrossed bill, after line 20 insert:

"(III) REASONABLE RESTRICTIONS ON THE HOURS OF OPERATIONS OF A LICENSEE; AND".

Page 14 of the reengrossed bill, line 21, strike "(III)" and substitute "(IV)".

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	19	NO	15	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	N	Morse	Y	Spence	Y
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	Y	Johnston	Y	Penry	N	Tapia	N
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	Y	White	Y
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	N	Mitchell	N	Schwartz	E		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

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

The Committee of the Whole took the following action:

Passed on second reading: HB10-1284 as amended.

Laid over until Thursday, May 6: HB10-1271, HB10-1352, HB10-1278, HB10-1131, HB10-1214, HB10-1250, SCR10-001, SCR10-003, HB10-1209.

COMMITTEE OF REFERENCE REPORTS

Education After consideration on the merits, the Committee recommends that **SB10-205** be referred to the Committee of the Whole with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **SB10-210** be referred to the Committee of the Whole with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **HB10-1013** be referred to the Committee on Appropriations with favorable recommendation.

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

**MEMBER OF THE
COLORADO CHILDREN'S TRUST FUND BOARD**

for a term expiring November 7, 2011:

Hilary A. Silver of Denver, Colorado, to fill the vacancy occasioned by the resignation of Frances H. Cosby of Denver, Colorado, and to serve as a member with knowledge of child abuse prevention/social work, appointed.

Health & Human Services After consideration on the merits, the Committee recommends that **SB10-208** 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 **HB10-1032** 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 25 through 27.

Page 5, strike lines 1 through 10.

Renumber succeeding section accordingly.

Education

After consideration on the merits, the Committee recommends that **HB10-1274** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, strike everything below the enacting clause and substitute:

"SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Students enrolled in a public school may often receive additional support during the school day to ensure their success at school;

(b) Students who have been in the care of day treatment facilities, facility schools, or hospitals and who have not been enrolled in a public school may benefit from additional support services to help them achieve a successful transition back to a public school;

(c) School districts should be active partners in developing transition plans for students to achieve successful transitions to public schools; and

(d) Sharing of medical, mental health, sociological, and scholastic achievement data about a student between the department of human services and a receiving school district and school will enable the school district and school to better determine the types of support, services, and appropriate settings for the student who is making the transition back into the public school system.

(2) The general assembly further finds and declares that:

(a) The expansion of state and local collaborative agreements will allow school districts and other agencies to operate more effectively in the decision-making process for these students;

(b) Multiple agencies, departments, and other participants can help ensure school safety by developing plans and collaborating with one another to create an atmosphere that promotes safety and success for students; and

(c) Sharing of medical, mental health, sociological, and scholastic achievement data by various entities and school districts, within the constraints of state and federal law, should provide as much information as possible, and appropriate use of that information will allow students to successfully transition to and succeed in the public school system.

SECTION 2. Part 1 of article 2 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-2-138. Memorandum of understanding - notification of risk - rules. (1) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING CONCERNING THE ENROLLMENT OF STUDENTS IN THE PUBLIC SCHOOL SYSTEM FROM A STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR HOSPITAL, PURSUANT TO SECTION 22-2-409. THE MEMORANDUM OF

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UNDERSTANDING SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) A CONSISTENT AND UNIFORM APPROACH TO NOTIFICATION AND APPROPRIATE AND ALLOWABLE DATA-SHARING ABOUT STUDENTS, INCLUDING BUT NOT LIMITED TO MEDICAL, MENTAL HEALTH, SOCIOLOGICAL, AND SCHOLASTIC ACHIEVEMENT, WITHIN THE LIMITS OF STATE AND FEDERAL PRIVACY AND CONFIDENTIALITY LAW, BETWEEN SCHOOL DISTRICTS, CHARTER SCHOOLS, INSTITUTE CHARTER SCHOOLS, AND COUNTY DEPARTMENTS OF SOCIAL SERVICES FOR THE PURPOSES OF COLLABORATION IN THE PLACEMENT OF STUDENTS PURSUANT TO THIS SECTION AND SECTION 22-20-108, BETTER FACILITATION OF THE CREATION OF TRANSITION PLANS FOR STUDENTS, AND ENSURING THE SAFETY OF THE PEOPLE IN THE SCHOOL COMMUNITY;

(b) A PLAN FOR UTILIZING EXISTING STATE AND FEDERAL DATA AND ANY EXISTING INFORMATION-SHARING ACTIVITIES;

(c) A PLAN FOR DETERMINING ACCOUNTABILITY AND COLLECTING DATA CONCERNING THE IMPLEMENTATION OF THE NOTIFICATIONS AND INVITATION REQUIRED PURSUANT TO THIS SECTION AND A MECHANISM BY WHICH SCHOOL DISTRICTS AND THE STATE CHARTER SCHOOL INSTITUTE SHALL REPORT THE AGGREGATE DATA TO THE DEPARTMENT OF HUMAN SERVICES AND DEPARTMENT OF EDUCATION ON OR BEFORE FEBRUARY 15, 2012, AND ON OR BEFORE FEBRUARY 15 EACH YEAR THEREAFTER. THE DATA TO REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(I) THE NUMBER OF PLACEMENTS OCCURRING IN A SCHOOL YEAR;

(II) THE NUMBER OF EMERGENCY PLACEMENTS OCCURRING IN A SCHOOL YEAR;

(III) THE TYPES OF PLACEMENTS FROM WHICH THE STUDENTS ARE TRANSITIONING;

(IV) THE EDUCATIONAL SETTING INTO WHICH THE STUDENT IS BEING PLACED; AND

(V) DEMOGRAPHIC INFORMATION OF STUDENTS, INCLUDING BUT NOT LIMITED TO AGE, RACE, GENDER, AND ETHNICITY;

(d) A PROCESS FOR DETERMINING INFORMATION SHARING AND COLLABORATION FOR PLACEMENT OF STUDENTS PURSUANT TO SECTIONS 22-20-108 AND 26-1-137, C.R.S.;

(e) RECOMMENDATIONS FOR AN APPROACH TO SHARING DATA THAT CONFORMS WITH THE INTERDEPARTMENTAL DATA PROTOCOL ESTABLISHED PURSUANT TO SECTION 24-37.5-704, C.R.S., AND THAT IS IN COMPLIANCE WITH ALL STATE AND FEDERAL LAWS, RULES, AND REGULATIONS CONCERNING THE PRIVACY OF INFORMATION;

(f) IDENTIFICATION OF TRAINING AND PROFESSIONAL DEVELOPMENT NEEDS ASSOCIATED WITH IMPLEMENTING INFORMATION SHARING BETWEEN RESPONSIBLE ENTITIES AND FUNDING SOURCES THAT COULD BE UTILIZED FOR THIS PURPOSE; AND

(g) CONSIDERATION OF RECOMMENDATIONS MADE BY EXISTING WORKING GROUPS OR PROJECTS THAT HAVE BEEN INVOLVED WITH INFORMATION SHARING OR TECHNOLOGY RELATING TO INFORMATION SHARING AMONG MULTIPLE ENTITIES AS IT RELATES TO STUDENTS TRANSITIONING BACK INTO PUBLIC SCHOOLS. A REPORT OF THESE RECOMMENDATIONS SHALL BE PROVIDED TO THE DEPARTMENT OF HUMAN SERVICES, THE STATE BOARD OF HUMAN SERVICES, THE DEPARTMENT OF EDUCATION, AND THE STATE BOARD OF EDUCATION PRIOR TO THE FINAL ADOPTION OF THE MEMORANDUM OF UNDERSTANDING.

(2) BEGINNING AUGUST 15, 2010, A STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR HOSPITAL LICENSED OR

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CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S., THAT IS TRANSFERRING A STUDENT TO A PUBLIC SCHOOL SHALL NOTIFY THE APPROPRIATE SCHOOL DISTRICT CHILD WELFARE EDUCATION LIAISON, DESIGNATED PURSUANT TO SECTION 22-32-138 (2) (a), OF THE PENDING ENROLLMENT IN A PUBLIC SCHOOL OF A STUDENT WHO:

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(a) IS TRANSFERRING TO A PUBLIC SCHOOL FROM A STATE-LICENSED DAY TREATMENT FACILITY LICENSED BY THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 26-6-102 (2.5), C.R.S., FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1), OR HOSPITAL; AND

(b) HAS BEEN DETERMINED BY THE STATE-LICENSED DAY TREATMENT FACILITY, THE FACILITY SCHOOL, THE HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S., OR THE COURT TO BE A RISK TO HIMSELF OR HERSELF OR THE COMMUNITY WITHIN THE TWELVE MONTHS PRIOR TO THE PROPOSED TRANSFER.

(3) THE NOTIFICATION REQUIRED IN SUBSECTION (2) OF THIS SECTION SHALL BE MADE AT LEAST TEN CALENDAR DAYS PRIOR TO THE STUDENT'S TRANSITION FROM THE STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR HOSPITAL AND SUBSEQUENT ENROLLMENT IN A PUBLIC SCHOOL AND SHALL INCLUDE AN INVITATION TO THE CHILD WELFARE EDUCATION LIAISON, OR HIS OR HER DESIGNEE, TO PARTICIPATE IN THE DEVELOPMENT OF A TRANSITION PLAN FOR THE STUDENT. THE INFORMATION PROVIDED TO THE CHILD WELFARE EDUCATION LIAISON SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE TRANSITIONING STUDENT'S EDUCATIONAL RECORDS FROM THE TRANSFERRING EDUCATIONAL FACILITY AND AN OUTLINE OF THE STUDENT'S TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC SCHOOL SETTING, WHICH INFORMATION WOULD ASSIST THE SCHOOL DISTRICT IN MEETING THE STUDENT'S NEEDS AND ENSURING A SUCCESSFUL TRANSITION. IF THE TRANSITIONING STUDENT IS IN THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF SOCIAL SERVICES, THE STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR HOSPITAL SHALL ALSO PROVIDE THE NOTIFICATION TO THE DEPARTMENT OF HUMAN SERVICES.

(4) IF A CHANGE OF PLACEMENT IS REQUIRED FOR THE SAFETY OF THE STUDENT OR IF A COURT, THE DEPARTMENT OF HUMAN SERVICES, OR A COUNTY DEPARTMENT OF SOCIAL SERVICES MAKES A PLACEMENT CHANGE WITH FEWER THAN TEN CALENDAR DAYS NOTICE, THE RESPONSIBLE STATE OR COUNTY DEPARTMENT OF HUMAN SERVICES OR SOCIAL SERVICES SHALL PROVIDE INFORMATION TO THE CHILD WELFARE EDUCATION LIAISON, DESIGNATED PURSUANT TO SECTION 22-32-138 (2) (a), OF THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL WITHIN FIVE CALENDAR DAYS FOLLOWING THE STUDENT'S PLACEMENT. THE INFORMATION PROVIDED TO THE CHILD WELFARE EDUCATION LIAISON SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE TRANSITIONING STUDENT'S EDUCATIONAL RECORDS FROM THE TRANSFERRING EDUCATIONAL FACILITY AND AN OUTLINE OF THE STUDENT'S TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC SCHOOL SETTING, WHICH INFORMATION WOULD ASSIST THE DISTRICT IN MEETING THE STUDENT'S NEEDS AND ENSURING A SUCCESSFUL TRANSITION.

(5) THE RESPONSIBLE COUNTY DEPARTMENT OF SOCIAL SERVICES AND THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL SHALL COOPERATE TO ENSURE THAT AN APPROPRIATE PLACEMENT INCLUDING EDUCATIONAL SERVICES IS MADE PURSUANT TO THIS SECTION AND SECTIONS 19-1-115.5, C.R.S., 22-20-108, AND 22-32-138, AS APPLICABLE.

(6) WITHIN THE CONFIDENTIALITY AND PRIVACY LIMITS OF STATE AND FEDERAL LAW, THE RESPONSIBLE COUNTY DEPARTMENT OF SOCIAL SERVICES OR THE SCHOOL DISTRICT, CHARTER SCHOOL, INSTITUTE CHARTER SCHOOL, OR FACILITY SCHOOL SHALL PROVIDE INFORMATION

ABOUT THE STUDENT TO ASSIST THE RECEIVING ENTITY IN DETERMINING AN APPROPRIATE EDUCATIONAL PLACEMENT FOR THE STUDENT.

(7) NOTHING IN THIS SECTION SHALL ALTER THE RIGHTS AND OBLIGATIONS OF THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HUMAN SERVICES, A COUNTY DEPARTMENT OF SOCIAL SERVICES, OR A SCHOOL DISTRICT, AS SUCH RIGHTS AND OBLIGATIONS ARE SET FORTH IN THIS TITLE; 20 U.S.C. SEC. 1400 ET SEQ.; 29 U.S.C. SEC. 701 ET SEQ.; 42 U.S.C. SEC. 11431 ET SEQ.; AND 42 U.S.C. SEC. 675, AS AMENDED BY THE FEDERAL "FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008", PUB.L. 110-351.

(8) THE STATE BOARD OF EDUCATION MAY PROMULGATE RULES PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., CONCERNING THE IMPLEMENTATION OF THIS SECTION, INCLUDING BUT NOT LIMITED TO RULES REGARDING NOTIFICATION AND SHARING OF INFORMATION AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

SECTION 3. 22-32-138 (2) (a), Colorado Revised Statutes, is amended to read:

22-32-138. Out-of-home placement students - transfer procedures - absences - exemptions. (2) (a) Each school district and the state charter school institute, created pursuant to section 22-30.5-503, shall designate an employee of the school district or the institute to act as the child welfare education liaison for the district or for state charter schools. In lieu of designating an employee, a school district or the state charter school institute may contract with an individual to act as the child welfare education liaison. EACH SCHOOL DISTRICT AND THE STATE CHARTER SCHOOL INSTITUTE SHALL REPORT TO THE DEPARTMENT OF EDUCATION BY AUGUST 15, 2010, AND BY AUGUST 15 EACH YEAR THEREAFTER, THE NAME AND CONTACT INFORMATION OF THE CHILD WELFARE EDUCATION LIAISON. THE DEPARTMENT OF EDUCATION SHALL BE RESPONSIBLE FOR POSTING THAT INFORMATION ON THE DEPARTMENT OF EDUCATION'S WEB SITE AND PROVIDING THE INFORMATION TO THE DEPARTMENT OF HUMAN SERVICES. The child welfare education liaison shall be responsible for working with child placement agencies, county departments, and the state department to facilitate the prompt and appropriate placement, transfer, and enrollment in school of students in out-of-home placement within the school district or who are enrolled or enrolling in institute charter schools. The specific duties of the child welfare education liaison shall include, but need not be limited to:

(I) Working with social workers from county departments, juvenile probation officers, and foster care parents to ensure the prompt school enrollment of students in out-of-home placement and the prompt transfer of their education information and records when students are required to change school enrollment due to changes in placement;

(II) Ensuring that the education information and records of a student in out-of-home placement are delivered to the student's new school within five school days after receiving a request for the transfer of the student's education information and records from a county department as required in subsection (3) of this section;

(III) UPON RECEIVING THE REQUIRED NOTIFICATION AND INVITATION, PARTICIPATING IN A TRANSITION PLANNING MEETING REGARDING THE ENROLLMENT IN A PUBLIC SCHOOL OF A STUDENT IN AN OUT-OF-HOME PLACEMENT PURSUANT TO SECTION 22-2-138, OR HAVING HIS OR HER DESIGNEE PARTICIPATING IN SAID MEETING;

(IV) PARTICIPATING IN ANY INTERAGENCY COLLABORATION TEAMS OR THREAT-ASSESSMENT TEAMS CENTERED ON STUDENTS, WHICH TEAMS THE SCHOOL DISTRICT MAY DEVELOP OR ON WHICH TEAMS THE SCHOOL DISTRICT MAY BE INVITED TO PARTICIPATE; AND

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(V) PROVIDING TO THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HUMAN SERVICES, AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, THE INFORMATION REQUIRED PURSUANT TO SECTIONS 22-2-138 AND 26-1-137, C.R.S.

SECTION 4. Part 4 of article 2 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-2-409. Notification of risk. (1) BEGINNING AUGUST 15, 2010, A STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR STATE HOSPITAL SHALL NOTIFY THE APPROPRIATE CHILD WELFARE EDUCATION LIAISON, DESIGNATED PURSUANT TO SECTION 22-32-138 (2) (a), OF A STUDENT WHO:

(a) IS TRANSFERRING TO A PUBLIC SCHOOL FROM A STATE-LICENSED DAY TREATMENT FACILITY LICENSED BY THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 26-6-102 (2.5), C.R.S., FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1), OR HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S.; AND

(b) HAS BEEN DETERMINED BY THE STATE-LICENSED DAY TREATMENT FACILITY, THE FACILITY SCHOOL, THE STATE OR PRIVATE HOSPITAL, OR THE COURT TO BE A RISK TO HIMSELF OR HERSELF OR THE COMMUNITY WITHIN THE TWELVE MONTHS PRIOR TO THE PROPOSED TRANSFER.

(2) THIS SECTION SHALL APPLY ONLY TO A HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-301, C.R.S., THAT IS PROVIDING INPATIENT OR ACUTE PSYCHIATRIC SERVICES FOR A STUDENT FOR MORE THAN TEN DAYS AND IF THERE IS KNOWLEDGE THAT THE STUDENT WILL ATTEND AN IDENTIFIED PUBLIC SCHOOL WITHIN SIXTY DAYS AFTER DISCHARGE FROM THE HOSPITAL. FOR PURPOSES OF THIS SUBSECTION (2), INFORMATION SHARED WITH THE DEPARTMENT OF HUMAN SERVICES, COUNTY DEPARTMENT OF SOCIAL SERVICES, OR CHILD EDUCATION WELFARE LIAISON SHALL BE SHARED ONLY FOR A STUDENT WHO HAS BEEN DEEMED TO BE A RISK TO HIMSELF OR HERSELF OR THE COMMUNITY WITHIN THE TWELVE MONTHS PRIOR TO DISCHARGE.

(3) THE NOTIFICATION REQUIRED IN SUBSECTION (1) OF THIS SECTION SHALL BE MADE AT LEAST TEN CALENDAR DAYS PRIOR TO THE STUDENT'S TRANSITION FROM THE STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR STATE OR PRIVATE HOSPITAL AND SUBSEQUENT ENROLLMENT IN A PUBLIC SCHOOL AND SHALL INCLUDE AN INVITATION TO THE CHILD WELFARE EDUCATION LIAISON, OR HIS OR HER DESIGNEE, TO PARTICIPATE IN THE DEVELOPMENT OF A TRANSITION PLAN FOR THE STUDENT. THE INFORMATION PROVIDED TO THE CHILD WELFARE EDUCATION LIAISON SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE TRANSITIONING STUDENT'S EDUCATIONAL RECORDS FROM THE TRANSFERRING EDUCATIONAL FACILITY AND AN OUTLINE OF THE STUDENT'S TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC SCHOOL SETTING, WHICH INFORMATION WOULD ASSIST THE SCHOOL DISTRICT IN MEETING THE STUDENT'S NEEDS AND ENSURING A SUCCESSFUL TRANSITION. IF THE TRANSITIONING STUDENT IS IN THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF SOCIAL SERVICES, THE STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR STATE HOSPITAL SHALL ALSO PROVIDE THE NOTIFICATION TO THE DEPARTMENT OF HUMAN SERVICES.

(4) IF A CHANGE OF PLACEMENT IS REQUIRED FOR THE SAFETY OF THE STUDENT OR IF A COURT, THE DEPARTMENT OF HUMAN SERVICES, OR A COUNTY DEPARTMENT OF SOCIAL SERVICES MAKES A PLACEMENT CHANGE WITH FEWER THAN TEN CALENDAR DAYS NOTICE, THE RESPONSIBLE STATE OR COUNTY DEPARTMENT OF HUMAN SERVICES OR SOCIAL SERVICES SHALL PROVIDE INFORMATION TO THE CHILD WELFARE

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EDUCATION LIAISON, DESIGNATED PURSUANT TO SECTION 22-32-138 (2) (a), OF THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL WITHIN FIVE CALENDAR DAYS FOLLOWING THE STUDENT'S PLACEMENT. THE INFORMATION PROVIDED TO THE CHILD WELFARE EDUCATION LIAISON SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE TRANSITIONING STUDENT'S EDUCATIONAL RECORDS FROM THE TRANSFERRING EDUCATIONAL FACILITY AND AN OUTLINE OF THE STUDENT'S TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC SCHOOL SETTING, WHICH INFORMATION WOULD ASSIST THE DISTRICT IN MEETING THE STUDENT'S NEEDS AND ENSURING A SUCCESSFUL TRANSITION.

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(5) THE RESPONSIBLE COUNTY DEPARTMENT OF SOCIAL SERVICES AND THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL SHALL COOPERATE TO ENSURE THAT AN APPROPRIATE PLACEMENT INCLUDING EDUCATIONAL SERVICES IS MADE PURSUANT TO THIS SECTION AND SECTIONS 19-1-115.5, C.R.S., 22-20-108, AND 22-32-138, AS APPLICABLE.

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(6) WITHIN THE CONFIDENTIALITY AND PRIVACY LIMITS OF STATE AND FEDERAL LAW, THE RESPONSIBLE COUNTY DEPARTMENT OF SOCIAL SERVICES OR THE SCHOOL DISTRICT, CHARTER SCHOOL, INSTITUTE CHARTER SCHOOL, OR FACILITY SCHOOL SHALL PROVIDE INFORMATION ABOUT THE STUDENT TO ASSIST THE RECEIVING ENTITY IN DETERMINING AN APPROPRIATE EDUCATIONAL PLACEMENT FOR THE STUDENT.

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(7) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING, PURSUANT TO SECTION 22-2-138, CONCERNING THE ENROLLMENT OF STUDENTS IN THE PUBLIC SCHOOL SYSTEM WHO MEET THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION.

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SECTION 5. 22-32-109.1 (6), Colorado Revised Statutes, is amended to read:

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22-32-109.1. Board of education - specific powers and duties - safe schools. (6) **Sharing information.** Notwithstanding any provision to the contrary in title 24, C.R.S., each board of education shall establish policies consistent with section 24-72-204 (3), C.R.S., and with applicable provisions of the federal "Family Education Rights and Privacy Act of 1974" (FERPA), 20 U.S.C. sec. 1232g, and all federal regulations and applicable guidelines adopted thereto, to share and release information directly related to a student and maintained by a public school or by a person acting for the public school in the interest of making schools safer. SHARING OF INFORMATION CONCERNING AN OUT-OF-HOME PLACEMENT STUDENT WHO IS BEING TRANSFERRED TO A PUBLIC SCHOOL SHALL COMPLY WITH THE RULES ESTABLISHED BY THE STATE BOARD PURSUANT TO SECTION 22-2-138 (8).

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SECTION 6. Part 1 of article 1 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

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26-1-137. Memorandum of understanding - notification of risk - rules. (1) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING, PURSUANT TO SECTION 22-2-138, C.R.S., CONCERNING THE ENROLLMENT OF STUDENTS IN THE PUBLIC SCHOOL SYSTEM FROM A STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR STATE OR PRIVATE HOSPITAL PURSUANT TO SECTION 22-2-409, C.R.S.

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(2) THE STATE BOARD MAY PROMULGATE RULES PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., CONCERNING THE IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING, INCLUDING BUT NOT LIMITED TO RULES REGARDING

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NOTIFICATION OF AND SHARING OF INFORMATION AS DESCRIBED IN SECTION 22-2-138, C.R.S.

SECTION 7. 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."

Education

After consideration on the merits, the Committee recommends that **SB10-202** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, line 11, strike "C.R.S.;" and substitute "C.R.S., TO THE EXTENT THAT THE CONTRIBUTION IS INCLUDED IN FEDERAL TAXABLE INCOME;"

Page 6, line 12, strike "10-____," and substitute "10-202,"

Page 7, line 16, strike "10-____," and substitute "10-202,"

Page 8, line 8, strike "10-____" and substitute "10-1428".

Page 8, line 10, strike "10-____" and substitute "10-1428".

Education

After consideration on the merits, the Committee recommends that **SB10-215** be postponed indefinitely.

REPORT OF CONFERENCE COMMITTEES

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB10-1330

**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 HB10-1330, concerning the creation of an advisory committee to make recommendations regarding the creation of a Colorado all-payer health claims database for the purpose of transparent public reporting of health care information, has met and reports that it has agreed upon the following:

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 4, line 8, strike "MANAGERS;" and substitute "MANAGERS; AND".

Page 4, strike lines 11 through 14 and substitute "CARE FOR ALL COLORADANS."

Respectfully submitted,

House Committee:
(signed)
John Kefalas, Chairman
Daniel Kagan
Ellen Roberts

Senate Committee:
(signed)
John P. Morse, Chairman
Betty Boyd
David Schultheis

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MESSAGE FROM THE HOUSE

May 4, 2010

The House has voted to concur in the Senate amendments to HB10-1035, 1053, 1224, 1260, 1333, 1335, 1362, 1351, 1005, 1073, 1106, 1119, 1141, 1329, and has repassed the bills as so amended.

The House has voted to recede from its position and discharge the First Conference Committee on HB10-1273. The House voted to concur in Senate amendments, and has repassed the bill as amended. The House requests return of the bill.

The House has adopted the First Majority Report of the First Conference Committee on HB10-1021, as printed in House Journal, April 22, page 1382, and has repassed the bill as amended.

The House has adopted the First Report of Conference Committee on HB10-1383, as printed in House Journal, April 28, page 1480, and has repassed the bill as amended.

The House has adopted the First Report of Conference Committee on HB10-1388, as printed in House Journal, April 28, pages 1480-1481, and has repassed the bill as amended.

The House has adopted the First Report of the Second Conference Committee on SB10-109, as printed in House Journal, April 22, page 1383, and has repassed the bill as so amended. The bill is returned herewith.

May 5, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1415, amended as printed in House Journal, May 4, pages 1600-1601. HB10-1427, amended as printed in House Journal, May 4, page 1602. HB10-1281, amended as printed in House Journal, May 4, pages 1602-1603.

In response to the request of the Senate for the recall of HB10-1394, the bill is transmitted herewith.

MESSAGE FROM THE REVISOR OF STATUTES

May 5, 2010

We herewith transmit:

Without comment, as amended, HB10-1415, 1427, and 1281.

SENATE SERVICES REPORT

Correctly Printed: SB10-213, 214, 215, 216 and 217.
Correctly Engrossed: SB10-003, 192, 193 and 196; SR10-009.
Correctly Reengrossed: SB10-167 and 197.
Correctly Rerevised: HB10-1018, 1375, 1392, 1394, 1395 and 1399.

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, May 5 was laid over until Thursday, May 6, retaining its place on the calendar.

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Special Orders--Second Reading of Bills: HB10-1358
 Consideration of Resolutions: SJR10-035, SJR10-042, SJR10-043, SJR10-047,
 SJR10-038, HJR10-1029.
 Consideration of Governor's Appointments:
 Members of the State Board of Parole
 Members of the Board of Trustees for Adams State College
 Conference Committees to Report: HB10-1273, HB10-1252.
 Requests for Conference Committee: HB10-1188.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB10-213** be referred to the Committee of the Whole with favorable recommendation.

INTRODUCTION OF BILLS -- FIRST READING

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

- HB10-1281** by Representative(s) Casso; also Senator(s) Spence--Concerning the deregulation of telecommunications service in areas where sufficient market competition exists, and making an appropriation therefor.
Business, Labor and Technology
- HB10-1415** by Representative(s) Gagliardi; also Senator(s) Morse--Concerning the registration of persons who assist surgeons, and making an appropriation therefor.
Health and Human Services
- HB10-1427** by Representative(s) Todd, Hullinghorst, Kerr A., Levy, Primavera, Solano, Summers, Ryden; also Senator(s) Heath, Bacon, Hodge, Hudak, King K., Williams--Concerning the authority of institutions of higher education to offer group benefit coverage to employees of the institution who are in the state personnel system.
Education

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, May 6, 2010.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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