

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

76th Legislative Day

Monday, March 29, 2010

Prayer By the chaplain, Reverend Dwight Blackstock, Retired, Presbyterian Church, Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Senator Hodge.

Call of the Senate. Call raised.

Roll Call Present--35.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Steadman, reading of the Journal of Friday, March 26, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **HB10-1083** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary After consideration on the merits, the Committee recommends that **HB10-1265** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary After consideration on the merits, the Committee recommends that **HB10-1218** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary After consideration on the merits, the Committee recommends that **HB10-1340** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary After consideration on the merits, the Committee recommends that **HB10-1291** be referred to the Committee on Appropriations with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB10-1336** be referred to the Committee on Appropriations with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB10-1259** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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

voted in the affirmative, the rules were suspended for Reconsideration of HB10-1128.

RECONSIDERATION OF HB10-1128

HB10-1128 by Representative(s) Looper; also Senator(s) Hudak and Bacon--Concerning measures to increase the efficiency of the activities of entities in the division of registrations relating to the supervision of regulated professionals, and, in connection therewith, making the "Colorado Licensing of Controlled Substances Act" and the sunset law consistent with provisions enacted in 2009 to continue the regulation of administration of medication by unlicensed persons, clarifying that moneys collected on behalf of administering entities of professional peer review programs do not constitute state fiscal year spending for purposes of section 20 of article X of the state constitution, clarifying exemptions from the "Dental Practice Law of Colorado", authorizing the director of the division of registrations to take disciplinary action under the "Massage Therapy Practice Act" against persons convicted of unlawful sexual behavior or prostitution-related offenses, repealing duplicative regulatory requirements for medical doctors, replacing limited temporary license requirements for medical doctors and chiropractors, and repealing regulatory functions of the division of registrations with respect to athlete agents, and making an appropriation therefor.

Having voted on the prevailing side, Senator Bacon moved for reconsideration of the last Senate action, Third Reading of Bills--Final Passage, on HB10-1128 .

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

THIRD READING OF BILLS -- FINAL PASSAGE

HB10-1128 by Representative(s) Looper; also Senator(s) Hudak and Bacon--Concerning measures to increase the efficiency of the activities of entities in the division of registrations relating to the supervision of regulated professionals, and, in connection therewith, making the "Colorado Licensing of Controlled Substances Act" and the sunset law consistent with provisions enacted in 2009 to continue the regulation of administration of medication by unlicensed persons, clarifying that moneys collected on behalf of administering entities of professional peer review programs do not constitute state fiscal year spending for purposes of section 20 of article X of the state constitution, clarifying exemptions from the "Dental Practice Law of Colorado", authorizing the director of the division of registrations to take disciplinary action under the "Massage Therapy Practice Act" against persons convicted of unlawful sexual behavior or prostitution-related offenses, repealing duplicative regulatory requirements for medical doctors, replacing limited temporary license requirements for medical doctors and chiropractors, and repealing regulatory functions of the division of registrations with respect to athlete agents, and making an appropriation therefor.

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

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

Amend rerevised bill, page 5, strike lines 22 through 25 and substitute:

"SECTION 4. 12-33-120 (1), Colorado Revised Statutes, is amended, and the said 12-33-120 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-33-120. Unauthorized practice - penalties - exemption.

(1) Except as specified in subsection (2) OR (3) of this section, any person who practices or offers or attempts to practice chiropractic without an active license issued under this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and, for the second or any subsequent offense, the person commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

(3) A CHIROPRACTOR WHO LAWFULLY PRACTICES CHIROPRACTIC IN".

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	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**.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB10-1365 was made Special Orders at 10:28 a.m.

Committee of the Whole

The hour of 10:28 a.m. having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

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

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

Laid over until Tuesday, March 30, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, the report of the Committee of the Whole 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 Committee of the Whole took the following action:

Laid over until Tuesday, March: HB10-1365.

THIRD READING OF BILLS -- FINAL PASSAGE

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

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

Laid over until Tuesday, March 30, retaining its place on the calendar.

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

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

YES	22	NO	13	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	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 was passed.

CHANGE IN SPONSORSHIP

Upon announcement of President Schaffer, Representative May was added as a house joint prime sponsor on SB10-162.

THIRD READING OF BILLS -- FINAL PASSAGE -- con't

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.

The question being "Shall the bill 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	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd and Steadman.

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

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: Bacon, Cadman, Carroll M., Foster, Heath, Hodge, King K., Lundberg, Newell, Romer, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Tochtrop, White, Whitehead and Williams.

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.

The question being "Shall the bill 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 was passed.

Co-sponsors added: Carroll M., Hudak, Romer, Schwartz, Shaffer B., White and Williams.

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

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

YES	27	NO	8	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.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Boyd, Foster, Heath, Kester, Newell, Romer, Schwartz, Shaffer B., Steadman, Tochtrop, White, Whitehead and Williams.

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

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, Heath, Newell, Romer, Shaffer B., Steadman, White, Whitehead and Williams.

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

The question being "Shall the bill 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	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

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

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

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

YES	25	NO	10	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	N	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Bacon, Boyd, Carroll M., Foster, Gibbs, Hodge, Hudak, Keller, Romer, Shaffer B., Steadman, Tochtrop, Whitehead and Williams.

and Senator Carroll was called to the Chair to act as Chairman.

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

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

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

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, March 25, pages 655-656 and placed in members' bill files.)

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

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

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, March 25, pages 656-660 and placed in members' bill files.)

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

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

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

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

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 25, page 660 and placed in members' bill files.)

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

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

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, March 25, pages 660-661 and placed in members' bill files.)

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

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

On motion of Senator Carroll, the report of the Committee of the Whole 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 Committee of the Whole took the following action:

Passed on second reading: HB10-1178 as amended, HB10-1116 as amended, HB10-1215, HB10-1104 as amended, HB10-1076 as amended.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the following bill was laid over until Monday, April 12, retaining it's place on the calendar: SB10-185.

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

HB10-1292 by Representative(s) Murray, Schafer S.; also Senator(s) Harvey--Concerning a clarification of the conditions on land-use approvals that may be imposed by local governments under statutory provisions governing the regulatory impairment of property rights.

Laid over until Thursday, May 13.

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

Amendment No. 1, Education Committee Amendment. (Printed in Senate Journal, March 11, pages 491-492 and placed in members' bill files.)

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

Amend the Education Committee Report, dated March 10, 2010, page 2, strike lines 2 through 10.

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

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

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

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

On motion of Senator Morse , and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (HB10-1213, SB10-182, HB10-1182, HB10-1275, HB10-1098) of Monday, March 29 was laid over until Tuesday, March 30 retaining its place on the calendar.

Call of the Senate. Call raised.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Senator King K. moved to amend the Report of the Committee of the Whole to show that the following Hudak floor amendment, (L.006) to HB 10-1171, did not pass.

Amend the Education Committee Report, dated March 10, 2010, page 2, strike lines 2 through 10.

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

YES	15	NO	20	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	Y	Johnston	Y	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	White	Y
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Schultheis moved to amend the Report of the Committee of the Whole to show that the following Schultheis floor amendment, (L.007) to HB 10-1171, did pass.

Amend reengrossed bill, page 5, after line 12, insert:

"SECTION 5. Article 32 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-32-110.1. Board of education - duties - data collection. (1) TO THE EXTENT PERMITTED BY FEDERAL LAW, EACH SCHOOL DISTRICT SHALL COLLECT DATA FROM EACH PUBLIC SCHOOL WITHIN THE DISTRICT ON POPULATIONS OF STUDENTS WHO ARE ENROLLED IN THE SCHOOL AND WHO ARE ALIENS WHO CANNOT PROVE LAWFUL RESIDENCE IN THE UNITED STATES AND SHALL FORWARD THE DATA TO THE DEPARTMENT.

(2) THE DEPARTMENT SHALL SUBMIT A REPORT ON OR BEFORE DECEMBER 15, 2011, AND EACH DECEMBER 15 THEREAFTER TO THE GOVERNOR AND TO THE STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THAT SUMMARIZES THE DATA COLLECTED PURSUANT TO SUBSECTION (1) OF THIS SECTION ON A DISTRICT-BY-DISTRICT BASIS PURSUANT TO THIS SECTION. THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:

(a) RESEARCH ON THE ADVERSE IMPACT OF THE ENROLLMENT OF STUDENTS WHO CANNOT PROVE LAWFUL RESIDENCE IN THE UNITED STATES.

(b) A DETAILED ESTIMATE OF THE TOTAL COST TO THE TAXPAYERS OF THIS STATE FOR THE EDUCATION OF STUDENTS WHO ARE NOT CITIZENS OF THE UNITED STATES, INCLUDING A SEPARATE DETAILED ESTIMATE OF THE TOTAL COST TO THE TAXPAYERS OF THIS STATE FOR THE EDUCATION OF STUDENTS WHO CANNOT PROVE LAWFUL RESIDENCE IN THE UNITED STATES.

(3) THE DEPARTMENT MAY WITHHOLD A SCHOOL DISTRICT'S APPORTIONMENT OF STATE AID IF THE DEPARTMENT DETERMINES THAT THE SCHOOL DISTRICT IS NOT COMPLYING WITH THE REQUIREMENTS OF THIS SECTION."

Renumber succeeding sections accordingly.

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

YES	14	NO	21	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	Y	Johnston	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	White	Y
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Schultheis moved to amend the Report of the Committee of the Whole to show that the following Schultheis floor amendment, (L.009) to HB 10-1171, did pass.

Amend reengrossed bill, page 3, after line 24, insert:

"SECTION 2. 22-7-409 (1.2) (d) (I) (A), Colorado Revised Statutes, is amended, and the said 22-7-409 (1.2) (d) (I) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

22-7-409. Assessments. (1.2) (d) (I) (A) Except as otherwise provided in sub-subparagraph (B) OR (C) of this subparagraph (I), every student enrolled in a public school shall be required to take the assessments administered pursuant to subsection (1) of this section at the grade level in which the student is enrolled, as determined by the school district.

(C) A SCHOOL MAY EXCUSE FROM THE REQUIRED TAKING OF THE ASSESSMENTS ADMINISTERED PURSUANT TO SUBSECTION (1) OF THIS SECTION ANY STUDENT WHO IS AN ALIEN AND WHO IS UNABLE TO PROVE LAWFUL RESIDENCE IN THE UNITED STATES AND ANY STUDENT WHOSE PARENTS ARE ALIENS AND WHO ARE UNABLE TO PROVE LAWFUL PRESENCE IN THE UNITED STATES."

Renumber succeeding sections accordingly.

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

YES	14	NO	21	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	Y	Johnston	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	White	Y
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, the report of the Committee of the Whole 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 Committee of the Whole took the following action:

Passed on second reading: HB10-1171 as amended, HB10-1165.
Laid over until Tuesday, March 30: HB10-1213, SB10-182, HB10-1182, HB10-1275, HB10-1098.

Laid over until Wednesday, March 31: SB10-171
 Laid over until Monday, April 12: SB10-185.
 Laid over until Thursday, May 13: HB10-1292

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CONSIDERATION OF RESOLUTIONS

SJR10-021 by Senator(s) Kopp; also Representative(s) Kerr J.--Concerning the response to violence at Deer Creek Middle School on February 23, 2010.

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Laid over until Friday, April 9, retaining its place on the calendar.

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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 Monday, March 29, was laid over until Tuesday, March 30, retaining its place on the calendar.

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- Consideration of Resolutions: SJR10-010, HJR10-1015. 20
- Consideration of Senate Amendments to House Bills: SB10-047, SB10-071, SB10-038. 21
- Consideration of Governor's Appointments: 22
 - Members of the Water Quality Control Commission 23
 - Members of the State Board for Community Colleges and Occupational Education 24
 - Member of the Board of Trustees for Fort Lewis college 25
 - Members of the Colorado Educational and Cultural Facilities Authority Board of Directors 26
 - Member of the State Housing Board 28
 - Members of the Solid and Hazardous Waste Commission 29
 - Members of the CoverColorado Board of Directors 30
 - Members of the Hospital Provider Fee Oversight and Advisory Board 31
 - Member of the Colorado Commission on the Aging 32
 - Member of the Special Funds Board for Workers' Compensation Self Insurers 33
- Consideration of House Adherence: HB10-1211. 34
- Conference Committees to Report: HB10-1099. 35
- Requests for Conference Committee: SB10-109, HB10-1021. 36

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MESSAGE FROM THE HOUSE

March 29, 2010

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The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1241, amended as printed in House Journal, March 26, page 880-881.
 HB10-1362, amended as printed in House Journal, March 26, pages 881-882.
 HB10-1328, amended as printed in House Journal, March 26, pages 882-885.

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The House has passed on Third Reading and returns herewith SB10-140, 055.

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The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB10-099, amended as printed in House Journal, March 26, pages 879-880.
 SB10-098, amended as printed in House Journal, March 26, page 885.

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MESSAGE FROM THE REVISOR OF STATUTES

March 29, 2010

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We herewith transmit:

Without comment, as amended, HB10-1241, 1328, and 1362.
 Without comment, as amended, SB10-098 and 099.

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INTRODUCTION OF RESOLUTIONS

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

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SJR10-025 by Senator(s) Kester; also Representative(s) Gardner C.--Concerning the designation of the portion of State Highway 96 located in Crowley County as the "All Veterans Memorial Highway".

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

SR10-008 by Senator(s) Schultheis, Cadman, Kester, Kopp, Scheffel, Mitchell, Penry, Spence, King K., Lundberg, Renfroe, White; --Concerning amendments to the rules of the Senate, and, in connection therewith, requiring twenty-four votes to suspend the rules for consideration of a bill not in the usual order of business and requiring a two-thirds vote by a committee of reference to waive the usual notice prior to considering a measure in that committee of reference.

State, Veterans & Military Affairs

INTRODUCTION OF BILLS -- FIRST READING

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

HB10-1214 by Representative(s) McCann; also Senator(s) Schwartz--Concerning financial support for efforts to reduce the overpopulation of pets, and, in connection therewith, authorizing the issuance of an adopt a shelter pet license plate, and making an appropriation therefor.
Agriculture and Natural Resources

HB10-1242 by Representative(s) Apuan, Court, Gagliardi, Hullinghorst, Kerr A., Labuda, Massey, McKinley, Miklosi, Peniston, Primavera, Priola, Riesberg, Schafer S., Solano, Todd, Tyler, Vigil; also Senator(s) Tochtrop--Concerning the implementation of a uniform application form for individual health benefit plans by the commissioner of insurance.
Health and Human Services

HB10-1332 by Representative(s) Miklosi, Apuan, Gagliardi, Kefalas, Primavera, Tyler; also Senator(s) Romer--Concerning the creation of the "Medical Clean Claims Transparency and Uniformity Act", and making an appropriation therefor.
Health and Human Services

HB10-1342 by Representative(s) Levy, Benefield, Court, Ferrandino, Fischer, Gagliardi, Hullinghorst, Kagan, Merrifield, Peniston, Pommer, Primavera, Solano, Tyler; also Senator(s) Williams, Newell--Concerning measures to encourage additional investment in solar energy generation facilities, and, in connection therewith, authorizing the creation of community solar gardens.
Local Government and Energy

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

SENATE SERVICES REPORT

Correctly Printed: SJM10-002; SJR10-024.

Correctly Engrossed: SB10-106 and 162; SJR10-024.

Correctly Reengrossed: SB10-061 and 124.

Correctly Revised: HB10-1166, 1168, 1180, 1197, 1201 and 1249.

Correctly Rerevised: HB10-1004, 1026, 1114, 1183, 1222, 1225, 1226, 1232, 1236 and 1240.

Correctly Enrolled: SB10-102, 115 and 119.

On motion of Senator Morse, the Senate adjourned until Tuesday, 9:00 a.m., March 30, 2010.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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