

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

66th Legislative Day Friday, March 19, 2010

- Prayer 10
By Senator Foster. 11
- Call to Order 12
By the President at 9:00 a.m. 13
- Pledge 14
By Senator Morse. 15
- Roll Call 16
Present--32. 17
Excused--3, Mitchell, Penry, Schultheis. 18
Present later--1, Penry. 19
- Quorum 20
The President announced a quorum present. 21
- Reading of Journal 22
On motion of Senator Heath, reading of the Journal of Thursday, March 18, 2010, was dispensed with and the Journal was approved as corrected by the Secretary. 23

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR10-019 by Senator(s) Newell, Cadman, King K., Williams, Bacon, Boyd, Carroll M., Foster, Gibbs, Heath, Hodge, Keller, Kester, Lundberg, Sandoval, Schwartz, Spence, Tapia, Tochtrop, White, Whitehead; also Representative(s) Carroll T., McFadyen--Concerning recognition of Single Parents' Day in Colorado. 31-34

On motion of Senator Newell, the resolution was read at length and **adopted** by the following roll call vote: 35-37

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	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	E	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

Co-sponsors added: Brophy, Harvey, Hudak, Johnston, Kopp, Morse, Penry, Renfroe, Romer, Scheffel, Shaffer B. and Steadman. 48-51

SJR10-020 by Senator(s) Whitehead and Williams; also Representative(s) Roberts and Tipton--Concerning the commemoration of the Tri-Ute Elders meeting in Colorado in March 2010, and, in connection therewith, honoring the culture and heritage of the Southern Ute Tribe, the Ute Mountain Ute Tribe, and the Northern Ute Tribe. 52-57

On motion of Senators Whitehead and Williams, the resolution was **adopted** by the following roll call vote: 58-60

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	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	E	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath, Hodge, Hudak, Johnston, Keller, Kester, King K., Kopp, Lundberg, Morse, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tapia, Tochtrop and White.

Call of the Senate.

Call raised.

THIRD READING OF BILLS -- FINAL PASSAGE

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

HB10-1141 by Representative(s) Carroll T.; also Senator(s) Tochtrop--Concerning a requirement for mortgage companies to be registered by the division of real estate.

Laid over until Monday, March 22, retaining its place on the calendar.

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

HB10-1108 by Representative(s) McCann; also Senator(s) Johnston--Concerning an exclusion from the employment relationship for purposes of state employment laws for certain coaches who enter into independent contractor relationships with nonprofit youth sports organizations that are evidenced by a written agreement.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, March 16, page 562 and placed in members' bill files.)

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

HB10-1227 by Representative(s) DelGrosso; also Senator(s) Tochtrop--Concerning compliance with financial responsibility requirements of the "Health Care Availability Act" by maintaining insurance through approved nonadmitted insurers authorized by law to insure in Colorado.

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

SB10-176 by Senator(s) Tochtrop; also Representative(s) Gagliardi--Concerning the requirements for inclusion of a professional nurse on the advanced practice nurse registry.

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

HB10-1140 by Representative(s) Nikkel and Todd, Rice, Vigil, Apuan, Acree, Stephens, Balmer, Bradford, Court, DelGrosso, Ferrandino, Fischer, Gagliardi, Gardner C., Hullinghorst, Kefalas, King S., Lambert, Liston, Looper, May, McNulty, Miklosi, Primavera, Priola, Scanlan, Sonnenberg, Summers, Swalm, Tipton; also Senator(s) Shaffer B. and Spence,

Romer, Heath, Bacon, Cadman, Kester, King K., Lundberg, Scheffel, Schultheis, Tapia, Williams--Concerning using moneys in the Colorado state veterans trust fund to construct National Guard armories.

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

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, March 16, page 562 and placed in members' bill files.)

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

HB10-1132 by Representative(s) Gardner B., McNulty, Nikkel, Waller; also Senator(s) Hodge--Concerning the production of records by a business in a criminal matter.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 17, page 566 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 Williams, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	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	E	President	Y
Heath	Y	Mitchell	E	Schwartz	E		

The Committee of the Whole took the following action:

Passed on second reading: SB10-176, HB10-1108 as amended, HB10-1227, HB10-1140, HB10-1128 as amended, HB10-1132 as amended.

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

HB10-1188 by Representative(s) Curry, Fischer, Labuda, Massey, Scanlan; also Senator(s) Hodge, Gibbs, Heath, Tochtrop--Concerning clarification of the scope of the existing right of navigation of guides employed by river outfitters. 1
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Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 16, pages 559-561 and placed in members' bill files.) 4
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Amendment No. 2(L.045), by Senator White. 7
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Strike the Judiciary Committee Report, dated March 15, 2010. 9
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Amend reengrossed bill, strike everything below the enacting clause and substitute: 11
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"**SECTION 1.** Article 32 of title 33, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read: 14
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33-32-106.5. Boating through private property - study - repeal. (1) **Legislative declaration.** THE GENERAL ASSEMBLY DECLARES THAT THERE IS A NEED TO STUDY AND POTENTIALLY CLARIFY THE EXISTING LAW CONCERNING CIVIL AND CRIMINAL TRESPASS BY BOATERS ON THE RIVERS AND STREAMS FLOWING THROUGH PRIVATE PROPERTY IN COLORADO. 17
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(2) **Study.** THE GENERAL ASSEMBLY HEREBY REFERS THIS MATTER TO THE COLORADO WATER CONGRESS TO STUDY THE LEGAL, ECONOMIC, ENVIRONMENTAL, AND LAW ENFORCEMENT ISSUES RELATED TO BOATING THROUGH PRIVATE PROPERTY. THE PARTICIPANTS IN AND PROCEDURE FOR THE STUDY SHALL BE DETERMINED BY THE BOARD OF DIRECTORS OF THE COLORADO WATER CONGRESS. 25
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(3) **Funding.** THE STUDY SHALL BE FUNDED SOLELY BY PRIVATE GRANTS AND DONATIONS. 32
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(4) **Report.** THE COLORADO WATER CONGRESS SHALL COMPLETE ITS STUDY BY OCTOBER 31, 2010, AND SHALL SUBMIT A REPORT, WHICH MAY INCLUDE RECOMMENDED LEGISLATIVE CHANGES, TO THE GENERAL ASSEMBLY NO LATER THAN NOVEMBER 30, 2010. 35
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(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011. 40
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SECTION 2. 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." 42
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As amended, ordered revised and placed on the calendar for third reading and final passage. 47
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SB10-166 by Senator(s) Bacon, Schwartz; also Representative(s) Riesberg and Sonnenberg, McFadyen--Concerning the authority of the executive director of the department of personnel to enter into lease-purchase agreements. 51
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Ordered engrossed and placed on the calendar for third reading and final passage. 55
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SB10-135 by Senator(s) Spence; also Representative(s) Pace--Concerning an exemption from the 911 charge for customers receiving subsidies under federal programs. 57
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Laid over until Monday, March 22, retaining its place on the calendar. 60
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SB10-073 by Senator(s) Tapia; also Representative(s) McFadyen--Concerning the nurse home visitor program duties of the health sciences facility at the university of Colorado. 62
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Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 5, page 439-444 and placed in members' bill files.) 65
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As amended, ordered engrossed and placed on the calendar for third reading and final passage. 68
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HB10-1135 by Representative(s) Ryden, Benefield, Court, Gagliardi, Hullinghorst, Labuda, Looper, McCann, Middleton, Peniston, Primavera, Schafer S., Solano, Todd; also Senator(s) Hudak 71
72

and Newell, Boyd, Spence, Williams--Concerning the definition of domestic violence when determining the best interests of a child.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 9, page 473 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Hudak.

Amend reengrossed bill, page 3, line 15, strike "credible" and substitute "~~credible~~ A PREPONDERANCE OF THE".

Page 4, line 1, strike "credible" and substitute "~~credible~~ A PREPONDERANCE OF THE".

Page 5, line 9, strike "credible" and substitute "~~credible~~ A PREPONDERANCE OF THE".

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

HB10-1010 by Representative(s) Ferrandino, Court, Gerou; also Senator(s) Morse, Brophy, Heath-- Concerning authorization for agencies of the state to enter into public-private initiative agreements with nonprofit entities.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.

(Printed in Senate Journal, March 3, page 415 and placed in members' bill files.)

Amendment No. 2(L.014), by Senator Morse.

Amend reengrossed bill, page 4, line 11, strike "AND".

Page 4, line 14, strike "AGENCY." and substitute "AGENCY; AND".

Page 4, after line 14 insert:

"(e) IS NOT AN ADVANCE PROPOSAL FOR A KNOWN AGENCY REQUIREMENT THAT CAN BE ACQUIRED BY COMPETITIVE METHODS UNLESS:

(I) THE AGENCY HAS NOT ESTABLISHED A TIMETABLE FOR SATISFYING THE KNOWN REQUIREMENT; OR

(II) THE PROPOSAL IS LIKELY TO SIGNIFICANTLY SHORTEN A TIMETABLE FOR SATISFYING THE KNOWN REQUIREMENT.".

Amend the State, Veterans & Military Affairs Committee Report, dated March 1, 2010, page 1, line 18, strike "SECTION." and substitute "SECTION. BEFORE AN AGENCY CONSIDERS AN UNSOLICITED PROPOSAL OR A COMPARABLE PROPOSAL UNDER THIS PART 2, THE AGENCY SHALL ADOPT EITHER RULES PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE OR OTHER WRITTEN POLICY GUIDELINES THAT IT DETERMINES ARE NECESSARY OR APPROPRIATE TO IMPLEMENT THIS PART 2, INCLUDING RULES OR GUIDELINES ON THE EVALUATION OF UNSOLICITED PROPOSALS AND THE RECEIPT, CONTENT, AND PROPER HANDLING OF UNSOLICITED OR COMPARABLE PROPOSALS. THE RULES OR GUIDELINES SHALL ALSO REQUIRE BOTH THE NONPROFIT ENTITY AND THE AGENCY TO DISCLOSE ANY INDIVIDUAL OR ORGANIZATIONAL CONFLICTS OF INTEREST RELATED TO THE PUBLIC-PRIVATE INITIATIVE AND TO DOCUMENT AND PROPERLY MANAGE ANY DISCLOSURES.".

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

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

Laid over until Monday, March 22, retaining its place on the calendar.

HB10-1054 by Representative(s) King S.; also Senator(s) Carroll M.--Concerning presenting school

safety information at institutions of higher education.

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

HB10-1057 by Representative(s) Ryden; also Senator(s) Spence--Concerning fees charged by county sheriffs relating to the service of process.

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

HB10-1109 by Representative(s) McCann; also Senator(s) Mitchell--Concerning the availability of workers' compensation to jail inmates who are working for a program that has been certified by the federal prison industry enhancement certification program.

Laid over until Monday, March 22, retaining its place on the calendar.

HB10-1123 by Representative(s) Sonnenberg; also Senator(s) Renfroe--Concerning controlled agricultural burns in arson cases.

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

HB10-1115 by Representative(s) Gagliardi; also Senator(s) Scheffel--Concerning the assessment of costs by county departments of social services to families receiving child welfare core services.

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

HB10-1069 by Representative(s) Vigil; also Senator(s) Schwartz--Concerning the reclassification of Mineral county.

Laid over until Monday, March 22, retaining its place on the calendar.

HB10-1212 by Representative(s) Rice; also Senator(s) Schwartz--Concerning a requirement that the executive director of the department of revenue promulgate rules that establish circumstances in which a vehicle owner shall be exempted from paying the late fee for late registration of a vehicle.

Laid over until Monday, March 22, retaining its place on the calendar.

HB10-1208 by Representative(s) Todd and Murray, Massey, Baumgardner, Benefield, Carroll T., Casso, Frangas, Gardner C., Looper, May, McFadyen, McKinley, McNulty, Merrifield, Middleton, Peniston, Priola, Ryden, Scanlan, Schafer S., Solano, Sonnenberg, Summers, Tipton; also Senator(s) Shaffer B. and King K., Cadman, Carroll M., Foster, Hodge, Johnston, Keller, Kester, Kopp, Lundberg, Newell, Penry, Renfroe, Romer, Scheffel, Schultheis, Spence, Steadman, White, Whitehead, Williams--Concerning requiring statewide agreements for the transfer of two-year degrees among all state institutions of higher education in Colorado.

Laid over until Monday, March 22, retaining its place on the calendar.

HB10-1118 by Representative(s) Kerr J.; also Senator(s) Hudak--Concerning the regulation of distressed real property by a board of county commissioners.

Laid over until Monday, March 22, retaining its place on the calendar.

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)HB10-1211, SB10-070, HB10-1030, HB10-1044, HB10-1058, HB10-1197, SB10-172, HB10-1025, HB10-1202, HB10-1043, HB10-1244, HB10-1133, HB10-1052, HB10-1143, HB10-1222, HB10-1225) of Friday, March 19, was laid over until later in the day, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	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	E	President	Y
Heath	Y	Mitchell	E	Schwartz	E		

The Committee of the Whole took the following action:

Passed on second reading: SB10-166, SB10-073 as amended, HB10-1188 as amended, HB10-1135 as amended, HB10-1010 as amended, HB10-1054, HB10-1057, HB10-1123, HB10-1115.

Laid over until later in the day, Friday, March 19: HB10-1211, SB10-070, HB10-1030, HB10-1044, HB10-1058, HB10-1197, SB10-172, HB10-1025, HB10-1202, HB10-1043, HB10-1244, HB10-1133, HB10-1052, HB10-1143, HB10-1222, HB10-1225.

Laid over until Monday, March 22: SB10-135, HB10-1171, HB10-1109, HB10-1069, HB10-1212, HB10-1208, HB10-1118.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB10-1288 was made Special Orders at 10:38 a.m.

Committee of the Whole

The hour of 10:38 a.m. having arrived, Senator Johnston moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Johnston 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:

HB10-1288 by Representative(s) Nikkel, Rice, Ferrandino, Kerr J., Lambert, Liston, McNulty, Merrifield, Peniston, Priola, Scanlan, Waller; also Senator(s) Williams, Kopp, Penry, Tochtrop--Concerning the ability of a commercial real estate broker to secure payment of commissions earned, and, in connection therewith, enacting the "Commercial Real Estate Brokers Commission Security Act".

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 18, pages 596-597 and placed in members' bill files.)

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

Amend the Judiciary Committee report, dated March 17, 2010, page1, strike lines 17 and 18 and substitute "COMPENSATION IN ACCORDANCE WITH THE AGREEMENT."."

Page 2, line 12, strike "COMPENSATION".

Page 2, line 19, after "PAID" insert "ANY COMPENSATION OWED".

Page 2, line 20, after "BROKER" insert "IN".

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

The Committee of the Whole took the following action:

YES	31	NO	1	EXCUSED	3	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	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	E	President	Y
Heath	Y	Mitchell	E	Schwartz	E		

Passed on second reading: HB10-1288 as amended.

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

HB10-1211 by Representative(s) Tyler; also Senator(s) Williams--Concerning a reduction in the amount of the penalty for late vehicle registration of a vehicle without motive power that weighs two thousand pounds or less.

Laid over until Monday, March 22, retaining its place on the calendar.

SB10-070 by Senator(s) Kester; --Concerning a statutory mechanism for the referral of a ballot question regarding the term limit of a district attorney.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, March 12, pages 522-526 and placed in members' bill files.)

Amendment No. 2(L.008), by Senator Kester.

Amend printed bill, page 4, line 19, strike "**General**" and substitute "**Coordinated or general**".

Page 4, line 22, before "GENERAL" insert "COORDINATED OR".

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

HB10-1030 by Representative(s) Peniston, Benefield, Solano; also Senator(s) Steadman, Hodge, Hudak, Williams--Concerning the creation of the early childhood educator development scholarship program.

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 (HB10-1211, HB10-1044, HB10-1058, HB10-1197, SB10-172, HB10-1025, HB10-1202, HB10-1043, HB10-1244, HB10-1133, HB10-1052, HB10-1143, HB10-1222, HB10-1225) of Friday, March 19, was laid over until Monday, March 22, retaining its place on the

calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	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	E	President	Y
Heath	Y	Mitchell	E	Schwartz	E		

The Committee of the Whole took the following action:

Passed on second reading: SB10-070 as amended HB10-1030.

Laid over until Monday, March 22: HB10-1211, HB10-1044, HB10-1058, HB10-1197, SB10-172, HB10-1025, HB10-1202, HB10-1043, HB10-1244, HB10-1133, HB10-1052, HB10-1143, HB10-1222, HB10-1225.

COMMITTEE OF REFERENCE REPORTS

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB10-1180** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 7, after "WORKFORCE" insert "FOR ANY IN-STATE PRODUCTION ACTIVITIES".

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB10-1236** 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 11 through 22.

Page 5, after line 3 insert:

"(b) If ~~he~~ THE PERSON has successfully completed a course of study concerning the subject of professional ethics, approved by the board, and passed a written examination concerning such subject prepared and given by educational institutions or professional organizations deemed qualified by the board to administer such examination;

(c) If ~~he~~ THE PERSON has a baccalaureate or higher degree conferred by an accredited college or university with an accounting program approved by the board and has a concentration in accounting, plus, when the baccalaureate is the highest degree held, not less than thirty semester hours' additional study, the total educational program to include an accounting concentration or its equivalent and such related subjects as the board determines to be appropriate."

Page 13, line 9, strike "(b)," and substitute "(b) and (5),".

Page 14, line 6, strike "REGISTRATION TO BE" and substitute "REGISTRATION."

Page 14, line 7 strike "CERTIFIED."

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Page 14, line 15, strike "THE" and substitute "EFFECTIVE ON THE FIRST RENEWAL PERIOD ESTABLISHED BY THE BOARD AFTER MAY 31, 2011, THE" and strike "A REGISTRATION UNDER THIS".

Page 14, line 16, strike "SECTION" and substitute "THE REGISTRATION OF A FIRM THAT ISSUES ATTEST OR COMPILATION REPORTS".

Page 14, after line 21 insert:

"(5) The partnership, corporation, or limited liability company shall do nothing in this state which, if done by a person who holds a certificate as a certified public accountant within this state and employed by it, would violate the provisions of this article. Any violation by the partnership, corporation, or limited liability company of this article shall be grounds for the board to DENY, revoke, or suspend, OR REFUSE TO RENEW its registration, OR THE BOARD MAY FINE, ISSUE A CONFIDENTIAL LETTER OF CONCERN TO, ISSUE A LETTER OF ADMONITION TO, OR PLACE ON PROBATION THE REGISTRANT."

Page 15, line 27, strike "any such AN opinion" and substitute "any such opinion AN ASSESSMENT".

Page 16, strike lines 1 through 3 and substitute "utilizing any wording designating the position, title, or office which he THAT THE PERSON holds relating to any statement or report in reference to CONCERNING the financial affairs of such corporation, partnership, limited liability".

Page 19, strike line 5 and substitute "the student CANDIDATE proficiency in those subjects in which he THE CANDIDATE must".

Page 21, strike lines 1 and 2 and substitute "as he or she remains inactive. Each inactive certificant shall register once every two years with the board in the same manner as active certificate".

Page 21, line 10, before "ACCOUNTANT" insert "CERTIFIED PUBLIC".

Page 21, line 27, strike "him OR HER" and substitute "him THE ACCUSED".

Page 22, line 2, strike "he OR SHE" and substitute "he THE ACCUSED".

Page 22, line 8, strike "OF".

Page 23, line 3, strike "ACTION," and substitute "ACTION AND SHOULD BE DISMISSED,".

Page 23, line 11, strike "SHALL" and substitute "MAY".

Page 23, line 19, after "LICENSEE" insert "OR REGISTRANT".

Page 23, line 27, strike "(2)" and substitute "(1)".

Page 24, line 9, strike "such certified public THE" and substitute "such THE certified public".

Page 24, strike line 10 and substitute "accountant, or registered accountant, except reports FINANCIAL STATEMENTS submitted by a".

Page 24, line 13, before "accountant" insert "CERTIFIED PUBLIC".

Page 24, after line 15 insert:

"SECTION 28. 12-2-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-2-102. Definitions. As used in this article, unless the context otherwise requires:

(2.9) "PEER REVIEW" MEANS A STUDY, APPRAISAL, OR REVIEW BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT OF ONE OR MORE

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ASPECTS OF THE PROFESSIONAL WORK OF ANOTHER CERTIFIED PUBLIC ACCOUNTANT OR OF A REGISTERED PARTNERSHIP, CORPORATION, OR LIMITED LIABILITY COMPANY THAT ISSUES ATTEST OR COMPILATION REPORTS."

Renumber succeeding sections accordingly.

Page 24, strike lines 16 and 17 and substitute:

"SECTION 29. 12-2-108 (6), Colorado Revised Statutes, is amended, and the said 12-2-108 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:"

Page 24, strike line 19 and substitute:

"- renewal - reinstatement. (6) Any person who practices CERTIFIED public accounting after the expiration of his OR HER certificate shall be practicing in violation of this article. The board may refuse to reactivate or reinstate any expired certificate for conduct which THAT constitutes a violation of any provision of this article.

(7) EFFECTIVE ON THE FIRST RENEWAL PERIOD ESTABLISHED BY THE BOARD AFTER MAY 31, 2011, THE BOARD SHALL NOT RENEW THE"

Page 24, line 20, strike "PRACTICES PUBLIC ACCOUNTING" and substitute "ISSUES ATTEST OR COMPILATION REPORTS".

Agriculture and Natural Resources

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

MEMBERS OF THE WATER QUALITY CONTROL COMMISSION

effective February 15, 2010, for terms expiring February 15, 2013:

Chris J. Wiant of Centennial, Colorado, reappointed;

Patricia Wells of Denver, Colorado, reappointed;

Andrew S. Todd of Denver, Colorado, reappointed.

Local Government and Energy

After consideration on the merits, the Committee recommends that **HB10-1292** be referred to the Committee of the Whole with favorable recommendation.

Local Government and Energy

After consideration on the merits, the Committee recommends that **HB10-1165** be referred to the Committee of the Whole with favorable recommendation.

Local Government and Energy

After consideration on the merits, the Committee recommends that **HB10-1062** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 3, strike lines 24 and 25 and substitute "THE OFFICER WHILE IN OFFICE OR EMPLOYEES."

Page 5, strike lines 3 and 4 and substitute "WHILE IN OFFICE."

Page 7, line 27, strike "OR INSURANCE POLICY".

Page 9, line 4, strike "OFFICE AND TO".

Page 9, strike line 5 and substitute "OFFICE."

Page 10, line 9, strike "OFFICE AND TO".

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Page 10, strike line 10 and substitute "OFFICE." 1
 Page 13, line 11, strike "OFFICE AND TO". 2
 Page 13, strike line 12 and substitute "OFFICE." 3
 Page 14, strike lines 7 and 8 and substitute "WHILE IN OFFICE." 4
 Page 14, strike lines 25 and 26 and substitute "OFFICE." 5
 Page 16, strike lines 9 and 10 and substitute "TREASURER WHILE IN 6
 OFFICE." 7
 Page 18, line 5, strike "OFFICE AND TO". 8
 Page 18, strike line 6 and substitute "OFFICE." 9
 Page 18, strike lines 21 and 22 and substitute "IN OFFICE." 10
 Page 19, line 10, strike "OFFICE AND TO". 11
 Page 19, strike line 11 and substitute "OFFICE." 12
 Page 20, strike lines 3 and 4 and substitute "CLERK AND RECORDER WHILE 13
 IN OFFICE." 14

Local
Government
and Energy

After consideration on the merits, the Committee recommends that **HB10-1240** be
amended as follows, and as so amended, be referred to the Committee of the Whole with
favorable recommendation.

Amend reengrossed bill, page 3, strike lines 14 through 23 and substitute:

SECTION 2. 38-38-105, Colorado Revised Statutes, is
amended BY THE ADDITION OF A NEW SUBSECTION to read:

**38-38-105. Court order authorizing sale mandatory - notice
of hearing for residential properties.** (3) NOT LESS THAN FIFTEEN
DAYS BEFORE THE DATE SET FOR THE HEARING PURSUANT TO RULE 120 OR
OTHER RULE OF THE COLORADO RULES OF CIVIL PROCEDURE, THE HOLDER
OR THE ATTORNEY FOR THE HOLDER SEEKING AN ORDER AUTHORIZING
SALE UNDER THIS SECTION FOR A RESIDENTIAL PROPERTY SHALL CAUSE
A NOTICE OF HEARING AS DESCRIBED IN RULE 120 (b) OF THE COLORADO
RULES OF CIVIL PROCEDURE TO BE POSTED IN A CONSPICUOUS PLACE ON
THE PROPERTY THAT IS THE SUBJECT OF THE SALE. IF POSSIBLE, THE
NOTICE SHALL BE POSTED ON THE FRONT DOOR OF THE RESIDENCE, BUT IF
ACCESS TO THE DOOR IS NOT POSSIBLE OR IS RESTRICTED, THE NOTICE
SHALL BE POSTED AT AN ALTERNATIVE CONSPICUOUS LOCATION, SUCH AS
A GATE OR SIMILAR IMPEDIMENT."

Page 4, line 1, strike "PROMULGATE RULES" and substitute "ESTABLISH
UNIFORM STANDARDS".

Page 4, line 16, strike "RULE" and substitute "UNIFORM STANDARDS".

Page 6, line 11, strike "**Rules**" and substitute "**Uniform standards**".

Page 6, line 13, strike "PROMULGATE RULES" and substitute "ESTABLISH
AND MAY UPDATE UNIFORM STANDARDS".

Page 6, line 14, strike "RULES" and substitute "UNIFORM STANDARDS".

Education

After consideration on the merits, the Committee recommends that **HB10-1206** be
postponed indefinitely.

Education

After consideration on the merits, the Committee recommends that **HB10-1232** be amended
as follows, and as so amended, be referred to the Committee of the Whole with favorable

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recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 6, strike lines 1 through 10.

Renumber succeeding sections accordingly.

Page 9, line 25, after "(88.5)" insert "(a)".

Page 10, strike lines 2 and 3 and substitute:

"SCHOOL-RELATED ACTIVITY.

(b) "SCHOOL VEHICLE" DOES NOT INCLUDE:

(I) INFORMAL OR INTERMITTENT ARRANGEMENTS, SUCH AS SHARING OF".

Page 10, line 6, strike "ACTIVITY." and substitute "ACTIVITY; OR".

Page 10, after line 6 insert:

"(II) A MOTOR VEHICLE THAT IS OWNED BY OR UNDER CONTRACT TO A CHILD CARE CENTER, AS DEFINED IN SECTION 26-6-102 (1.5), C.R.S., AND THAT IS USED FOR THE TRANSPORTATION OF CHILDREN WHO ARE SERVED BY THE CHILD CARE CENTER."

Page 1, line 101, after "CONCERNING" insert "THE DEFINITION OF".

Education

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

MEMBERS OF THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION

for terms expiring December 31, 2013:

Ruth Ann Woods of South Fork, Colorado, an unaffiliated from the Third Congressional District, appointed;

Richard E. Martinez, Jr. of Centennial, Colorado, an unaffiliated from the Sixth Congressional District, appointed.

Education

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

MEMBER OF THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE

for terms expiring December 31, 2013:

John M. Wells of Durango, Colorado, an unaffiliated, appointed;

Education

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

MEMBERS OF THE: COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY BOARD OF DIRECTORS

for terms expiring June 30, 2013:

Loretta P. Martinez of Denver, Colorado, reappointed;

Lanny M. Proffer of Denver, Colorado, reappointed.

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Trans- portation	After consideration on the merits, the Committee recommends that HB10-1096 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	1 2 3 4
Trans- portation	After consideration on the merits, the Committee recommends that HB10-1167 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	5 6 7 8 9
Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed: <p style="text-align:center">MEMBER OF THE STATE HOUSING BOARD</p> for terms expiring January 31, 2013: Sarah "Sally" C. Hatcher of Boulder, Colorado, a Democrat and resident of the 2nd Congressional District, reappointed.	10 11 12 13 14 15 16 17 18 19 20 21
Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed: <p style="text-align:center">MEMBERS OF THE SOLID AND HAZARDOUS WASTE COMMISSION</p> for terms expiring August 1, 2010: Thomas S. Schweitzer of Castle Rock, Colorado, to serve as a representative from the regulated community and as a Republican, reappointed; Frederick S. Myers of Castle Rock, Colorado, to serve as a member of the public and as a Democrat, reappointed.	22 23 24 25 26 27 28 29 30 31 32 33 34 35
Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed: <p style="text-align:center">MEMBERS OF THE COVERCOLORADO BOARD OF DIRECTORS</p> for a term expiring July 1, 2011: Wanda L. Cason of Hesperus, Colorado, an individual who is currently insured or who has been insured under the program, to fill the vacancy occasioned by the resignation of Donald L. Shovein of Fort Collins, Colorado, appointed; for a term expiring July 1, 2013: John W. Martie of Littleton, Colorado, a representative of an insurance carrier, appointed.	36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52
Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed: <p style="text-align:center">MEMBERS OF THE HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD</p> for terms expiring May 15, 2011: Janet E. Pogar of Monument, Colorado, a member of a statewide organization of health insurance carriers, appointed; Philip B. Kalin of Denver, Colorado, an employee of the state department, to fill the vacancy occasioned by the resignation of Joan F. Henneberry of Denver, Colorado, appointed.	53 54 55 56 57 58 59 60 61 62 63 64 65 66 67
Health & Human	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	68 69

Services	<u>MEMBER OF THE COLORADO COMMISSION ON THE AGING</u>	1 2 3 4 5 6 7 8 9 10 11
	for a term expiring July 1, 2010:	12
	Frederick Calovich of Arvada, Colorado, to fill the vacancy occasioned by the resignation of Frank C. Lay of Lakewood, Colorado, and to serve as a Democrat from Congressional District seven, appointed.	13 14 15 16
Health & Human Services	After consideration on the merits, the Committee recommends that HB10-1255 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	17 18 19 20
Health & Human Services	After consideration on the merits, the Committee recommends that HB10-1017 be referred to the Committee on with favorable recommendation.	21 22 23 24 25
Health & Human Services	After consideration on the merits, the Committee recommends that HB10-1213 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	26 27 28 29 30 31 32 33
	Amend reengrossed bill, page 4, strike line 17 and substitute: "RELEVANT TO THE INDIVIDUAL AND ARE COMMONLY USED BY PERSONS WITH DEVELOPMENTAL DISABILITIES AS PROVIDED BY RULES PROMULGATED BY THE DEPARTMENT. THE CRITERIA FOR INFORMATION AND REFERRAL SHALL BE UNIFORM IN NATURE AND APPLIED THROUGHOUT THE STATE IN A CONSISTENT MANNER.".	34 35 36 37
Health & Human Services	After consideration on the merits, the Committee recommends that HB10-1226 be referred to the Committee of the Whole with favorable recommendation.	38 39 40 41
Health & Human Services	After consideration on the merits, the Committee recommends that HB10-1216 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	42 43 44 45
Appropriations	After consideration on the merits, the Committee recommends that HB10-1114 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	46 47 48 49
Appropriations	After consideration on the merits, the Committee recommends that HB10-1011 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	50 51 52
Appropriations	After consideration on the merits, the Committee recommends that SB10-153 be referred to the Committee of the Whole with favorable recommendation.	53 54 55
Appropriations	After consideration on the merits, the Committee recommends that HB10-1026 be referred to the Committee of the Whole with favorable recommendation.	56 57 58 59
Appropriations	After consideration on the merits, the Committee recommends that SB10-133 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	60 61 62 63 64 65 66 67 68 69
	Amend printed bill, page 2, strike lines 8 and 9.	60 61
	Reletter succeeding paragraphs accordingly.	62 63
	Page 2, strike line 13 and substitute "STATE".	64 65
	Page 3, line 5, strike "APRIL" and substitute "MAY".	66 67
	Page 3, line 6, strike "30," and substitute "31,".	68 69

Page 3, line 8, after "EMPLOYMENT" insert "COMMENCING WITH THE DATE OF REHIRE,".

Page 3, line 13, strike "MAY 1, 2010, AND AUGUST 31," and substitute "JUNE 1, 2010, AND SEPTEMBER 30,".

Page 3, line 16, after "EMPLOYMENT" insert "COMMENCING WITH THE DATE OF REHIRE,".

Page 4, strike lines 11 through 13 and substitute:

"(h) (I) FOR A CREDIT CALCULATED AS SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION, THAT WITHOUT THE CREDIT ALLOWED IN THIS SECTION THE TAXPAYER WOULD NOT HAVE REHIRED THE EMPLOYEE BY MAY 31, 2010; OR

(II) FOR A CREDIT CALCULATED AS SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION, THAT WITHOUT THE CREDIT ALLOWED IN THIS SECTION THE TAXPAYER WOULD NOT HAVE REHIRED THE EMPLOYEE BY SEPTEMBER 30, 2010.".

Appropriations

After consideration on the merits, the Committee recommends that **SB10-162** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 3, after "39-30-103" insert "(4) (b) (I) and".

Page 4, after line 1 insert:

"(4) (b) For any area designated as an enterprise zone or as a portion of an enterprise zone prior to July 1, 1999, the Colorado economic development commission shall work with the zone administrator to ensure that the area has specific economic development objectives with outcomes that can be measured with specific, verifiable data. The director of the Colorado office of economic development shall require the zone administrators for each zone to submit annual documentation of efforts to improve conditions in areas designated as enterprise zones and the results of those efforts. Such annual documentation shall include specific, verifiable data that can be used to measure whether the zone has achieved the specific economic development objectives for the zone that have measurable outcomes. In order for the commission to determine if the enterprise zones or portions thereof are achieving the specific economic development objectives submitted pursuant to this paragraph (b) or to paragraph (d) of subsection (3) of this section, such annual documentation shall include, but need not be limited to, the most recent statistics available for companies claiming enterprise zone tax credits on:

(I) The number of jobs created in the enterprise zone and the ~~standard industrial classification code (SIC)~~ NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODE of each company reporting the creation of jobs within the zone;".

Page 5, line 4, after "(7)." insert "A TAXPAYER SHALL NOT BE REQUIRED TO SUBMIT A PRE-CERTIFICATION FORM FOR ACTIVITIES COMPLETED BY THE TAXPAYER PRIOR TO JANUARY 1, 2012; HOWEVER, A TAXPAYER IS REQUIRED TO OBTAIN AUTHORIZATION FROM THE ENTERPRISE ZONE ADMINISTRATOR PRIOR TO JANUARY 1, 2013, FOR ACTIVITIES THAT OCCURRED PRIOR TO JANUARY 1, 2012.".

Page 5, line 12, strike "INSTRUMENTAL" and substitute "A CONTRIBUTING FACTOR".

Page 5, strike lines 21 through 23 and substitute:

"(b) THE DEPARTMENT OF REVENUE SHALL AMEND THE".

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Page 7, line 1, strike "COLLABORATE, IF THERE IS NO FISCAL" and substitute "COLLABORATE".

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Page 7, line 2, strike "IMPACT,".

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Page 7, line 5, strike "SUBMIT PRE-CERTIFICATION".

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Page 7, strike line 6 and substitute "OBTAIN ANY NECESSARY AUTHORIZATION OR CERTIFICATION, INCLUDING PRE-CERTIFICATION REQUIREMENTS, FROM THE ENTERPRISE ZONE ADMINISTRATOR".

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Page 7, line 9, after "2013." add "IF THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT IS UNABLE TO IMPLEMENT AN ELECTRONIC SUBMISSION SYSTEM BY JANUARY 1, 2013, THE OFFICE SHALL SUBMIT A REPORT TO THE COLORADO ECONOMIC DEVELOPMENT COMMISSION AND THE GENERAL ASSEMBLY THAT EXPLAINS THE REASONS THAT THE IMPLEMENTATION OF SUCH SYSTEM HAS NOT BEEN ACCOMPLISHED.".

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Page 7, line 13, strike "PRE-CERTIFICATION FORMS,".

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Page 7, line 14, strike "OR REQUIRED REPORTING INFORMATION." and substitute "INCLUDING PRE-CERTIFICATION REQUIREMENTS.".

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Page 7, strike lines 15 and 16 and substitute:

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"39-30-111. Department of revenue - enterprise zone data - electronic filing - submission of carry forward schedule. (1) FOR THE 2012 INCOME TAX YEAR AND EACH INCOME TAX YEAR THEREAFTER, ANY TAXPAYER THAT CLAIMS ONE OR MORE INCOME TAX CREDITS PURSUANT TO THIS ARTICLE SHALL FILE A STATE INCOME TAX RETURN WITH THE DEPARTMENT OF REVENUE IN AN ELECTRONIC FORMAT, UNLESS FILING IN AN ELECTRONIC FORMAT WOULD CAUSE UNDUE HARDSHIP TO THE TAXPAYER BECAUSE THE TAXPAYER DOES NOT HAVE ACCESS TO A COMPUTER, OR DOES NOT HAVE SUFFICIENT INTERNET ACCESS, INTERNET CAPABILITY, OR COMPUTER KNOWLEDGE TO FILE INCOME TAXES ELECTRONICALLY.

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(2) FOR THE 2012 INCOME TAX YEAR AND EACH INCOME TAX YEAR THEREAFTER, ANY TAXPAYER THAT CLAIMS ONE OR MORE INCOME TAX CREDITS PURSUANT TO THIS ARTICLE SHALL SUBMIT TO THE DEPARTMENT OF REVENUE ALONG WITH THE TAXPAYER'S STATE INCOME TAX RETURN, A FULL CARRY FORWARD SCHEDULE FOR EACH INCOME TAX CREDIT CLAIMED PURSUANT TO THIS ARTICLE.

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(3) FOR THE 2012 INCOME TAX YEAR AND EACH INCOME TAX YEAR".

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Page 7, line 26, strike "(2)" and substitute "(4)".

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Page 7, line 27, strike "SUBSECTION (1)" and substitute "SUBSECTIONS (2) AND (3)".

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Page 8, afer line 2 insert:

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"39-30-112. Data provided to department of revenue. (1) ON OR BEFORE SEPTEMBER 30 OF EACH CALENDAR YEAR, THE DIRECTOR OF THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT OR THE DIRECTOR'S DESIGNEE SHALL TRANSMIT TO THE DEPARTMENT OF REVENUE THE DATA REGARDING INCOME TAX CREDITS ALLOWED PURSUANT TO THIS ARTICLE THAT ARE CERTIFIED BY ENTERPRISE ZONE ADMINISTRATORS FROM JANUARY 1 THROUGH JUNE 30 OF THE SAME CALENDAR YEAR.

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(2) ON OR BEFORE MARCH 31 OF EACH CALENDAR YEAR, THE DIRECTOR OF THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT OR THE DIRECTOR'S DESIGNEE SHALL TRANSMIT TO THE DEPARTMENT OF REVENUE THE DATA REGARDING INCOME TAX CREDITS ALLOWED PURSUANT TO THIS ARTICLE THAT ARE CERTIFIED BY ENTERPRISE ZONE ADMINISTRATORS FROM JULY 1 THROUGH DECEMBER 31 OF THE PREVIOUS CALENDAR YEAR.

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SECTION 4. 39-21-113, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

39-21-113. Reports and returns - repeal.

(22) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE EXECUTIVE DIRECTOR SHALL SUPPLY THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT WITH INFORMATION RELATING TO THE ACTUAL AMOUNT OF ANY ENTERPRISE ZONE TAX CREDIT CLAIMED PURSUANT TO ARTICLE 30 OF THIS TITLE AS WELL AS INFORMATION SUBMITTED TO THE DEPARTMENT PURSUANT TO SECTION 39-30-111 (2) AND (3) REGARDING THE CARRY FORWARD OF SUCH INCOME TAX CREDITS. ANY INFORMATION PROVIDED TO THE OFFICE PURSUANT TO THIS SUBSECTION (22) SHALL REMAIN CONFIDENTIAL, AND ALL OFFICE EMPLOYEES SHALL BE SUBJECT TO THE LIMITATIONS SET FORTH IN SUBSECTION (4) OF THIS SECTION AND THE PENALTIES CONTAINED IN SUBSECTION (6) OF THIS SECTION. NOTHING IN THIS SUBSECTION (22) SHALL PREVENT THE OFFICE FROM MAKING AGGREGATED DATA REGARDING ENTERPRISE ZONE TAX CREDITS AVAILABLE.

SECTION 5. 39-22-622 (4), Colorado Revised Statutes, is amended to read:

39-22-622. Refunds. (4) The provisions of subsection (2) of this section shall not apply to any return that is being audited or to any return that may take longer than normal to process due to the mathematical or clerical errors contained in said return, to unforeseen delays caused by the failure of processing equipment, or because of a tax credit allowed in section 39-22-531, OR BECAUSE THE TAXPAYER CLAIMED AN ENTERPRISE ZONE TAX CREDIT PURSUANT TO ARTICLE 30 OF THIS TITLE AND THE DEPARTMENT IS AWAITING CONFIRMATION FROM THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT THAT THE TAXPAYER IS ELIGIBLE FOR SUCH CREDIT. Such ~~determination~~ DETERMINATIONS shall be made in good faith by the department of revenue."

Renumber succeeding section accordingly.

Appropriations

After consideration on the merits, the Committee recommends that **SB10-124** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 14, after line 20 insert:

"SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for the fiscal year beginning July 1, 2010, the sum of ninety-eight thousand eight hundred seventy-three dollars (\$98,873) cash funds and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2010, the sum of seven thousand five hundred thirty-eight dollars (\$7,538), or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section."

Renumber succeeding section accordingly.

Page 1, line 103, strike "**HISTORY.**" and substitute "**HISTORY, AND MAKING AN APPROPRIATION THEREFOR.**".

Appropriations

After consideration on the merits, the Committee recommends that **SB10-132** be postponed indefinitely.

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Appropriations

After consideration on the merits, the Committee recommends that **SB10-061** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, after line 10, insert:

"(b) SUBJECT TO THE RECEIPT OF ANY NECESSARY FEDERAL AUTHORIZATION, THE HOSPICE CARE PROVIDED PURSUANT TO THIS SECTION MAY INCLUDE ROOM AND BOARD IN A HOSPICE INPATIENT FACILITY LICENSED PURSUANT TO SECTION 25-3-101, C.R.S. THE STATE DEPARTMENT IS AUTHORIZED TO ESTABLISH THE REIMBURSEMENT RATE FOR THE COSTS FOR ROOM AND BOARD AT A LICENSED HOSPICE INPATIENT FACILITY FOR PATIENTS ELIGIBLE FOR THE ROUTINE LEVEL OF HOSPICE CARE."

Reletter succeeding paragraph accordingly.

Page 2, strike line 16 and substitute "(3) AND TO INCLUDE ROOM AND BOARD AT A LICENSED HOSPICE INPATIENT FACILITY AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (3). ON OR BEFORE JANUARY 15, 2011, THE STATE DEPARTMENT SHALL SUBMIT A BRIEF REPORT TO THE MEMBERS OF THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, ON THE STATUS OF ANY REQUEST FOR AUTHORIZATION PURSUANT TO THIS SUBPARAGRAPH (I)."

Page 2, line 21, strike "PARAGRAPH (a)" and substitute "PARAGRAPHS (a) AND (b)".

Page 3, after line 8, insert:

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, for allocation to the executive director's office, for general professional services and special projects, for the fiscal year beginning July 1, 2010, the sum of one hundred two thousand five hundred seventy dollars (\$102,570), or so much thereof as may be necessary, for the implementation of this act. Of said sum, fifty-one thousand two hundred eighty-five dollars (\$51,285) shall be from the department of health care policy and financing cash fund created in section 25.5-1-109, Colorado Revised Statutes., and fifty-one thousand two hundred eighty-five dollars (\$51,285) shall be from federal funds."

Renumber succeeding section accordingly.

Page 1, line 102, strike "RECIPIENTS." and substitute, "RECIPIENTS, AND MAKING AN APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the Committee recommends that **SB10-106** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Health and Human Services Committee Report, dated February 17, 2010, page 2, line 21, strike "CREATED" and substitute "ESTABLISHED IN THE DEPARTMENT OF AGRICULTURE".

Page 7, strike lines 1 through 4 and substitute "LAW OF THE STATE. THE COUNCIL MAY ACCEPT IN-KIND DONATIONS OF STAFF SERVICES FROM THE PRIVATE SECTOR TO STAFF THE COUNCIL. THE COUNCIL IS ALSO AUTHORIZED TO ACCEPT AND EXPEND FEDERAL FUNDS AVAILABLE FOR FOOD POLICY COUNCILS. ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO".

Page 7, line 8, after "ASSEMBLY" insert "TO THE DEPARTMENT OF AGRICULTURE FOR ALLOCATION".

Page 7, line 29, after the period add "IT IS ALSO THE INTENT OF THE

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GENERAL ASSEMBLY THAT NO STATE EMPLOYEES BE HIRED TO IMPLEMENT THIS ARTICLE AND THAT THE ADMINISTRATIVE COSTS OF PROVIDING FISCAL SUPPORT TO THE COUNCIL BE ABSORBED BY THE DEPARTMENT OF AGRICULTURE."

Page 8, after line 26 insert:

"SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the food systems advisory council fund created in section 24-37.3-105, Colorado Revised Statutes, not otherwise appropriated, to the department of agriculture, for allocation to the Colorado food systems advisory council, for the fiscal year beginning July 1, 2010, the sum of twenty-two thousand five hundred thirty-one dollars (\$22,531) cash funds, or so much thereof as may be necessary, for the implementation of this act."

Page 8, line 27, strike "SECTION 3." and substitute "SECTION 4."

Page 9, after line 2, insert the following:

"Page 1, line 101, strike "COUNCIL." and substitute "COUNCIL, AND MAKING AN APPROPRIATION THEREFOR."."

MESSAGE FROM THE HOUSE

March 18, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1149, amended as printed in House Journal, March 17, page 823.

The House has passed on Third Reading and returns herewith SB10-058, 150, 149, 151, 129, 032, 080, 123, 148, 118.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB10-008, amended as printed in House Journal, March 17, page 823. The House has adopted and transmits herewith HJR10-1015, as printed in House Journal.

The House has adopted and returns herewith SJR10-017.

MESSAGE FROM THE REVISOR OF STATUTES

March 18, 2010

We herewith transmit:

Without comment, as amended, HB10-1149. Without comment, as amended, SB10-008.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB10-188 by Senator(s) Penry and Morse; also Representative(s) Ferrandino--Concerning a prohibition against the imposition of a surcharge for a debit card transaction. Business, Labor and Technology
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. Judiciary
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

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bond to satisfy outstanding court-ordered debts.
Judiciary

HB10-1291 by Representative(s) Priola, Acree, Apuan, Balmer, Bradford, Kerr J., King S., Labuda, Levy, Liston, Looper, Massey, McCann, McFadyen, McNulty, Middleton, Murray, Nikkel, Sonnenberg, Stephens, Swalm, Waller; also Senator(s) Newell, Hodge, Mitchell--
Concerning the elimination of certain witness fees, and making an appropriation therefor.
Judiciary

HB10-1335 by Representative(s) Massey and Scanlan; also Senator(s) Sandoval--Concerning the authorization of boards of cooperative services as school food authorities, and, in connection therewith, creating the BOCES healthy food grant program.
Education

SENATE SERVICES REPORT

Correctly Printed: SB10-187.
Correctly Reengrossed: SB10-108, 110, 120, 143, 174, 175 and 177.
Correctly Rerevised: HB10-1024, 1034, 1036, 1050, 1137, 1170, 1185, 1233 and 1245.
Correctly Enrolled: SB10-010, 031, 037, 112, 116, 122 and 163.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Thursday, March 18, 2010, at 1:38 p.m.:
SB10-018, 056, 142 and 165.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Friday, March 19 was laid over until Monday, March 22, retaining its place on the calendar.

Consideration of Resolutions: SJR10-010.
Consideration of House Amendments to Senate Bills: SB10-109.

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

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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