

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

111th Legislative Day Monday, May 3, 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 Tochtrop.
- Roll Call Present--34.
Excused--1, Mitchell.
Present later--1, Mitchell.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Foster, reading of the Journal of Friday, April 30, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.

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

CONSIDERATION OF RESOLUTIONS

SJR10-033 by Senator(s) Keller; also Representative(s) Frangas--Concerning the month of May as Foster Care Month in Colorado.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that **HB10-1284** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 19, strike "**Applicability.**" and substitute "**Applicability - repeal.**" and strike "2011," and substitute "2010,".

Page 3, line 20, strike "OPEN A MEDICAL MARIJUANA CENTER" and substitute "OPEN A MEDICAL MARIJUANA CENTER, OPTIONAL PREMISES CULTIVATION OPERATION, OR MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING OPERATION".

Page 3, line 21, after "CENTER" insert "OR OPERATION".

Page 3, strike lines 22 through 27 and substitute the following:

"(b) A PERSON WHO HAS APPLIED FOR A LOCAL LICENSE THAT IS SUBSEQUENTLY GRANTED OR IS ALREADY OPERATING A MEDICAL MARIJUANA CENTER WITH AN OPTIONAL PREMISES CULTIVATION OPERATION ON JULY 1, 2010, SHALL APPLY FOR A STATE LICENSE ON OR BEFORE JULY 15, 2010. THE APPLICANT SHALL PAY A NONREFUNDABLE APPLICATION FEE AND CERTIFY THAT THE CENTER OR OPERATION WILL BE CULTIVATING AT LEAST SEVENTY PERCENT OF THE MEDICAL MARIJUANA NECESSARY FOR OPERATION BY JULY 15, 2010, AT THE TIME OF APPLICATION. A PERSON WHO APPLIES FOR A LICENSE PURSUANT TO THIS SECTION MAY CONTINUE OPERATING THE MEDICAL MARIJUANA CENTER UNTIL THE LICENSE IS GRANTED OR DENIED BY THE STATE LICENSING AUTHORITY.

(c) BY SEPTEMBER 15, 2010, EACH CITY, CITY AND COUNTY, AND COUNTY SHALL CLOSE ALL MEDICAL MARIJUANA CENTERS AND OPTIONAL PREMISES CULTIVATION OPERATIONS WITHIN ITS BOUNDARIES THAT HAVE NOT APPLIED FOR A LICENSE PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1) AND CERTIFY TO THE STATE LICENSING AUTHORITY CREATED IN SECTION 12-43.3-201 THAT IT HAS DONE SO. TO EFFECTUATE THIS PARAGRAPH (c), THE STATE LICENSING AUTHORITY SHALL PROVIDE, UPON REQUEST, TO A CITY, CITY AND COUNTY, OR COUNTY, A LIST THAT INCLUDES THE NAME AND LOCATION OF EACH LICENSE APPLICANT THAT APPLIED FOR A STATE LICENSE PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1). IF A CITY, CITY AND COUNTY, OR COUNTY FAILS TO COMPLY WITH THIS PARAGRAPH (c), THE STATE LICENSING AUTHORITY SHALL NOT PROCESS ANY APPLICATIONS FROM THAT CITY, CITY AND COUNTY, OR COUNTY."

Page 4, strike lines 1 through 15.

Page 4, line 16, strike "2011," and substitute "2010,".

Page 8, line 17, strike "**creation.**" and substitute "**creation - repeal.**".

Page 9, line 2, after the period add "THE STATE LICENSING AUTHORITY SHALL, AT ITS DISCRETION, BASED UPON WORKLOAD, EMPLOY NO MORE THAN ONE FULL TIME EQUIVALENT EMPLOYEE FOR EACH TEN MEDICAL MARIJUANA CENTERS LICENSED BY OR MAKING APPLICATION WITH THE AUTHORITY. NO MONEYS SHALL BE APPROPRIATED TO THE STATE LICENSING AUTHORITY FROM THE GENERAL FUND FOR THE OPERATION OF THIS ARTICLE, NOR SHALL THE STATE LICENSING AUTHORITY EXPEND ANY GENERAL FUND MONEYS FOR THE OPERATION OF THIS ARTICLE.

(3) (a) DURING FISCAL YEAR 2010-2011, THE STATE LICENSING AUTHORITY SHALL CONSIDER EMPLOYMENT OF TEMPORARY OR CONTRACT STAFF TO CONDUCT BACKGROUND INVESTIGATIONS. THE ADDITIONAL COST OF THE BACKGROUND INVESTIGATIONS SHALL NOT EXCEED FIVE HUNDRED THOUSAND DOLLARS.

(b) ON JULY 1, 2010, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL LOAN TO THE STATE LICENSING AUTHORITY, CREATED IN 12-43.3-201, A SUM NOT TO EXCEED ONE MILLION DOLLARS FROM THE MEDICAL MARIJUANA CASH FUND CREATED IN 25-1.5-106. THE STATE LICENSING AUTHORITY SHALL PAY BACK THE ONE MILLION DOLLAR LOAN TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT NO LATER THAN DECEMBER 31, 2010.

(c) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2011."

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Page 68, line 2, after the first "fund" strike "cash fund". 1

Page 68, strike lines 5 and 6 and substitute "July 1, 2010, the sum of ten 2
million three hundred seventeen thousand five hundred eighty-three 3
dollars (\$10,317,583) cash funds and 110.0 FTE, or so much". 4
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Page 68, strike lines 10 and 11 and substitute "1, 2010, the sum of two 7
hundred seventy-one thousand three hundred sixty-eight dollars 8
(\$271,368) and 2.0 FTE, or so much thereof as may be necessary, for 9
the". 10
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Page 69, line 3, strike "two" and substitute "fifty-nine thousand seven 12
hundred forty-seven dollars (\$59,747) cash funds". 13
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Page 69, strike line 4. 15

Page 69, line 5, strike "(\$271,467) cash funds". 16
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Page 69, strike lines 7 through 16. 18
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Page 69, line 27, after the first "fund" strike "cash fund". 20
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Page 70, strike lines 3 and 4 and substitute "July 1, 2010, the sum of ten 22
million three hundred seventeen thousand five hundred eighty-three 23
dollars (\$10,317,583) cash funds and 110.0 FTE, or so much". 24
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Page 70, strike lines 8 and 9 and substitute "1, 2010, the sum of two 27
hundred seventy-one thousand three hundred sixty-eight dollars 28
(\$271,368) and 2.0 FTE, or so much thereof as may be necessary, for 29
the". 30
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Page 71, line 1, strike "two" and substitute "fifty-nine thousand seven 32
hundred forty-seven dollars (\$59,747) cash funds". 33
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Page 71, strike line 2. 35

Page 71, line 3, strike "(\$271,467) cash funds". 36
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Page 71, strike lines 5 through 14. 38
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Amend the Senate Local Government and Energy Committee report, 40
dated April, 27, 2010, page 1, strike lines 1 through 16. 41
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Page 2 of the committee report, line 1, strike "Page 5," and substitute 43
"Amend reengrossed bill, page 5,". 44
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Page 4 of the committee report, strike lines 14 through 21 and substitute: 46
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"Page 71 of the reengrossed bill, strike lines 15 through 22 and substitute: 48
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"SECTION 15. Specified effective date. (1) Except as otherwise 50
provided in subsection (2) of this section, this act shall take effect July 1, 51
2010." 52
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Page 71 of the reengrossed bill, line 23, strike "(c)" and substitute "(2) 54
(a)" and strike "12" and substitute "13". 55
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Page 71 of the reengrossed bill, line 26, strike "(d)" and substitute "(b)", 57
strike "13" and substitute "14", and after "effect" insert "only". 58
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MESSAGE FROM THE HOUSE

May 3, 2010

In response to the request of the Senate for the recall of HB10-1106, the bill is transmitted

herewith.

On motion of Senator Sandoval, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Reconsideration of HB10-1106.

RECONSIDERATION OF HB10-1106

HB10-1106 by Representative(s) Casso; also Senator(s) Sandoval--Concerning bringing certain statutory provisions concerning child welfare into compliance with federal law, and making an appropriation therefor.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB10-1106.

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

THIRD READING OF BILLS -- FINAL PASSAGE

HB10-1106 by Representative(s) Casso; also Senator(s) Sandoval--Concerning bringing certain statutory provisions concerning child welfare into compliance with federal law, and making an appropriation therefor.

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

Third Reading Amendment No. 1(L.006) , by Senator Sandoval.

Amend revised bill, page 7, after line 8, insert:

"SECTION 5. 19-3-208 (2) (a) (V), Colorado Revised Statutes, is amended to read:

19-3-208. Services - county required to provide - rules.
(2) (a) "Services" shall be designed to accomplish the following goals:

(V) ~~Take into account the racial background of the child if placement out-of-home is necessary, except that the placement of a child shall not be delayed due to attempts to assure racial resemblance between the child and the foster family~~ ENSURE THAT THE PLACEMENT OF A CHILD IS NEITHER DELAYED NOR DENIED DUE TO CONSIDERATION OF THE RACE, COLOR, OR NATIONAL ORIGIN OF THE CHILD OR ANY OTHER PERSON UNLESS SUCH CONSIDERATION IS PERMITTED PURSUANT TO FEDERAL LAW; and".

Renumber succeeding sections accordingly.

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	33	NO	2	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	N	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: Foster

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

THIRD READING OF BILLS -- FINAL PASSAGE

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

SB10-185 by Senator(s) Shaffer B., Bacon, Boyd, Carroll M., Foster, Heath, Hudak, Johnston, Keller, Morse, Sandoval, Schwartz, Steadman, Tapia, Tochtrop, Whitehead, Williams; also Representative(s) Merrifield, Apuan, Benefield, Casso, Ferrandino, Fischer, Gagliardi, Hullinghorst, Kagan, Kefalas, Kerr A., Labuda, Levy, McCann, Miklosi, Pace, Peniston, Pommer, Schafer S., Solano, Soper, Todd, Tyler, Vigil, Weissmann--Concerning modifications to the residential warranty of habitability for the purpose of protecting renters.

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

YES	18	NO	14	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	*	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	*
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	*
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	N	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senators Hodge, Tapia, White

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

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, and making an appropriation therefor.

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

Third Reading Amendment No. 1(L.018), by Senator Steadman.

"Amend 2nd revised bill, page 13, line 1, strike "(1) (c), and (1) (d)," and substitute "and (1) (c)."

Page 13, strike lines 25 through 27.

Page 14, strike lines 1 through 3."

The amendment was **passed** on the following roll call vote:

YES	34	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	*	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

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

YES	27	NO	7	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	Y	Tapia	Y
Cadman	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	*	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

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

RECONSIDERATION OF SB10-185

SB10-185 by Senator(s) Shaffer B., Bacon, Boyd, Carroll M., Foster, Heath, Hudak, Johnston, Keller, Morse, Sandoval, Schwartz, Steadman, Tapia, Tochtrop, Whitehead, Williams; also Representative(s) Merrifield, Apuan, Benefield, Casso, Ferrandino, Fischer, Gagliardi, Hullinghorst, Kagan, Kefalas, Kerr A., Labuda, Levy, McCann, Miklosi, Pace, Peniston, Pommer, Schafer S., Solano, Soper, Todd, Tyler, Vigil, Weissmann--Concerning modifications to the residential warranty of habitability for the purpose of protecting renters.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB10-185.

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

YES	17	NO	18	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	Y	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	Y	White	Y
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

THIRD READING OF BILLS -- FINAL PASSAGE

HB10-1336 by Representative(s) Schafer S.; also Senator(s) Newell--Concerning expenditures to be made by the department of public safety, and making an appropriation therefor.

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

YES	26	NO	9	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	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	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

HB10-1334 by Representative(s) King S.; also Senator(s) Steadman--Concerning changes to indecency crimes.

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.

SB10-199 by Senator(s) Carroll M.; also Representative(s) Court--Concerning clarifying revisions to certain provisions of the Colorado probate code.

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

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

SB10-201 by Senator(s) Mitchell and Romer, Foster, Hodge, Kester, Kopp, Morse, Newell, Penry, Scheffel, Shaffer B., Tapia; also Representative(s) Soper and Balmer, Baumgardner, Bradford, Casso, DelGrosso, Hullinghorst, Kagan, Liston, Looper, McNulty, Merrifield, Priola, Rice, Scanlan, Sonnenberg, Stephens--Concerning enforcement of the motor vehicle franchise laws against certain types of licensees.

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: Brophy, Gibbs, Harvey, King K., Lundberg, Schultheis, Spence, Whitehead and Williams.

SB10-029 by Senator(s) Penry; also Representative(s) Curry--Concerning the creation of efficiencies in governmental entities that provide services to the people of the state.

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

YES	16	NO	19	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	Y	Hudak	N	Newell	N	Steadman	N
Brophy	Y	Johnston	N	Penry	Y	Tapia	N
Cadman	Y	Keller	Y	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		

Less than a majority of all members elected to the Senate having voted in the affirmative, the bill was **lost**.

SB10-195 by Senator(s) Newell; also Representative(s) Solano--Concerning creation of the early childhood leadership commission.

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	N	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: Foster, Hudak, Steadman and Williams.

SB10-206 by Senator(s) White; also Representative(s) Scanlan--Concerning the distribution of fifty percent of the limited gaming fund allocated to the state general fund or such other fund as the general assembly provides as specified in section 9 (5) (b) (II) of article XVIII of the state constitution.

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	Y	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	Y	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: Penry, Schwartz and Steadman.

HB10-1119 by Representative(s) Ferrandino, Carroll T., Court, Fischer, Gagliardi, Hullinghorst, Kerr A., Labuda, Levy, Merrifield, Middleton, Pace, Pommer, Primavera, Rice, Scanlan, Schafer S., Solano, Todd, Weissmann; also Senator(s) Shaffer B., Boyd, Steadman--Concerning the process by which the state annually allocates moneys for its budget and, in connection therewith, anticipating the receipt of federal funds to be used therefor.

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

YES	30	NO	5	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	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	Y	Schwartz	Y		

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

Co-sponsors added: Newell

HB10-1033 by Representative(s) Massey, Frangas, Kerr J., McCann; also Senator(s) Boyd and Schwartz, Foster--Concerning the provision of services through the medicaid program that are related to substance abuse, 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	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Newell and Steadman.

HB10-1329 by Representative(s) Peniston, Casso, Court, Fischer, Frangas, Hullinghorst, Labuda, Levy, McCann, Miklosi, Pommer, Riesberg, Solano, Tyler, Vigil; also Senator(s) Boyd, Bacon, Hodge, Hudak, Keller, Romer, Steadman, Tochtrop, Williams--Concerning solid waste user fees, and making an appropriation in connection therewith.

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	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

HB10-1241 by Representative(s) Casso; also Senator(s) Tochtrop--Concerning required registration for persons who work on fire suppression systems, and making an appropriation therefor.

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

YES	19	NO	16	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	N		

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

HB10-1005 by Representative(s) Massey, Frangas, Kerr J., McCann; also Senator(s) Foster, Boyd, Lundberg, Schwartz--Concerning home health care through telemedicine pursuant to the "Colorado Medical Assistance Act", and making an appropriation therefor.

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: Brophy, Heath, Hodge, Morse, Newell, Penry, Shaffer B., Tochtrop, White, Whitehead and Williams.

HB10-1073 by Representative(s) Roberts; also Senator(s) Sandoval--Concerning the addition of a line to Colorado state individual income tax return forms whereby individual taxpayers may make a voluntary contribution benefitting the Colorado 2-1-1 first call for help fund, and making an appropriation therefor.

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

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YES	22	NO	13	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	N	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	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 and Steadman.

HB10-1139 by Representative(s) Apuan; also Senator(s) Heath--Concerning the creation of special license plates for military veterans of the conflicts occurring after September 11, 2001, and making an appropriation therefor.

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	N	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: Cadman, Gibbs, Kester, King K., Kopp, Lundberg, Mitchell, Newell, Penry, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Tochtrop, White and Williams.

RECONSIDERATION OF HB10-1334

HB10-1334 by Representative(s) King S.; also Senator(s) Steadman--Concerning changes to indecency crimes.

Having voted on the prevailing side, Senator Mitchell moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB10-1334.

Less than a majority of all members elected to the Senate having voted in the affirmative, reconsideration was lost:

YES	13	NO	22	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	N
Boyd	N	Hudak	N	Newell	N	Steadman	Y
Brophy	Y	Johnston	Y	Penry	N	Tapia	Y
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	N
Gibbs	N	Kopp	N	Scheffel	N	Williams	N
Harvey	N	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

MESSAGE FROM THE HOUSE

May 3, 2010

The House has adopted and transmits herewith HJR10-1020, as printed in House Journal.

The House has adopted and transmits herewith HJR10-1034, as printed in House Journal.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR10-1020 by Representative(s) Frangas, Fischer, McFadyen, Primavera; also Senator(s) Boyd-- Concerning the inclusion of organ donation awareness education in Colorado's driver's education courses.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

HJR10-1034 by Representative(s) Acree, Carroll T., Gerou, Priola, Roberts, Stephens; also Senator(s) Spence--Concerning stroke awareness.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

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

HB10-1395 by Representative(s) Gardner B.; also Senator(s) Steadman--Concerning interlocutory appeals in civil cases.

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

HB10-1399 by Representative(s) Weissmann; also Senator(s) Gibbs--Concerning the authority of the Colorado bureau of investigation to assist a chief of a fire department in the investigation of a fire related to the crime of arson.

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

HB10-1375 by Representative(s) Riesberg, McFadyen; also Senator(s) Bacon, Schwartz--Concerning the necessary authority for Metropolitan state college of Denver to access favorable financing.

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

HB10-1392 by Representative(s) Benefield; also Senator(s) Johnston--Concerning the membership of the government data advisory board.

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

SB10-197 by Senator(s) Hodge; also Representative(s) Riesberg--Concerning exempting the transfer of prescription drugs purchased with public funds by public entities from the definition of "wholesale distribution" of prescription drugs.

Ordered engrossed 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 Schwartz, 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: SB10-197, HB10-1395, HB10-1399, HB10-1375, HB10-1392.

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

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

Laid over until Tuesday, May 4, retaining its place on the calendar.

SB10-167 by Senator(s) Boyd; also Representative(s) Riesberg--Concerning increased efficiency in the administration of the "Colorado Medical Assistance Act", and, in connection therewith, creating the "Colorado Medicaid False Claims Act".

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, March 5, pages 436-437 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, pages 1029-1030, April 27 and placed in members' bill files.)

Amendment No. 3(L.004), by Senator Boyd.

Amend the Health and Human Services Committee Report, dated March 4, 2010, page 1, line 5, after "SERVICES" insert "INITIALLY DETERMINED TO BE ELIGIBLE PURSUANT TO SECTION 25.5-4-205".

Amendment No. 4(L.009), by Senator Boyd.

Amend the Corrected Appropriations Committee Report, dated April 23, 2010, page 1, strike lines 1 and 2.

Page 1 of the Committee Report, line 3, strike ""Amend" and substitute "Amend".

Page 1 of the Committee Report, strike lines 10 through 15.

Page 2 of the Committee Report, strike lines 1 through 13.

Page 2 of the Committee Report, line 14, strike ""Page" and substitute "Page".

Page 3 of the Committee Report, line 11, strike "funds." and substitute "funds".

Page 3 of the Committee Report, after line 11, insert:

SECTION 16. Appropriation. In addition to any other appropriation, there is hereby appropriated to the department of law, criminal justice and appellate division, for allocation to the medicaid fraud control unit, for the fiscal year beginning July 1, 2010, the sum of two hundred seventy-six thousand five hundred eighty dollars (\$276,580) and 3.0 FTE, or so much thereof as may be necessary, for the implementation of the provisions of this act that pertain to the "Colorado Medical Assistance Act" of articles 5 and 6 of title 25.5, Colorado Revised Statutes. Of said sum, sixty-nine thousand one hundred forty-five dollars (\$69,145) shall be from the general fund and two hundred seven thousand four hundred thirty-five dollars (\$207,435) shall be from federal funds. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

SECTION 17. Effective date. (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect upon passage.

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(2) Section 16 of this act shall not take effect if House Bill 10-1357 is enacted at the second regular session of the sixty-seventh general assembly and becomes law."."

Amendment No. 5(L.008), by Senator Boyd.

Amend printed bill, page 46, after line 24, insert:

"SECTION 13. 18-4-412 (5), Colorado Revised Statutes, is amended, and the said 18-4-412 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

18-4-412. Theft of medical records or medical information - penalty. (5) This section shall not apply to covered entities subject to OR HEALTH OVERSIGHT ENTITIES AS DEFINED in the federal "Health Insurance Portability and Accountability Act of 1996" and implementing regulations, OR THEIR AUTHORIZED AGENTS.

(6) IT SHALL BE A DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT THE DEFENDANT:

(a) OBTAINED OR BEGAN POSSESSION OF THE MEDICAL RECORDS OR INFORMATION AT A TIME WHEN THE DEFENDANT HAD LAWFUL ACCESS TO SUCH RECORDS;

(b) POSSESSED OR OBTAINED SUCH RECORDS OR INFORMATION FOR THE PURPOSE OF DISCLOSING A FALSE OR FRAUDULENT CLAIM UNDER SECTION 25.5-4-304, C.R.S., OR FOR PROVIDING SUCH RECORDS OR INFORMATION TO A LAW ENFORCEMENT OFFICER TO AID IN A REPORT OF A CRIME OF WHICH SUCH RECORDS OR INFORMATION WOULD REASONABLY BE CONSIDERED TO BE EVIDENCE;

(c) MADE REASONABLE, AFFIRMATIVE EFFORTS TO REPORT SAID CRIME TO LAW ENFORCEMENT AFTER OBTAINING OR BEGINNING POSSESSION OF THE RECORDS OR INFORMATION; AND

(d) DID NOT DISCLOSE SUCH RECORDS OR INFORMATION TO ANY UNAUTHORIZED PERSON."

Renumber succeeding section accordingly.

Amendment No. 6(L.010), by Senator Boyd.

Amend printed bill, page 46, after line 24, insert:

"SECTION 13. 18-4-412 (2) (c), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

18-4-412. Theft of medical records or medical information - penalty. (2) As used in this section:

(c) "Proper authorization" means:

(V) AUTHORIZED POSSESSION BY A LAW ENFORCEMENT OFFICER OR AGENCY, ACTING IN OFFICIAL CAPACITY AND PURSUANT TO AN OFFICIAL INVESTIGATION."

Renumber succeeding section accordingly.

Amendment No. 7(L.011), by Senator Boyd.

Amend printed bill, page 6, line 19, strike "SYSTEM." and substitute "SYSTEM, IN ACCORDANCE WITH 42 U.S.C. SEC. 1396b (r) AND REGULATIONS THEREUNDER, AS AMENDED BY PUB.L. 111-148, AND ANY OTHER SUBSEQUENT ACTS OF CONGRESS."

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

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passage.

HB10-1018 by Representative(s) Looper and Primavera, Frangas, McFadyen, Solano; also Senator(s) Gibbs, Romer, Williams--Concerning increased authority to regulate waste tires, and making an appropriation therefor.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, April 14, page 882-883 and placed in members' bill files.)

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

HB10-1394 by Representative(s) Rice; also Senator(s) Scheffel--Concerning commercial liability insurance policies issued to construction professionals.

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

SCR10-001 by Senator(s) Heath, Morse; also Representative(s) Ferrandino, Court--Submitting to the registered electors of the state of Colorado an amendment to article XIX of the constitution of the state of Colorado, concerning the creation of the fiscal policy constitutional commission, and, in connection therewith, establishing a commission consisting of nineteen members appointed by various state officials for the purpose of reviewing the fiscal policy set forth in the state constitution and, if appropriate, submitting to the voters in 2012 one or more measures to amend the fiscal policy set forth in the constitution; permitting a measure to include more than one subject; exempting a measure from existing constitutional election requirements; requiring the general assembly to conduct public hearings related to a measure and make a recommendation to voters about the measure; and requiring each measure to be published prior to the election and included in the ballot information booklet.

Laid over until Tuesday, May 4, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Schwartz, 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: SB10-167 as amended, HB10-1018 as amended, HB10-1394. Laid over until Tuesday, May: HB10-1271, SCR10-001.

MESSAGE FROM THE HOUSE

May 3, 2010

The House has adopted and returns herewith SJR10-033.
 The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1217, amended as printed in House Journal, April 29, page 1488.
 HB10-1417, amended as printed in House Journal, April 30, page 1552.
 HB10-1413, amended as printed in House Journal, April 30, pages 1552-1553.
 HB10-1414, amended as printed in House Journal, April 30, page 1553.
 HB10-1412, amended as printed in House Journal, April 30, pages 1553-1554.

HB10-1345, amended as printed in House Journal, April 30, page 1554. 1
 HB10-1407, amended as printed in House Journal, April 30, page 1554. 2
 HB10-1403, amended as printed in House Journal, April 30, page 1555. 3
 HB10-1421, amended as printed in House Journal, April 30, pages 1555-1556. 4
 HB10-1422, amended as printed in House Journal, April 30, page1556. 5

REPORT OF CONFERENCE COMMITTEES

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HJR10-1015**

 THIS REPORT AMENDS THE
 REVISED JOINT RESOLUTION

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

Your first conference committee appointed on HJR10-1015,
concerning the removal of FCC broadcasting restrictions to allow access
to Denver television stations in southwestern Colorado, has met and
reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the joint
resolution, as the amendments appear in the revised joint resolution, with
the following changes:

Amend revised joint resolution, page 3, line 18, after "legislation;" add
"and".

Page 3, strike lines 19 through 21.

Page 3, line 22, strike "(3)" and substitute "(2)".

Respectfully submitted,

House Committee:
 (signed)
 Ellen Roberts, Chairman
 Jeanne Labuda
 Su Ryden

Senate Committee:
 (signed)
 Bruce Whitehead, Chairman
 Pat Steadman
 Al White

MESSAGE FROM THE GOVERNOR

April 30, 2010

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

Ladies and Gentlemen:

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

SB10-174 CONCERNING THE REGULATION OF THE DEVELOPMENT OF

GEOHERMAL RESOURCES.

Approved April 30, 2010 at 3:37 p.m.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 10:08 a.m., 05/03/10
Karen Goldman, Secretary of the Senate

SENATE SERVICES REPORT

- Correctly Printed:** SB10-210, 211 and 212.
- Correctly Engrossed:** SB10-029, 195, 199, 201 and 206; SJM10-002; SJR10-048.
- Correctly Reengrossed:** SB10-191.
- Correctly Revised:** HB10-1005, 1033, 1073, 1119, 1139, 1141, 1241, 1329, 1334 and 1336; HJR10-1021.
- Correctly Rerevised:** HB10-1351.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB10-177.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Schwartz, Chair, Foster, and Kester as Senate conferees on the first conference committee on **HB10-1125**.

Senator Schwartz moved that the Senate conferees on the first conference committee on **HB10-1125** be granted permission to go beyond the scope of the differences between the two houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**.

The President appointed Senators Morse, Chair, Boyd, and Schultheis as Senate conferees on the first conference committee on **HB10-1330**.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the following Governor's Appointments (Board of Directors of Denver Metropolitan Major League Stadium District, Members of the Colorado Channel Authority Board of Directors, Members of the Charter School Institute Board, Members of the Board of Assessment Appeals, Members of the Colorado Lottery Commission, Members of the Board of Parks and Outdoor Recreation, Member of the State Board of the Great Outdoors Colorado Trust Fund, Member of the State Board of Stock Inspection Commissioners, Members of the Colorado Traumatic Brain Injury Board, University of Colorado Hospital Authority Board of Directors, Members of the CoverColorado Board of Directors, Members of the Public Employees' Retirement Benefit Plans) were placed on the Governor's Appointments consent calendar for Tuesday, May 4.

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, May 3 was laid over until Tuesday, May 4, retaining its place on the calendar.

Special Orders--Second Reading of Bills: HB10-1358
Consideration of Resolutions: SJR10-039, SJR10-042, SJR10-043, SR10-009, SJR10-

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047, SJR10-035, HJR10-1029. 1
Consideration of House Amendments to Senate Bills: SB10-071, SB10-153, SB10-159, 2
SB10-162. 3
Consideration of House Amendments to Senate Resolutions: SJR10-040. 4
Consideration of Governor's Appointments: 5
Members of the State Board of Parole 6
Consideration of Conference Committee Reports: SB10-109. 7
Conference Committees to Report: HB10-1273, HB-1252. 8
Requests for Conference Committee: HB10-1188. 9

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, May 4, 2010. 10
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Approved: 14
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Brandon C. Shaffer 16
President of the Senate 17
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Attest: 20
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Karen Goldman 22
Secretary of the Senate 23
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