

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

69th Legislative Day

Monday, March 22, 2010

Prayer	By the chaplain, Reverend Bill Calhoun, Retired, Montview Blvd. Presbyterian Church, Denver.	11
Call to Order	By the President at 10:00 a.m.	14
Pledge	By Senator Schwartz.	17
Roll Call	Present--35.	19
Quorum	The President announced a quorum present.	21
Reading of Journal	On motion of Senator Hudak, reading of the Journal of Friday, March 19, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.	23

COMMITTEE OF REFERENCE REPORTS

Appropriations	After consideration on the merits, the Committee recommends that SB10-171 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	30
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Amend printed bill, page 13, line 12, strike "2010-11 OR" and substitute "2010-11, 2011-12, OR 2012-13."

Page 13, strike line 13.

Page 15, line 18, strike "**by the state auditor's office.**" and substitute "**of the program - state auditor's office - state department. (1)**".

Page 15, after line 26 insert:

"(2) (a) THE STATE AUDITOR SHALL PRESENT THE REPORT OF THE AUDIT CONDUCTED PURSUANT TO SUBSECTION (1) OF THIS SECTION TO A JOINT MEETING OF THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE , AND TO THE JOINT BUDGET COMMITTEE, OR ANY SUCCESSOR COMMITTEES.

(b) THE STATE DEPARTMENT SHALL, CONTEMPORANEOUS WITH THE AUDIT CONDUCTED PURSUANT TO SUBSECTION (1) OF THIS SECTION, REVIEW THE PROGRAM AND REPORT TO THE COMMITTEES CONCERNING THE SUCCESS OF THE PROGRAM, THE ADMINISTRATION OF THE CONTRACT, AND THE AVAILABILITY OF ANY GIFTS, GRANTS, OR DONATIONS FOR THE OPERATION OF THE PROGRAM."

MESSAGE FROM THE HOUSE

March 19, 2010

The House has adopted and returns herewith SJR10-020 and SJR10-019.

The House has voted to concur in the Senate amendments to HB10-1008, 1024, 1034, 1085, 1107, and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB10-1099 and requests that a conference committee be appointed. The Speaker has appointed Representatives Pace, chairman, Vigil, and Massey as House conferees on the First Conference Committee on HB10-1099. The bill is transmitted herewith.

The Speaker has announced Representative Soper will replace Representative Merrifield as prime sponsor on SB10-040.

The Speaker has announced Representative Massey will be added as co-prime sponsor on SB10-143.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

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

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

THIRD READING OF BILLS -- FINAL PASSAGE -- CONSENT CALENDAR

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

HB10-1108 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.

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

Table with 8 columns: YES, NO, EXCUSED, ABSENT and 8 rows of member names and their votes.

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

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.

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

Table with 8 columns: YES, NO, EXCUSED, ABSENT and 8 rows of member names and their votes.

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

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.

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

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

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

Co-sponsors added: Boyd and Newell.

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.

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

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

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

Co-sponsors added: Boyd, Newell, Schwartz and Tochtrop.

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.

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

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

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

Co-sponsors added: Boyd, Newell and Williams.

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.

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: Newell and Steadman.

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:

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.

A majority of all members elected to the Senate having voted in the affirmative, the bill was referred to the Committee on Business, Labor and Technology.

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.

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

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

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.

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.

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.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Kester, Schwartz, Tochtrop and Williams.

HB10-1135 by Representative(s) Ryden, Benefield, Court, Gagliardi, Hullinghorst, Labuda, Looper, McCann, Middleton, Peniston, Primavera, Schafer S., Solano, Todd; also Senator(s) Hudak and Newell, Boyd, Spence, Williams--Concerning the definition of domestic violence when determining the best interests of a child.

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	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	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: Carroll M., Heath, Morse, Schwartz, Shaffer B., Steadman and Tochtrop.

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.

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

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

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

Co-sponsors added: Bacon, Boyd, Hodge, Keller, Newell and Williams.

HB10-1054 by Representative(s) King S.; also Senator(s) Carroll M.--Concerning presenting school safety information at institutions of higher education.

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

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

Co-sponsors added: Hudak, Newell, Sandoval, Schwartz and Williams.

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

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

YES	28	NO	7	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.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	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: Williams

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

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, Kester, Lundberg, Schultheis, Schwartz and Whitehead.

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.

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

YES	31	NO	4	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	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Newell and Williams.

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".

Laid over until Tuesday, March 23, 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.

Laid over until Tuesday, March 23, retaining its place on the calendar.

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.

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	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	Y	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. and Shaffer B.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Tapia, Chair, Hodge, and Brophy as Senate conferees on the first conference committee on HB10-1099.

CHANGE IN SPONSORSHIP

Upon announcement of President Shaffer, Senator Williams was added as a senate joint prime sponsor on SB10-061 and Representative Riesberg was added as a house joint prime sponsor on SB10-061.

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

HB10-1346 by Representative(s) Kagan, Gardner B., Labuda, Levy, Roberts; also Senator(s) Carroll M., Brophy, Mitchell, Morse, Schwartz--Concerning an increase in the number of days emergency rules adopted by executive branch agencies pursuant to the "State Administrative Procedure Act" may be in effect.

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

HB10-1256 by Representative(s) McNulty, Baumgardner, Fischer, McFadyen, Primavera, Tyler, Vaad; also Senator(s) Johnston--Concerning the Colorado high technology scholarship program.

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 Gibbs, the report of the Committee of the Whole was adopted on the following roll call vote:

Table with 8 columns: YES, NO, EXCUSED, ABSENT and their respective counts (35, 0, 0, 0). Rows list names of senators and their votes (Y for Yes).

The Committee of the Whole took the following action:

Passed on second reading: HB10-1346, HB10-1256.

SENATE SERVICES REPORT

Correctly Printed: SB10-188; SJR10-019 and 020.
Correctly Engrossed: SB10-070, 073, 166 and 176; SJR10-019 and 020.
Correctly Revised: HB10-1010, 1030, 1054, 1057, 1108, 1115, 1123, 1128, 1132, 1135, 1140, 1188, 1227 and 1288.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB10-010, 014, 015, 031, 037, 052, 112, 116, 122, 146 and 163; HB10-1001, 1059, 1064, 1080, 1089, and 1112.

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

- SB10-135** by Senator(s) Spence; also Representative(s) Pace--Concerning an exemption from the 911 charge for customers receiving subsidies under federal programs.
Laid over until Saturday, May 15.
- HB10-1171** by Representative(s) Benefield, Scanlan; also Senator(s) Steadman--Concerning education-related data reporting requirements.
Laid over until Tuesday, March 23, retaining its place on the calendar.
- 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 Tuesday, March 23, retaining its place on the calendar.
- HB10-1069** by Representative(s) Vigil; also Senator(s) Schwartz--Concerning the reclassification of Mineral county.
Laid over until Saturday, May 15.
- 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.
Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, March 12, page 521 and placed in members' bill files.)
As amended, ordered revised and placed on the calendar for third reading and final passage.
- 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 Tuesday, March 23, retaining its place on the calendar.
- 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.

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Amendment No. 1(L.004), by Senator Cadman.

Amend reengrossed bill, page 2, strike lines 2 through 11 and substitute:

"SECTION 42-3-112 (1) and (2) and the introductory portion to 42-3-112 (3), Colorado Revised Statutes, are amended to read:

42-3-112. Failure to pay tax - penalty. (1) (a) If a MOTOR vehicle OR MOBILE MACHINERY subject to taxation under this article is not registered when required by law, the vehicle owner shall pay a late fee of twenty-five dollars for each month or portion of a month following the expiration of the registration period, or, if applicable, the expiration of the grace period described in section 42-3-114 for which the MOTOR vehicle OR MOBILE MACHINERY is unregistered; except that the amount of the late fee shall not exceed one hundred dollars. The late fee shall be due when the MOTOR vehicle OR MOBILE MACHINERY is registered.

(b) IF A VEHICLE THAT IS NOT A MOTOR VEHICLE OR MOBILE MACHINERY BUT THAT IS SUBJECT TO TAXATION UNDER THIS ARTICLE IS NOT REGISTERED WHEN REQUIRED BY LAW, THE VEHICLE OWNER IS SUBJECT TO A LATE FEE OF UP TO TEN DOLLARS, AS DETERMINED BY THE DEPARTMENT OR AUTHORIZED AGENT REGISTERING THE VEHICLE, WHICH IS DUE WHEN THE VEHICLE IS REGISTERED. THE DEPARTMENT OR THE AUTHORIZED AGENT REGISTERING THE VEHICLE MAY WAIVE THE LATE FEE.

(2) (a) Ten dollars of ~~the~~ EACH late registration fee COLLECTED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION shall be retained by the department or the authorized agent who registers the motor vehicle OR MOBILE MACHINERY. Each authorized agent shall remit to the department no less frequently than once a month, but otherwise at the time and in the manner required by the executive director of the department, the remainder of the late registration fees collected by the authorized agent. The executive director shall forward all late registration fees remitted by authorized agents plus the remainder of the late registration fees collected directly by the department to the state treasurer, who shall credit the fees to the highway users tax fund in accordance with section 43-4-804 (1) (e), C.R.S.

(b) THE ENTIRE AMOUNT OF EACH LATE REGISTRATION FEE COLLECTED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL BE RETAINED BY THE DEPARTMENT OR THE AUTHORIZED AGENT WHO REGISTERS THE VEHICLE THAT IS NOT A MOTOR VEHICLE OR MOBILE MACHINERY.

(3) The late fee described in PARAGRAPH (a) OF subsection (1) of this section shall not be imposed on a vehicle subject to taxation under this article if:"

Page 1, strike line 103 and substitute "**POWER.**".

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

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

HB10-1044 by Representative(s) Carroll T., Todd, Benefield, Kefalas, Massey, McNulty, Merrifield, Middleton, Roberts, Schafer S., Stephens; also Senator(s) Steadman--Concerning the licensure of neighborhood youth organizations.

Amendment No. 1(L.017), by Senator Steadman.

Amend reengrossed bill, page 4, line 7, strike "SHALL" and substitute "MAY".

Page 6, line 12, after "A", insert "LICENSED".

Page 8, line 10, after "EACH", insert "LICENSED".

Page 8, line 11, strike "A" and substitute "THE LICENSED".

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Page 8, line 14, after "THE", insert "LICENSED".

Page 8, line 19, before "NEIGHBORHOOD", insert "LICENSED".

Page 8, line 20, before "NEIGHBORHOOD", insert "LICENSED".

Page 9, line 13, before "NEIGHBORHOOD", insert "LICENSED".

Amendment No. 2(L.018), by Senator Steadman.

Amend reengrossed bill, page 8, after line 9 insert:

"(5) A PERSON WHO VISITS OR TAKES PART IN THE ACTIVITIES OF A LICENSED NEIGHBORHOOD YOUTH ORGANIZATION BUT WHO IS NOT REQUIRED TO OBTAIN A CRIMINAL HISTORY RECORD CHECK PURSUANT TO SUBSECTION (4) OF THIS SECTION SHALL AT ALL TIMES BE UNDER THE SUPERVISION OF AN EMPLOYEE OR VOLUNTEER WHO HAS BEEN HIRED OR APPROVED AFTER OBTAINING A CRIMINAL HISTORY RECORD CHECK PURSUANT TO SUBSECTION (4) OF THIS SECTION."

Renumber succeeding subsections accordingly.

Amendment No. 3(L.015), by Senator Steadman.

Amend reengrossed bill, page 3, line 2, after "(5.8)" insert "(a)".

Page 3, strike lines 16 through 20 and substitute:

"ORGANIZATION.

(b) A NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT INCLUDE FAITH-BASED CENTERS, ORGANIZATIONS OR PROGRAMS OPERATED BY STATE OR CITY PARKS OR SPECIAL DISTRICTS, OR DEPARTMENTS OR FACILITIES THAT ARE CURRENTLY LICENSED AS CHILD CARE CENTERS AS DEFINED IN SUBSECTION (1.5) OF THIS SECTION."

As amended, 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 (HB10-1118, HB10-1058, HB10-1197, SB10-172, HB10-1025, HB10-1202, HB10-1043, HB10-1244, HB10-1133, HB10-1052, HB10-1143, HB10-1222, HB10-1225, SB10-185, HB10-1004, HB10-1183) of Monday, March 22, was laid over until Tuesday, March 23, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

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.

Senators Cadman and Whitehead moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 10-1211 did pass.

Amend the Cadman floor amendment (HB1211_L.004), page 1, line 16, strike "AS DETERMINED BY THE".

Page 1, strike line 17.

Page 1, line 18, before the first "IS" insert "WHICH" and strike "THE DEPARTMENT OR THE".

Page 1, strike line 19.

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

YES	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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

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

The Committee of the Whole took the following action:

Passed on second reading: HB10-1212 as amended, HB10-1211 as amended, HB10-1044 as amended.

Laid over until Tuesday, March 23: HB10-1118, HB10-1058, HB10-1197, SB10-172, HB10-1025, HB10-1202, HB10-1043, HB10-1244, HB10-1133, HB10-1052, HB10-1143, HB10-1222, HB10-1225, SB10-185, HB10-1004, HB10-1183.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Monday, March 22 was laid over until Tuesday, March 23, retaining its place on the calendar.

Consideration of Resolutions: SJR10-010.

Consideration of House Amendments to Senate Bills: SB10-109, SB10-008.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, March 23, 2010.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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