

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

90th Legislative Day Monday, April 12, 2010

Prayer By the chaplain, Reverend Dwight Blackstock, Retired, Presbyterian Church, Denver. 10
 Call to Order By the President at 10:00 a.m. 11
 Pledge By Senator Romer. 12
 Roll Call Present--31. 13
 Excused--4, King, Kopp, Mitchell, Penry. 14
 Present later--3, King, Kopp, Mitchell. 15
 Quorum The President announced a quorum present. 16
 Reading of Journal On motion of Senator Lundberg, reading of the Journal of Friday, April 9, was 17
 dispensed with and the Journal was approved as corrected by the Secretary. 18
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On motion of Senator Morse, and with a majority of those elected to the Senate having 28
 voted in the affirmative, the Senate proceeded out of order for consideration of memorials. 29
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CONSIDERATION OF MEMORIALS

SM10-002 by Senator(s) Whitehead; --Memorializing former Senator Arthur Wayne Denny. 33
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Amendment No. 1,(L.001),by Senator Whitehead. 36
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Amend printed memorial, page 2, strikes lines 24 and 25 and substitute: 38
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"Be It Further Resolved, That copies of this Memorial be sent to 40
 Senator Denny's wife Viola Denny; his siblings Willard Denny, Lawson 41
 Denny, and Shirley Hunt and their families; his daughters Pat Pierce, 42
 Arlene Allen, Lorene Mead, Claudean Boatman, and Judy Lange and 43
 their families; his grandson Doug Pierce and his family; his nephew Bob 44
 Durant and his family; and Ellen Koller, Edward Tevault, Robert 45
 Tevault, Richard Tevault, and Larry Tevault and their families." 46
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The amendment was **passed** on the following roll call vote: 50
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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	E	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	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

On motion of Senator Whitehead, the memorial, as amended, was read at 62
 length and **adopted** by the following roll call vote: 63
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YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	E	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, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Steadman, Tapia, Tochtrop, White and Williams.

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

SJR10-030 by Senator(s) Bacon, Carroll M., Foster, Hudak, Shaffer B.; also Representative(s) Kefalas-- Concerning the declaration of April 11th through 18th, 2010, as "Holocaust Awareness Week".

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

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

SJR10-029 by Senator(s) Spence; also Representative(s) Swalm--Concerning the recognition of organ and tissue donors through the observation of "Donate Life Colorado Month".

Amendment No. 1,(L.001), by Senator Spence.

Amend printed joint resolution, page 2, line 33, strike "are part of" and substitute "have registered to be a marrow donor with Bonfils' Colorado marrow donor program,".

Page 2, line 34, strike "the national registry,".

Page 3, after line 4 insert:

"WHEREAS, Coloradans can go to www.bonfils.org to find more information on Bonfils Blood Center, register to give blood and find locations for blood donation, and find out how to become a marrow donor with the Be The Match Registry; and".

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	E	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		

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	E	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, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Steadman, Tapia, Tochtrop, White, Whitehead and Williams.

REPORT OF CONFERENCE COMMITTEES

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB10-109

THIS REPORT AMENDS THE
REREVISED BILL

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

Your first conference committee appointed on SB10-109, concerning regulation of the physician-patient relationship for medical marijuana patients, and making appropriations in connection therewith, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 6, line 1, before "CONDITION" insert "MEDICAL".

Page 7, after line 5, insert:

"(4) **Patients eighteen to twenty-three years of age.** (a) A PATIENT WHO IS AT LEAST EIGHTEEN YEARS OF AGE BUT LESS THAN TWENTY-THREE YEARS OF AGE, UNLESS THE PATIENT IS LEGALLY EMANCIPATED OR IS A DISABLED VETERAN OF MILITARY SERVICE, WHO INITIALLY APPLIES TO BE PLACED ON THE CONFIDENTIAL REGISTRY OF MEDICAL MARIJUANA PATIENTS, OR WHO APPLIES AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4) FOR THE FIRST RENEWAL OF HIS OR HER

REGISTRY STATUS, SHALL PROVIDE TO THE STATE HEALTH AGENCY WRITTEN RECOMMENDATIONS FOR MEDICAL MARIJUANA USE FROM TWO PHYSICIANS WHO ARE IN GOOD STANDING AND WHO HAVE ADVISED THE PATIENT AT SEPARATE APPOINTMENTS. EACH RECOMMENDATION SHALL STATE THAT THE PHYSICIAN HAS DIAGNOSED THE PATIENT AS HAVING A DEBILITATING MEDICAL CONDITION AND HAS ADVISED THE PATIENT THAT THE PATIENT MIGHT BENEFIT FROM THE MEDICAL USE OF MEDICAL MARIJUANA IN CONNECTION WITH THE DEBILITATING MEDICAL CONDITION.

(b) A PATIENT WHO CLAIMS INDIGENCE MAY APPLY TO THE STATE HEALTH AGENCY FOR A WAIVER OF THE SECOND PHYSICIAN RECOMMENDATION REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (4) PURSUANT TO RULES OF THE STATE HEALTH AGENCY PROMULGATED PURSUANT TO SUBSECTION (8) OF THIS SECTION."

Renumber succeeding subsections accordingly.

Page 9, strike lines 5 through 27 and substitute:

~~(2)~~ (8) **Fees.** The ~~department~~ STATE HEALTH AGENCY may collect fees from patients who, pursuant to section 14 of article XVIII of the state constitution, apply to the medical marijuana program established by such section for a marijuana registry identification CARD for the purpose of offsetting the ~~department's~~ STATE HEALTH AGENCY'S direct and indirect costs of administering the program, AND THE STATE BOARD OF MEDICAL EXAMINERS' DIRECT AND INDIRECT COSTS ASSOCIATED WITH INVESTIGATING AND PROSECUTING REFERRALS OF PHYSICIANS FROM THE STATE HEALTH AGENCY IN RELATION TO THE MEDICAL MARIJUANA PROGRAM. The amount of ~~such~~ THE fees shall be set by rule of the ~~state board of health~~ STATE HEALTH AGENCY. THE STATE HEALTH AGENCY SHALL ALSO PROMULGATE RULES THAT ALLOW A PATIENT TO CLAIM INDIGENCE AS IT RELATES TO PAYING THE FEE APPROVED PURSUANT TO THIS SUBSECTION (8) AND AS IT RELATES TO WAIVER OF THE REQUIREMENT OF A SECOND PHYSICIAN RECOMMENDATION PURSUANT TO SUBSECTION (4) OF THIS SECTION. THE RULES SHALL ESTABLISH THE STANDARD FOR INDIGENCE, THE PROCESS THE STATE HEALTH AGENCY SHALL USE TO DETERMINE WHETHER A PERSON WHO CLAIMS INDIGENCE MEETS THE STANDARD FOR INDIGENCE, AND THE PROCESS FOR GRANTING A WAIVER IF THE STATE HEALTH AGENCY DETERMINES THAT THE PATIENT MEETS THE STANDARD FOR INDIGENCE. All fees collected by the ~~department~~ STATE HEALTH AGENCY through the medical marijuana program shall be transferred to the state treasurer who shall credit the same to the medical marijuana program cash fund, which fund is hereby created.

~~(3)~~ (9) **Cash fund.** (a) The medical marijuana program cash fund shall be subject to annual appropriation by the general assembly to the ~~department~~ STATE HEALTH AGENCY for the purpose of establishing, operating, and maintaining the medical marijuana program. ~~established by section 14 of article XVIII of the state constitution.~~ THE STATE HEALTH AGENCY SHALL TRANSFER FROM THE MEDICAL MARIJUANA PROGRAM CASH FUND TO THE DEPARTMENT OF REGULATORY AGENCIES FOR THE BENEFIT OF THE STATE BOARD OF MEDICAL EXAMINERS MONEYS TO COVER THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH INVESTIGATING AND PROSECUTING REFERRALS OF PHYSICIANS FROM THE STATE HEALTH AGENCY IN RELATION TO THE MEDICAL MARIJUANA PROGRAM. All moneys credited to the medical marijuana program cash fund and all interest derived from the deposit of such moneys that are not expended during the fiscal year shall be retained in the fund for future use and shall not be credited or transferred to the general fund or any other fund.

(b) Notwithstanding any provision of paragraph (a) of this subsection ~~(3)~~ (9) to the contrary, on April 20, 2009, the state treasurer shall deduct two hundred fifty-eight thousand seven hundred thirty-five dollars from the medical marijuana program cash fund and transfer such sum to the general fund."

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Page 10, strike lines 1 and 2.

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

Amend rerevised bill, page 12, after line 19 insert:

"SECTION 6. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable."

Renumber succeeding section accordingly.

Respectfully submitted,

Senate Committee:
(signed)
Chris Romer, Chairman
Nancy Spence
Mike Johnston

House Committee:
(signed)
Tom Massey, Chairman
Elizabeth McCann
Joe Rice

SENATE SERVICES REPORT

- Correctly Printed: SJR10-030.
Correctly Engrossed: SJR10-021.
Correctly Reengrossed: SB10-169.
Correctly Rerevised: HB10-1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1388 and 1389.
Correctly Enrolled: SB10-066; SJR10-021 and 028.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB10-007, 008, 016, 041, 043, 055, 068, 079, 088, 138, 140, 147 and 154; SJR10-021 and 028.

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

HB10-1220 by Representative(s) Priola, Liston, Rice, Stephens; also Senator(s) Schwartz--Concerning the sunset review of the functions of the division of insurance related to the regulation of specified lines of insurance, and, in connection therewith, continuing the functions of the division related to the regulation of property and casualty, automobile, and other insurers that do not offer health, life, property, casualty, or automobile insurance through July 1, 2017; consolidating the sunset review of all functions of the division of insurance other than those related to the licensing of bail bonding agents; and implementing other recommendations contained in the sunset report.

Amendment No. 1, Business, Labor & Technology Committee Amendment. (Printed in Senate Journal, March 31, page 732 and placed in members' bill files.)

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

SB10-181 by Senator(s) Kester; also Representative(s) McKinley--Concerning the authority of a municipality in the state to lease lands owned by the municipality.

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

HB10-1205 by Representative(s) Ryden, Todd; also Senator(s) Spence, Williams--Concerning land use planning by local governments to address the impacts of land use development upon military installations in close proximity to such governments.

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

HB10-1229 by Representative(s) Pace, Riesberg; also Senator(s) Newell--Concerning authentication requirements for verbal orders in a hospital.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	E	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: SB10-181, HB10-1220 as amended, HB10-1205, HB10-1229.

Committee of the Whole

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the following bills were laid over until Tuesday, April 13, retaining their place on the calendar: HB10-1138, HB10-1271, HB10-1038, HB10-1009, SB10-012, SB10-011.

HB10-1387 by Representative(s) Pommer, Ferrandino, Lambert; also Senator(s) White, Keller, Tapia--Concerning the financing of the division of motor vehicles in the department of revenue, and making appropriations therefor.

Amendment No. 1(L.009), by Senator Gibbs.

Amend reengrossed bill, page 2, strike lines 12 through 15 and substitute "who shall credit ten dollars to the highway users tax fund and three dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE fees to the licensing services".

Page 3, strike lines 5 through 8 and substitute "42-2-114 and remit the same to the department, which shall deposit the same in the state treasury to the credit of the highway users tax fund; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE fees to the".

Page 3, strike lines 18 through 21 and substitute "fee shall be transferred to the state treasurer, who shall credit fifteen dollars to the highway users tax fund and five dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~".

Page 3, strike line 27 and substitute "the state treasurer, who shall credit three dollars and forty cents to the".

Page 4, strike lines 1 through 7 and substitute "licensing services cash fund and nine dollars to the highway users tax fund; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such fees~~ SUCH AMOUNT to the licensing services cash fund. The general assembly shall make appropriations therefrom for the expenses of the administration of this part 1 and part 2 of this article; except that eight dollars and fifty cents of each fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S., other than during fiscal ~~year 2009-10~~ YEARS 2010-11 AND 2011-12."

Page 4, strike lines 12 through 15 and substitute "treasurer, who shall credit fifteen dollars to the highway users tax fund and five dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE fees to the licensing services cash".

Page 4, strike lines 20 through 23 and substitute "department for transmission to the state treasurer, who shall credit three dollars and forty cents to the licensing services cash fund and nine dollars to the highway users tax fund; except that, for the fiscal ~~year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such fees~~ SUCH AMOUNT to the licensing".

Page 4, strike lines 26 and 27 and substitute "of this article; except that eight dollars and fifty cents of each fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S., other than during".

Page 5, strike line 1 and substitute "fiscal ~~year 2009-10~~ YEARS 2010-11 AND 2011-12."

Page 5, strike lines 5 through 8 and substitute "to the state treasurer, who shall credit fifteen dollars to the highway users tax fund and five dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE fees to the".

Page 6, strike lines 12 through 21 and substitute "who shall credit five dollars to the highway users tax fund and one dollar and ninety cents to the licensing services cash fund created in section 42-2-114.5; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE fees to the licensing services cash fund CREATED IN SECTION 42-2-114.5. The fee for a subsequent duplicate license shall be transferred to the state treasurer, who shall credit ten dollars to the highway users tax fund and three dollars and forty cents to the licensing services cash fund; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12,

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the state treasurer shall credit ~~all of such~~ THE fees to the licensing services cash fund."

Page 6, strike lines 26 and 27 and substitute "be transferred to the state treasurer, who shall credit twenty-five dollars to the highway users tax fund and nine dollars and forty cents to the".

Page 7, strike lines 1 and 2 and substitute "licensing services cash fund created in section 42-2-114.5; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE fees".

Page 7, line 3, strike "FEE".

Page 7, strike lines 9 through 11 and substitute "nineteen dollars to the highway users tax fund and seven dollars and forty cents to the licensing services cash fund; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE fees to the".

Page 7, strike lines 14 through 16 and substitute "1 and 2 of this article and this part 4; except that eight dollars and fifty cents of each commercial driver's license fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S., other than during fiscal ~~year 2009-10~~ YEARS 2010-11 AND 2011-12."

Page 7, strike lines 21 through 24 and substitute "shall be transferred to the state treasurer, who shall credit twenty-five dollars to the highway users tax fund and nine dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~".

Page 7, line 25, strike "~~fees~~ THE FEE" and substitute "THE fees".

Page 8, strike lines 2 through 5 and substitute "the state treasurer, who shall credit nineteen dollars to the highway users tax fund and seven dollars and forty cents to the licensing services cash fund; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such fees~~ SUCH AMOUNT to the licensing services cash fund".

Page 8, strike lines 8 through 11 and substitute "parts 1 and 2 of this article and this part 4; except that eight dollars and fifty cents of each such minor driver's license fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S., other than during fiscal ~~year 2009-10~~ YEARS 2010-11 AND 2011-12."

Page 8, strike line 19 and substitute "in section 43-4-205 (5.5) (f), C.R.S., other than during fiscal ~~year 2009-10~~ YEARS 2010-11 AND 2011-12."

Page 8, strike lines 23 and 24 and substitute "treasurer, who shall credit the same to the highway users tax fund; except that, for ~~the fiscal year 2009-10~~ YEARS 2010-11 AND 2011-12, the state treasurer shall credit ~~all of such~~ THE".

Page 9, strike line 3 and substitute "43-4-205 (5.5) (f), C.R.S., other than during fiscal ~~year 2009-10~~ YEARS 2010-11 AND 2011-12."

Page 9, strike lines 19 and 20 and substitute "identification database program, created in section 42-7-604 and for state fiscal ~~year 2008-09~~ YEARS 2010-11 AND 2011-12, for expenses incurred in connection with the".

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

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.

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Laid over until Tuesday, April 13, 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 Tuesday, April 13, retaining its place on the calendar.

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

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 31, page 730-732 and placed in members' bill files.)

Amendment No. 2(L.010), by Senator Whitehead.

Strike the Judiciary Committee Report, dated March 30, 2010, and substitute:

Amend printed bill, page 3, strike lines 2 through 8 and substitute "BECAUSE OF THE UNIQUE ASPECTS OF MOBILE HOMES AND MOBILE HOME PARK OWNERSHIP, THERE IS A NEED TO PROTECT MOBILE HOME OWNERS FROM EVICTION WITH SHORT NOTICE".

Page 3, strike lines 16 through 19 and substitute "viability of current parks.".

Page 4, line 3, strike "SECTION 24-32-3302 (20), C.R.S.," and substitute "SECTION 38-29-102 (6)".

Page 4, line 25, strike "NINETY" and substitute "SIXTY".

Page 5, line 3, strike "~~in that event,~~" and substitute "in that event,".

Page 5, strike line 5 and substitute "notice rather than said sixty-day notice.".

Page 5, strike lines 8 and 9 and substitute "~~ten days to be extended to not less than fifteen days where the home owner must remove a multisection mobile home,~~ to remove any mobile".

Page 5, line 12, after "his" insert "OR HER".

Page 5, strike lines 14 through 19 and substitute "~~However, any lease may provide that the tenancy may be terminated on the landlord's notice in writing to the home owner, in such prescribed manner, to remove the home owner's unit from the premises within a period of not less than thirty days, to be extended to not less than sixty days where the home owner must remove a multisection mobile home from the date the notice is served or posted.~~ In those situations where a".

Page 6, line 8, strike "NINETY-DAY" and substitute "SIXTY-DAY".

Page 6, strike lines 16 through 20.

Page 8, line 19, strike "six" and substitute "six".

Page 8, line 20, strike "months ONE YEAR" and substitute "months".

Page 9, strike line 16 and substitute:

"PURSUANT TO SECTION 38-12-216, COLORADO REVISED STATUTES, OF THE "MOBILE HOME PARK ACT".".

Page 10, line 20, strike "~~48 hours~~" and substitute "48 hours".

Page 10, strike lines 21 through 26 and substitute "from the time of the ruling to remove the mobile home and to vacate the premises. IF A TENANCY IS BEING TERMINATED PURSUANT TO SECTION 38-12-203 (1)(f), COLORADO REVISED STATUTES, THE HOME OWNER SHALL HAVE NOT LESS THAN 48 HOURS FROM THE TIME OF THE RULING TO REMOVE THE HOME AND VACATE THE PREMISES. IN ALL OTHER CIRCUMSTANCES, IF THE HOME OWNER WISHES TO EXTEND SUCH PERIOD BEYOND 48 HOURS BUT NOT MORE THAN THIRTY DAYS FROM THE DATE OF THE RULING, THE HOME OWNER SHALL PREPAY TO THE LANDLORD AN AMOUNT EQUAL TO ANY TOTAL AMOUNT DECLARED BY THE COURT TO BE DUE TO THE LANDLORD, AS WELL AS A PRO RATA SHARE OF RENT FOR EACH DAY FOLLOWING THE COURT'S RULING THAT THE MOBILE HOME OWNER WILL REMAIN ON THE PREMISES. ALL PREPAYMENTS SHALL BE PAID BY CERTIFIED CHECK, CASHIER'S CHECK, OR BY WIRE TRANSFER AND SHALL BE PAID NO LATER THAN 48 HOURS AFTER THE COURT RULING."

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Page 11, line 3, strike "(1)".

Page 11, line 5, after "park" insert "COMMON AREA,".

Page 11, line 6, strike "community hall" and substitute "community hall,".

Page 11, line 8, before "hall" insert "COMMON AREA OR".

Page 11, line 9, strike "use." and substitute "use; EXCEPT THAT NO SUCH MEETINGS SHALL BE HELD IN THE STREETS OR THOROUGHFARES OF THE MOBILE HOME PARK."

Page 11, strike lines 10 through 18.

Page 11, after line 18 insert:

SECTION 7. 38-12-208 (1) (a) and (1) (b), Colorado Revised Statutes, are amended to read:

38-12-208. Remedies. (1) (a) Upon granting judgment for possession by the landlord in a forcible entry and detainer action, the court shall immediately issue a writ of restitution which the landlord shall take to the sheriff. IN ADDITION, IF A MONEY JUDGMENT HAS BEEN REQUESTED IN THE COMPLAINT AND IF SERVICE WAS ACCOMPLISHED BY PERSONAL SERVICE, THE COURT SHALL DETERMINE AND ENTER JUDGMENT FOR ANY AMOUNTS DUE TO THE LANDLORD AND SHALL CALCULATE A PRO RATA DAILY RENT AMOUNT THAT MUST BE PAID FOR THE HOME TO REMAIN IN THE PARK. THE COURT MAY RELY UPON INFORMATION PROVIDED BY THE LANDLORD OR THE LANDLORD'S ATTORNEY WHEN DETERMINING THE PRO RATA DAILY RENT AMOUNT TO BE PAID BY THE HOME OWNER. Upon receipt of the writ of restitution, the sheriff shall serve notice in accordance with the requirements of section 13-40-108, C.R.S., to the home owner of the court's decision and entry of judgment.

(b) The notice of judgment shall state that, at a specified time not less than forty-eight hours from the entry of judgment IF A TENANCY IS BEING TERMINATED PURSUANT TO 38-12-203 (1) (f) AND, IN ALL OTHER INSTANCES, NOT LESS THAN FORTY-EIGHT HOURS FROM THE ENTRY OF JUDGMENT, WHICH MAY BE EXTENDED TO NOT MORE THAN THIRTY DAYS AFTER THE ENTRY OF JUDGMENT IF THE HOME OWNER HAS PREPAID BY CERTIFIED CHECK, CASHIER'S CHECK, OR BY WIRE TRANSFER NO LATER THAN FORTY-EIGHT HOURS AFTER THE COURT RULING TO THE LANDLORD AN AMOUNT EQUAL TO ANY TOTAL AMOUNT DECLARED BY THE COURT TO BE DUE TO THE LANDLORD, AS WELL AS A PRO RATA SHARE OF RENT FOR EACH DAY FOLLOWING THE COURT'S RULING THAT THE MOBILE HOME OWNER WILL REMAIN ON THE PREMISES, the sheriff will return to serve a writ of restitution and superintend the peaceful and orderly removal of the mobile home under that order of court. The notice of judgment shall also advise the home owner to prepare the mobile home for removal from the premises by removing the skirting, disconnecting utilities, attaching tires, and otherwise making the mobile home safe and ready for highway travel."

Renumber succeeding sections accordingly.

Page 11, line 20, strike "amended" and substitute "amended, and the said 38-12-212.3 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH,".

Page 12, strike lines 3 through 16 and substitute "from such failure. THE LANDLORD SHALL ENSURE THAT ALL PLUMBING LINES AND CONNECTIONS OWNED AND PROVIDED BY THE LANDLORD TO THE UTILITY PEDESTAL OR PAD SPACE FOR EACH MOBILE HOME IN THE MOBILE HOME PARK HAVE PLUMBING THAT CONFORMED TO APPLICABLE LAW IN EFFECT AT THE TIME THE PLUMBING WAS INSTALLED AND THAT IS MAINTAINED IN GOOD WORKING ORDER AND RUNNING WATER AND REASONABLE AMOUNTS OF WATER AT ALL TIMES FURNISHED TO THE UTILITY PEDESTAL OR PAD SPACE AND SHALL ENSURE THAT EACH PAD SPACE IS CONNECTED TO A SEWAGE DISPOSAL SYSTEM APPROVED UNDER APPLICABLE LAW; EXCEPT THAT THESE CONDITIONS NEED NOT BE MET IF:

(I) A MOBILE HOME IS INDIVIDUALLY METERED AND THE TENANT OCCUPYING THE MOBILE HOME FAILS TO PAY FOR WATER SERVICES;

(II) THE LOCAL GOVERNMENT IN WHICH THE MOBILE HOME PARK IS SITUATED SHUTS OFF WATER SERVICE TO A MOBILE HOME FOR ANY REASON;

(III) WEATHER CONDITIONS PRESENT A LIKELIHOOD THAT WATER PIPES WILL FREEZE, WATER PIPES TO A MOBILE HOME ARE WRAPPED IN HEATED PIPE TAPE, AND THE UTILITY COMPANY HAS SHUT OFF ELECTRICAL SERVICE TO A MOBILE HOME FOR ANY REASON OR THE HEAT TAPE MALFUNCTIONS FOR ANY REASON; OR

(IV) RUNNING WATER IS NOT AVAILABLE FOR ANY OTHER REASON OUTSIDE THE LANDLORD'S CONTROL.

(c) THE LANDLORD SHALL GIVE A MINIMUM OF TWO DAYS' NOTICE TO A MOBILE HOME OWNER IF THE WATER SERVICE WILL BE DISRUPTED FOR PLANNED MAINTENANCE. THE LANDLORD SHALL ATTEMPT TO GIVE A REASONABLE AMOUNT OF NOTICE TO HOME OWNERS IF WATER SERVICE IS TO BE DISRUPTED FOR ANY OTHER REASONS UNLESS CONDITIONS ARE SUCH THAT PROVIDING THE NOTICE WOULD RESULT IN PROPERTY DAMAGE, HEALTH, OR SAFETY CONCERNS OR WHEN CONDITIONS OTHERWISE REQUIRE EMERGENCY REPAIR."

Page 12, line 17, strike "(1) (c),".

Page 12, strike lines 26 and 27.

Page 13, strike lines 1 through 5.

Page 13, line 24, strike "costs." and substitute "costs IF THE HOME OWNER IS SUCCESSFUL IN THE ACTION."

Page 14, line 2, after "LAW," insert "UPON A FINDING THAT THE UTILITIES IN A PARK CREATE A SIGNIFICANT HEALTH OR SAFETY DANGER TO PARK RESIDENTS,".

Page 14, strike lines 5 through 7 and substitute "INVESTIGATING OR CONDUCTING A STUDY RELATED TO SUCH DANGER."

Page 14, after line 7 insert:

"SECTION 12. Specified effective date. This act shall take effect July 1, 2010."

Renumber succeeding section accordingly.

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

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HB10-1293 by Representative(s) Massey; also Senator(s) Whitehead--Concerning the creation of a task force to study property tax assessment issues related to the use of land for agricultural purposes.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, March 31, page 732 and placed in members' bill files.)

Amendment No. 2(L.003), by Senator Whitehead.

Amend reengrossed bill, page 2, strike lines 2 through 7 and substitute:

"**SECTION 1.** Article 1 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

39-1-122. Interim task force to study property tax assessment".

Page 3, line 25, strike "PART 17" and substitute "SECTION".

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 Newell, 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	33	NO	1	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	E	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		

Passed on second reading: SB10-156 as amended, HB10-1387 as amended, HB10-1293 as amended.

Laid over until Tuesday, April 13: SB10-185, HB10-1208, HB10-1138, HB10-1271, HB10-1038, HB10-1009, SB10-012, SB10-011, HB10-1252, HB10-1042, SB10-183, HB10-1273, HB10-1147.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

SB10-191 by Senator(s) Johnston and Spence, Foster, Gibbs, Hodge, King K., Kopp, Newell, Penry, Romer, Scheffel; also Representative(s) Scanlan and Murray, Carroll T., Gerou, Massey, Rice, Summers--Concerning ensuring quality instruction through educator effectiveness (EQuI^{TEE}).
Education

(Proclamation heard on Senate Floor April 9, 2010)

DR. DAVID BENKE DAY

April 9, 2010

WHEREAS, educators in our schools serve significant roles by providing safe and productive classrooms for our youth; and

WHEREAS, the safety of our children is the most important aspect of a productive learning environment; and

WHEREAS, on February 23, 2010, the staff and faculty at Deer Creek Middle School faced a threat that no child, teacher or administrator should ever face; and

WHEREAS, without regard for his own safety nor concern for the potential consequences, Dr. David Benke displayed outstanding heroism by putting his life on the line to thwart the violent threat and save the lives of those around him; and

WHEREAS, Dr. Benke's heroic and selfless actions helped prevent what could have been a tragic event, and his bravery will always be remembered and appreciated by his students, colleagues, community and the citizens of the State of Colorado; and

WHEREAS, the State of Colorado honors Dr. Benke as a true hero for his courage and bravery and thanks him for his commitment to the safety and well-being of his students and colleagues;

Therefore, I, Bill Ritter, Jr., Governor of the State of Colorado, do hereby proclaim April 9, 2010,

DR. DAVID BENKE DAY

in the State of Colorado.

GIVEN under my hand and the Executive Seal of the State of Colorado, this eighth day of April, 2010

(signed)
Bill Ritter, Jr.
Governor

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, April 12 was laid over until Tuesday, April 13, retaining its place on the calendar.

- Consideration of Resolutions: HJR10-1015, SJR10-025, SJR10-027, HJR10-1016, HJR10-1017.
- Consideration of Memorials: SJM10-002.
- Consideration of House Amendments to Senate Bills: SB10-071, SB10-143.
- Consideration of House Amendments to Senate Resolutions: SJR10-010.
- Consideration of House Adherence: HB10-1211.
- Consideration of Conference Committee Reports: HB10-1099.
- Conference Committees to Report: HB10-1021, HB10-1376, HB10-1171, HB10-1369.
- Requests for Conference Committee: HB10-1098.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, April 13, 2010.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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