

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

70th Legislative Day

Tuesday, March 23, 2010

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Prayer	By the chaplain, Father Louis J. Christopoulos, St. Catherine Greek Orthodox Church, Greenwood Village.	11
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Call to Order	By the President <i>pro tem</i> at 9:00 a.m.	14
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Pledge	By Senator Schwartz.	17
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Roll Call	Present--34.	19
	Absent--1, Romer.	20
	Excused--2, Gibbs, Mitchell.	21
	Present later--2, Mitchell, Romer.	22
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Quorum	The President <i>pro tem</i> announced a quorum present.	24
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Reading of Journal	On motion of Senator Hudak, reading of the Journal of Monday, March 22, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.	26
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COMMITTEE OF REFERENCE REPORTS

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Judiciary	After consideration on the merits, the Committee recommends that HB10-1249 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	33
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	Amend reengrossed bill, page 3, line 20, strike "JULY 1, 2010, BUT PRIOR TO JULY 1, 2013," and substitute "AUGUST 1, 2010, BUT PRIOR TO AUGUST 1, 2013,".	37
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	Page 4, line 20, strike "JULY 1," and substitute "AUGUST 1,".	41
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	Page 7, after line 3 insert:	43
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	"(d) NOTHING IN SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (I) OF PARAGRAPH (b) OF THIS SUBSECTION (4) SHALL BE CONSTRUED TO REQUIRE A PUBLIC UTILITY TO DISCLOSE ANY INFORMATION ABOUT A CUSTOMER.".	45
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Judiciary	After consideration on the merits, the Committee recommends that HB10-1201 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	50
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	Amend reengrossed bill, page 2, line 7, strike "PERSON," and substitute "PERSON WHO IS NOT UNDER ARREST,".	54
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	Page 2, line 14, strike "VEHICLE." and substitute "VEHICLE OR EFFECTS.".	57
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	Page 2, strike line 15.	59
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	Re-number succeeding subparagraphs accordingly.	61
		62
	Page 2, line 24, strike "AFFIRMATION" and substitute "KNOWING AND VOLUNTARY CONSENT".	63
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		65
	Page 2, line 26, strike "READING THE STATEMENT" and substitute "PROVIDING THE ADVISEMENT".	66
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Page 3, line 5, strike "THIS FACTOR" and substitute "THE REQUIREMENTS OF THIS SECTION AS A FACTOR".

Page 3, line 10, strike "BASIS." and substitute "BASIS OTHER THAN VOLUNTARY CONSENT.".

Page 3, line 13, after "FACILITY" insert "OR ANY MENTAL HEALTH INSTITUTE OR MENTAL HEALTH FACILITY".

Page 3, line 15, strike "UNDER COMMUNITY" and substitute "SUBJECT TO PROBATION".

Page 3, line 16, strike "SUPERVISION".

Page 3, line 18, strike "COMMUNITY SUPERVISION" and substitute "PROBATION".

Judiciary

After consideration on the merits, the Committee recommends that **HB10-1168** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 27, after "(c)" insert "(I)".

Page 5, after line 5 insert:

"(II) "PAYER OF BENEFITS" DOES NOT INCLUDE A PROGRAM OF MEDICAL ASSISTANCE UNDER THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4 TO 6 OF TITLE 25.5, C.R.S., OR THE CHILDREN'S BASIC HEALTH PLAN, AS DEFINED IN ARTICLE 8 OF TITLE 25.5, C.R.S.".

Business, Labor, & Technology

The Committee on Business Labor and Technology has had under consideration and has had a hearing on the following appointment and recommend that the appointment be confirmed:

MEMBER OF THE
SPECIAL FUNDS BOARD FOR
WORKERS' COMPENSATION SELF INSURERS

for a term expiring July 1, 2011:

John F. Zimmerman of Castle Rock, Colorado, a manager or employee of self-insured employers in good standing, with knowledge of risk management and finance, appointed.

Business, Labor, & Technology

After consideration on the merits, the Committee recommends that **SJR10-018** be postponed indefinitely.

Business, Labor, & Technology

After consideration on the merits, the Committee recommends that **HB10-1166** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 6, line 6, after "COVERAGE" insert "OR CERTIFICATE OF COVERAGE THAT IS PROVIDED TO THE COVERED PERSON,".

MESSAGE FROM THE HOUSE

March 22, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1367.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1125, amended as printed in House Journal, March 19, pages 857-858 and on Third Reading as printed in House Journal, March 22. HB10-1336, amended as printed in House Journal, March 19, page 858.

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HB10-1161, amended as printed in House Journal, March 19, page 859. 1
 HB10-1220, amended as printed in House Journal, March 19, page 859. 2
 HB10-1293, amended as printed in House Journal, March 19, pages 859-860. 3
 HB10-1341, amended as printed in House Journal, March 19, page 860. 4
 HB10-1369, amended as printed in House Journal, March 19, pages 871-872. 5

The House has adopted the First Report of the First Conference Committee on 6
 HB10-1320, as printed in House Journal, March 18, page 841, and has repassed the bill as 7
 amended. 8

The House has adopted the First Report of the First Conference Committee on 9
 HB10-1327, as printed in House Journal, March 18, page 841, and has repassed the bill as 10
 amended. 11

The House has adopted the First Report of the First Conference Committee on 12
 HB10-1339, as printed in House Journal, March 18, pages 841-842, and has repassed 13
 the bill as amended. 14

The House has passed on Third Reading and transmitted to the Revisor of Statutes 15
 HB10-1365, amended as printed in House Journal, March 19, pages 858-859. 16

MESSAGE FROM THE REVISOR OF STATUTES

March 22, 2010

We herewith transmit:

Without comment, HB10-1367. 17
 Without comment, as amended, HB10-1125, 1161, 1220, 1293, 1336, 1341, 1365, and 18
 1369. 19

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR10-022 by Senator(s) Tochtrop; also Representative(s) Levy--Concerning recognition of diabetic 20
 peripheral neuropathy as a serious and painful medical condition. 21

On motion of Senator Tochtrop, the resolution was **adopted** by the following roll call 22
 vote: 23

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	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	E	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, Harvey, Heath, 24
 Hodge, Hudak, Johnston, Keller, Kester, King K., Kopp, Lundberg, Morse, Mitchell, 25
 Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., 26
 Spence, Steadman, Tapia, White, Whitehead and Williams. 27

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title: 28

SJR10-023 by Senator(s) Heath; also Representative(s) Swalm--Concerning recognizing Colorado's community health centers.

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

HJR10-1015 by Representative(s) Roberts, Tipton; also Senator(s) Whitehead--Concerning the removal of FCC broadcasting restrictions to allow access to Denver television stations in southwestern Colorado.

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

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 memorials.

CONSIDERATION OF MEMORIALS

SJM10-001 by Senator(s) Sandoval; also Representative(s) Roberts--Concerning nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services.

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

YES	25	NO	9	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	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	E	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Co-sponsors added: Bacon, Boyd, Carroll M., Heath, Hodge, Hudak, Johnston, Keller, Morse, Newell, Schwartz, Shaffer B., Steadman, Tapia, Tochtrop, Whitehead and Williams.

INTRODUCTION OF BILLS -- FIRST READING

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

HB10-1149 by Representative(s) Hullinghorst; also Senator(s) Foster--Concerning the regulation prior to disposal of sources that emit radiation.
Health and Human Services

HB10-1260 by Representative(s) Riesberg and Acree, Gerou, Kefalas, Roberts, Tyler; also Senator(s) Boyd and Newell--Concerning the sunset review of the Colorado state board of medical examiners, and, in connection therewith, continuing the board and the regulation of physicians and physician assistants until July 1, 2019, and implementing the recommendations contained in the sunset review and report of the board, and making an appropriation therefor.
Health and Human Services

**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:

HB10-1346 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.

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

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	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	E	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.

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

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

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	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Bacon, Boyd, Carroll M., Foster, Hodge, Hudak, Newell, Penry, Sandoval, Schwartz, Tapia, Tochtrop and Williams.

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:

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

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

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	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

passed.

Co-sponsors added: Bacon

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.

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

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	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Bacon, Boyd, Foster, Harvey, Heath, Hodge, Hudak, Johnston, Kester, Lundberg, Mitchell, Morse, Newell, Sandoval, Scheffel, Schultheis, Steadman, Tapia, Tochtrop, White, Whitehead and Williams.

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.

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

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

Amend revised bill, page 2, line 16, strike "UP TO".

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	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	E	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	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	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	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

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

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.

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

YES	25	NO	9	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	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	E	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: Bacon, Carroll M., Heath, Hodge, Hudak, Newell, Sandoval, Schwartz and Whitehead.

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 Wednesday, March 24, retaining its place on the calendar.

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

Upon request of Senator Morse, **HB10-1114** was removed from the General Orders -- Second Reading -- Consent Calendar of Tuesday, March 23 and was placed at the end of the General Orders -- Second Reading of Bills calendar of Tuesday, March 23.

HB10-1062 by Representative(s) Schafer S.; also Senator(s) Hodge--Concerning the ability to allow a county to purchase crime insurance coverage in lieu of surety bonds.

Amendment No. 1, Local Government & Energy Committee Amendment.
(Printed in Senate Journal, March 19, pages 613-614 and placed in members' bill files.)

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

HB10-1096 by Representative(s) Tipton; also Senator(s) Morse--Concerning the designation of vehicle identification number inspectors by law enforcement officials of local governments.

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

HB10-1232 by Representative(s) Baumgardner; also Senator(s) King K.--Concerning school vehicles. 1
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Amendment No. 1, Education Committee Amendment. 3
 (Printed in Senate Journal, March 19, pages 614-615 and placed in members' bill files.) 4
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 As amended, ordered revised and placed on the calendar for third reading and final 6
 passage. 7
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HB10-1167 by Representative(s) Peniston, Vaad, Primavera; also Senator(s) Kopp--Concerning the 10
 regulation of intrastate motor carriers of property for hire, and, in connection therewith, 11
 conforming state law in response to federal preemption and granting ports of entry 12
 additional authority to enforce insurance and safety provisions. 13
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 Ordered revised and placed on the calendar for third reading and final passage. 15
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HB10-1255 by Representative(s) Kefalas and Acree, Gagliardi, Gerou, Kerr J., Primavera, Riesberg, 19
 Roberts, Tyler; also Senator(s) Steadman--Concerning extending the repeal date for the 20
 Colorado commission for the deaf and hard of hearing. 21
 22
 Ordered revised and placed on the calendar for third reading and final passage. 23
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HB10-1216 by Representative(s) Riesberg; also Senator(s) Sandoval--Concerning the off-site 27
 administration of medications by persons authorized to inject medications pursuant to 28
 the pharmacy practice act. 29
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 Ordered revised and placed on the calendar for third reading and final passage. 31
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HB10-1011 by Representative(s) Kerr J., McNulty, Miklosi, Primavera; also Senator(s) Schultheis, 38
 Carroll M., Mitchell, Tochtrop--Concerning authorization for the department of revenue to 39
 obtain fingerprint-based criminal history record checks for employment purposes. 40
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 Ordered revised and placed on the calendar for third reading and final passage. 42
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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE -- 46
CONSENT CALENDAR 47
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On motion of Senator Tapia, the report of the Committee of the Whole was **adopted** on 50
 the following roll call vote: 51
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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	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	E	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: 63
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Passed on second reading: HB10-1062 as amended, HB10-1096, HB10-1232 as amended, 66
 HB10-1167, HB10-1255, HB10-1216, HB10-1011. 67

Removed from the General Orders - Second Reading of Bills- Consent Calendar for March 23 and placed and the end of the General Orders- Second Reading of Bills Calendar for March 23: HB10-1114.

RECONSIDERATION OF HB10-1044

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.

Having voted on the prevailing side, Senator King moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB10-1044.

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

THIRD READING OF BILLS -- FINAL PASSAGE

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.

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

YES	24	NO	10	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	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	E	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: White

Committee of the Whole On motion of Senator Tapia, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Tapia 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 Wednesday, March 24, retaining their place on the calendar: HB10-1171, HB10-1197, SB10-185, HB10-1017, SB10-153, SB10-133.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the following bill was laid over until Thursday, March 25, retaining its place on the calendar: HB10-1180.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the following bill was laid over until Monday, April 5 retaining its place on the calendar: HB10-1208.

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.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 11, page 492 and placed in members' bill files.)

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

Strike the Judiciary Committee Report, dated March 10, 2010, and substitute:

"Amend reengrossed bill, page 4, line 7, strike "All" and substitute "(I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), all".

Page 4, line 9, strike "OR MORE".

Page 4, after line 14 insert:

"(II) ANY PUBLIC ENTITY IN THE STATE THAT IS PARTICIPATING IN THE FEDERAL PRISON INDUSTRY ENHANCEMENT CERTIFICATION PROGRAM PURSUANT TO THE FEDERAL "JUSTICE SYSTEM IMPROVEMENT ACT OF 1979", 18 U.S.C. SEC. 1761 (c), SHALL INSURE AND KEEP INSURED THE PAYMENT OF COMPENSATION BY ELECTING ONE OF THE METHODS PROVIDED IN SUBSECTION (1) OF THIS SECTION; EXCEPT THAT THE METHOD FOR INSURING THE PARTICIPANTS OF SUCH PROGRAM NEED NOT BE THE SAME METHOD SELECTED BY THE PUBLIC ENTITY PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a)."."

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 Monday, April 5, retaining its place on the calendar.

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

Amendment No. 1(L.006), by Senator Hudak.

Amend reengrossed bill, page 2, line 15, strike "OWNERS OR PARTIES" and substitute "OWNERS,".

Page 2, line 16, strike "FORECLOSING ON A LIEN" and substitute "A HOLDER IN POSSESSION PURSUANT TO PART 6 OF ARTICLE 38 OF TITLE 38, C.R.S., OR ANY RECEIVER APPOINTED TO PRESERVE OR TAKE POSSESSION OF REAL PROPERTY".

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

HB10-1058 by Representative(s) Riesberg; also Senator(s) Hodge--Concerning the authority of the department of revenue to impose a civil penalty for unstamped cigarettes, and making an appropriation therefor.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 3, page 399 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.

SB10-172 by Senator(s) Steadman, Foster, Hudak, Johnston, Kester, Newell, Sandoval; also Representative(s) Primavera--Concerning the continuation of voluntary contribution designation lines on state individual income tax forms for certain funds set to expire January 1, 2011.

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

HB10-1025 by Representative(s) Roberts, Riesberg, Soper, Tyler; also Senator(s) Newell, Tochtrop, Williams--Concerning updates to the "Colorado Medical Treatment Decision Act".

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

HB10-1202 by Representative(s) Primavera and McNulty, Pace, Gerou, Summers, Benefield, Casso, Court, Ferrandino, Fischer, Frangas, Gagliardi, Hullinghorst, Kagan, Kefalas, Levy, Looper, Merrifield, Miklosi, Peniston, Pommer, Solano, Soper, Todd, Tyler, Vigil, Weissmann; also Senator(s) Tochtrop, Penry, Heath, Hudak, Newell--Concerning health benefit coverage for chemotherapy treatment.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, March 15, page 547 and placed in members' bill files.)

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

HB10-1043 by Representative(s) Apuan; also Senator(s) Sandoval--Concerning outdated references to the federal aid to families with dependent children.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, March 15, page 547 and placed in members' bill files.)

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

HB10-1244 by Representative(s) Labuda, Apuan, Casso, Curry, Frangas, Gagliardi, Murray, Riesberg, Scanlan, Schafer S., Soper; also Senator(s) Mitchell--Concerning allowing an heir of a deceased physician shareholder of a professional service corporation to become a shareholder of the corporation.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 17, pages 566-567 and placed in members' bill files.)

Amendment No. 2(L.005), by Senator Steadman.

Amend reengrossed bill, page 3, line 18, strike "THREE" and substitute "TWO".

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

HB10-1133 by Representative(s) Massey; also Senator(s) Tochtrop--Concerning amendments to the "Colorado Foreclosure Protection Act".

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 16, pages 559-561 and placed in members' bill files.)

Amendment No. 2(L.007), by Senator Newell.

Amend the Judiciary Committee Report, dated March 16, 2010, page 2, line 3, strike "6-1-1114 (1) (a) and the" and substitute "The".

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Page 2, strike lines 5 through 14 and substitute:

"6-1-1114. Notice of cancellation. (2) The contract shall be accompanied by duplicate completed".

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

HB10-1052 by Representative(s) Solano; also Senator(s) Newell--Concerning the recycling resources economic opportunity fund, and, in connection therewith, extending the life of the fund.

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

HB10-1143 by Representative(s) McNulty; also Senator(s) Johnston--Concerning the authority of the regional transportation district to enter into agreements permitting specified uses at its transfer facilities.

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 (HB10-1222, HB10-1225, HB10-1004, HB10-1183, HB10-1236, HB10-1292, HB10-1165, HB10-1240, HB10-1213, HB10-1226, HB10-1026, SB10-162, SB10-124, SB10-061, SB10-106, HB10-1114) of Tuesday, March 23, was laid over until Wednesday, March 24, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Table with 4 columns: YES, NO, EXCUSED, ABSENT. Rows list names and their corresponding votes.

The Committee of the Whole took the following action:

Passed on second reading: SB10-172, HB10-1109 as amended, HB10-1118 as amended, HB10-1058 as amended, HB10-1025, HB10-1202 as amended, HB10-1043 as amended, HB10-1244 as amended, HB10-1133 as amended, HB10-1052, HB10-1143. Laid over until Wednesday, March 24: HB10-1171, HB10-1197, HB10-1222, HB10-1225, SB10-185, HB10-1004, HB10-1183, HB10-1236, HB10-1292, HB10-1165, HB10-1240, HB10-1017, HB10-1213, HB10-1226, SB10-153, HB10-1026, SB10-133, SB10-162, SB10-124, SB10-061, SB10-106, HB10-1114. Laid over until Thursday, March 25: HB10-1180. Laid over until Monday, April 5: HB10-1208.

MESSAGE FROM THE HOUSE

March 23, 2010

The House has postponed indefinitely SB10-026. The bill is returned herewith.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1274, amended as printed in House Journal, March 22, pages 883-885.

HB10-1018, amended as printed in House Journal, March 22, pages 885-886.

The House has adopted and returns herewith SJR10-022.

The House has adopted and returns herewith SJM10-001.

INTRODUCTION OF BILLS -- FIRST READING

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

HB10-1369 by Representative(s) Scanlan and Pommer; also Senator(s) Bacon--Concerning the financing of public schools, and making an appropriation therefor.
Education

MESSAGE FROM THE GOVERNOR

March 22, 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 Acts:

SB10-165 CONCERNING IMPLEMENTATION OF THE INCORPORATION OF OIL AND GAS WELLS INTO THE PRIOR APPROPRIATION SYSTEM.

Approved March 22, 2010 at 1:10 p.m.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 03/22/2010, 1:57 p.m.
Karen Goldman, Secretary of the Senate

SENATE SERVICES REPORT

Correctly Printed: SJR10-021.
Correctly Reengrossed: SB10-073, 166 and 176.
Correctly Revised: HB10-1044, 1211, 1212, 1256 and 1346.
Correctly Rerevised: HB10-1010, 1030, 1054, 1057, 1108, 1115, 1123, 1128 1132, 1135, 1140 1188 and 1227.
Correctly Enrolled: SB10-009, 019, 027, 058, 080, 118, 123, 129, 148, 149, 150 and 151.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Monday, March 22, 2010, at 2:07 p.m.:
SB10-010, 014, 015, 031, 037, 052, 112, 116, 122, 146 and 163.

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 Tuesday, March 23 was laid over

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until Wednesday, March 24 retaining its place on the calendar. 1
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 Consideration of Resolutions: SJR10-010, SJR10-021. 3
 Consideration of House Amendments to Senate Bills: SB10-109, SB10-008. 4
 Consideration of Governor's Appointments: 5
 Members of the Water Quality Control Commission 6
 Members of the State Board for Community Colleges and Occupational Education 7
 Member of the Board of Trustees for Fort Lewis college 8
 Members of the Colorado Educational and Cultural Facilities Authority Board of 9
 Directors 10
 Member of the State Housing Board 11
 Members of the Solid and Hazardous Waste Commission 12
 Members of the CoverColorado Board of Directors 13
 Members of the Hospital Provider Fee Oversight and Advisory Board 14
 Member of the Colorado Commission on the Aging 15
 Conference Committees to Report: HB10-1099. 16

Senate in recess. Senate reconvened.

MESSAGE FROM THE REVISOR OF STATUTES

March 23, 2010

We herewith transmit:

Without comment, as amended, HB10-1274.
 With comments, as amended, HB10-1018.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB10-189** by Senator(s) Steadman, Boyd, Carroll M., Heath, Romer, Tochtrop; also Representative(s) Weissmann, Levy, Riesberg--Concerning authorization for government agencies to approve clean syringe exchange programs to reduce the spread of blood-borne disease. Health and Human Services
- HB10-1125** by Representative(s) Hullinghorst; also Senator(s) Schwartz--Concerning the authority of the department of public health and environment to regulate certain activities with respect to waste grease derived from food preparation. Local Government and Energy
- HB10-1161** by Representative(s) Nikkel; also Senator(s) Spence--Concerning the creation of a livery license plate for certain motor vehicles used to transport people for hire, and making an appropriation therefor. Transportation
- 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. Business, Labor and Technology

HB10-1221	by Representative(s) Curry; also Senator(s) Schwartz--Concerning the continuation of the licensing of river outfitters by the board of parks and outdoor recreation, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies.	1 2 3 4
	Agriculture and Natural Resources	5 6
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.	7 8 9
	Finance	10 11
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.	12 13 14
	Judiciary	15
HB10-1341	by Representative(s) Judd; also Senator(s) Keller--Concerning the transfer of moneys from the motorist insurance identification account in the highway users tax fund to the Colorado state titling and registration account in the highway users tax fund.	16 17 18
	Transportation	19 20
HB10-1365	by Representative(s) Solano and Roberts, Balmer, Benefield, Carroll T., Court, Fischer, Frangas, Gerou, Hulinghorst, Kagan, Kerr A., Kerr J., King S., Levy, Liston, Massey, May, McFadyen, McNulty, Merrifield, Middleton, Miklosi, Peniston, Pommer, Primavera, Rice, Ryden, Scanlan, Schafer S., Stephens, Todd, Tyler, Vaad, Vigil; also Senator(s) Whitehead and Penry--Concerning incentives for electric utilities to reduce air emissions, and, in connection therewith, requiring plans to achieve such reductions that give primary consideration to replacing or repowering coal generation with natural gas and also considering other low-emitting resources, and making an appropriation.	21 22 23 24 25 26 27 28
	Agriculture and Natural Resources	29 30
HB10-1367	by Representative(s) Weissmann; also Senator(s) Morse--Concerning payment of expenses of the legislative department.	31 32
	Appropriations	33 34 35 36 37 38
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	On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, March 24, 2010.	40 41 42
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	Approved:	44 45
	Brandon C. Shaffer	46
	President of the Senate	47 48
	Attest:	49 50 51 52
	Karen Goldman	53
	Secretary of the Senate	54 55