

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

---

57th Legislative Day

Wednesday, March 10, 2010

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Prayer	By Senator Newell.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator Morse.	15
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Roll Call	Present--32.	17
	Excused--3, Mitchell, Penry, Romer.	18
	Present later--2, Mitchell, Romer.	19
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Quorum	The President announced a quorum present.	21
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Reading of Journal	On motion of Senator Scheffel, reading of the Journal of Tuesday, March 9, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.	23
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Committee of the Whole	On motion of Senator Schwartz, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Schwartz was called to the Chair to act as Chairman.	29
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<b>HB10-1064</b>	by Representative(s) Schafer S., Todd; also Senator(s) Spence, Hodge, King K.-- Concerning a requirement that a student complete an appeal process before filing a complaint with a group of neutral arbitrators concerning the student's participation in extracurricular activities.	41
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	Ordered revised and placed on the calendar for third reading and final passage.	46
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<b>HB10-1134</b>	by Representative(s) Casso; also Senator(s) Kester--Concerning measures to prevent illegal interstate pari-mutuel wagering on racing, and, in connection therewith, authorizing the entry by Colorado into interstate compacts governing racing and the collection of source market fees from out-of-state simulcast activity.	49
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	Ordered revised and placed on the calendar for third reading and final passage.	54
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<b>SB10-117</b>	by Senator(s) Foster; also Representative(s) Primavera--Concerning medicaid coverage for over-the-counter medications.	56
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	<u>Amendment No. 1, Health &amp; Human Services Committee Amendment.</u>	59
	(Printed in Senate Journal, February 12, pages 232-233 and placed in members' bill files.)	60
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	62
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<b>SB10-143</b>	by Senator(s) Morse; --Concerning the refund of moneys erroneously collected by the Colorado department of state on or after a certain date, and, in connection therewith, authorizing the state controller to issue warrants to refund such moneys to the proper	65
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persons.

Upon request of Senator Morse, SB10-143 was removed from the General Orders -- Second Reading of Bills Consent Calendar of Wednesday, March 10 and was placed at the end of the General Orders -- Second Reading of Bills Calendar of Wednesday, March 10.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE -- CONSENT CALENDAR**

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	E	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	E	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	E	Schwartz	Y		

Passed on second reading: SB10-117 as amended, HB10-1064, HB10-1134. Removed from the General Orders--Second Reading of Bills- Consent Calendar and placed at the end of the General Orders-- Second Reading of Bills Calendar for March 10: SB10-143.

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

**GENERAL ORDERS -- SECOND READING OF BILLS**

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

**SB10-094** by Senator(s) Steadman, Bacon, Newell, Schwartz, Boyd, Carroll M., Foster, Heath, Hudak, Johnston, Romer, Spence, Tapia, Tochtrop, Whitehead, Williams; also Representative(s) Rice, Benefield, Ferrandino, Fischer, Frangas, Gagliardi, Hullinghorst, Kerr A., Labuda, Massey, McFadyen, Merrifield, Middleton, Miklosi, Peniston, Ryden, Scanlan, Schafer S., Solano, Todd, Vigil--Concerning the definition of capital construction appropriation for purposes of the art in public places program administered by the state council on the arts.

Amendment No. 1, Business, Labor & Technology Committee Amendment.  
(Printed in Senate Journal, February 18, page 274-276 and placed in members' bill files.)

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

Amend the Business, Labor and Technology Committee Report dated February 17, 2010, page 4, line 25, strike "AND".

Page 4 of the report, line 28, strike "C.R.S." and substitute "C.R.S.; AND".

Page 4 of the report, after line 28 insert:

"(E) ANY CONSTRUCTION BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR CLEANUP AND REDEVELOPMENT OF CONTAMINATED SITES."

Amendment No. 3(L.007), by Senator Steadman.

Amend the Business, Labor and Technology Committee Report dated February 17, 2010, page 3, strike lines 21 through 34.

Page 4 of the report, strike lines 1 through 7 and substitute:

"(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS

PARAGRAPH (a), COMMENCING AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (a), AS AMENDED, ANY CAPITAL CONSTRUCTION PROJECT THAT IS THE SUBJECT OF A LEASE-PURCHASE AGREEMENT, AS DEFINED IN SECTION 24-82-801 (4), THAT PROVIDES FOR LEASE PAYMENTS FROM MONEYS THAT HAVE BEEN APPROPRIATED IN FULL OR IN PART BY THE STATE SHALL INCLUDE AS A NONDEDUCTIBLE ITEM IN THE PROJECT BUDGET AN ALLOCATION OF NOT LESS THAN ONE PERCENT OF THE TOTAL CONSTRUCTION COSTS TO BE USED FOR THE ACQUISITION OF WORKS OF ART."

Amendment No. 4(L.006), by Senator Steadman.

Amend the Business, Labor and Technology Committee Report dated February 17, 2010, page 4, line 14, strike "FEES" and substitute "FEES, EXCEPT PUBLIC CONSTRUCTION PROJECTS WITH TOTAL CONSTRUCTION COSTS OF LESS THAN TWO MILLION DOLLARS,".

Page 4 of the report, line 17, strike "ART." and substitute "ART, UNLESS THE PUBLIC CONSTRUCTION PROJECT IS APPROVED BY STUDENTS THROUGH A SINGLE VOTE THAT APPROVES THE PUBLIC CONSTRUCTION PROJECT BUT ALSO SPECIFIES THAT THE APPROVED PROJECT SHALL NOT INCLUDE SUCH AN ALLOCATION.".

Amendment No. 5(L.005), by Senator Schwartz.

Amend the Business, Labor, and Technology Committee Report, dated February 17, 2010, page 2, line 13, strike "(IV)" and substitute "(III)".

Page 3, line 21, strike "(IV)" and substitute "(III)".

Page 4, strike lines 8 through 17.

Renumber succeeding subparagraph accordingly.

Amendment No. 6(L.010), by Senators King and Steadman.

Amend the Business, Labor and Technology Committee Report dated February 17, 2010, page 4, line 25, strike "AND".

Page 4 of the report, line 28, strike "C.R.S." and substitute "C.R.S.; AND".

Page 4 of the report, after line 28 insert:

"(E) ANY STATE APPROPRIATION FOR CHARTER SCHOOL CAPITAL CONSTRUCTION PURSUANT TO PART 4 OF ARTICLE 30.5 OF TITLE 22, C.R.S.".

As amended, ordered engrossed 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.)

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

Laid over until Friday, March 12, retaining its place on the calendar.

**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.

Laid over until Thursday, March 11, retaining its place on the calendar.

On motion of Senator Morse , and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB10-110, HB10-1085, HB10-1002, HB10-1059, HB10-1028, SB10-170, HB10-1204, HB10-1003, HB10-1099, HB10-1008, SB10-139, SB10-020, SB10-087,

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SB10-108, SB10-120, SB10-073, SB10-143) of Wednesday, March 10, was laid over until Thursday, March 11, retaining its place on the calendar.

**AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE**

**SB10-094** by Senator(s) Steadman, Bacon, Newell, Schwartz, Boyd, Carroll M., Foster, Heath, Hudak, Johnston, Romer, Spence, Tapia, Tochtrop, Whitehead, Williams; also Representative(s) Rice, Benefield, Ferrandino, Fischer, Frangas, Gagliardi, Hullinghorst, Kerr A., Labuda, Massey, McFadyen, Merrifield, Middleton, Miklosi, Peniston, Ryden, Scanlan, Schafer S., Solano, Todd, Vigil--Concerning the definition of capital construction appropriation for purposes of the art in public places program administered by the state council on the arts.

Senator Lundberg moved to amend the Report of the Committee of the Whole to show that the following Lundberg floor amendment, (L.009) to SB 10-094, did pass.

Amend the Business, Labor, and Technology Committee Report, dated February 17, 2010, page 4, after line 19 insert:

"(A) ANY STATE FISCAL YEAR IN WHICH A STATE FISCAL EMERGENCY IS DECLARED BY THE GENERAL ASSEMBLY PURSUANT TO SECTION 21 (7) OF ARTICLE X OF THE STATE CONSTITUTION."

Reletter succeeding sub-subparagraphs accordingly.

Less than 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 **lost** on the following roll call vote:

YES	12	NO	22	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	N
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	Y	Johnston	N	Penry	E	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	White	Y
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

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

YES	29	NO	5	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	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB10-094 as amended.

Laid over until Thursday, March 11: SB10-110, HB10-1085, HB10-1002, HB10-1059, HB10-1028, SB10-170, HB10-1204, HB10-1003, HB10-1099, HB10-1008, SB10-139, HB10-1010, SB10-020, SB10-087, SB10-108, SB10-120, SB10-073, SB10-143.

Laid over until Friday, March 12: HB10-1141.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs

The Committee on State, Veterans, and Military Affairs has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE COLORADO BOARD OF VETERANS AFFAIRS

for a term expiring June 30, 2011:

Franklin DB Jackson of Denver, Colorado, a Democrat and a veteran who has been honorably released or separated from the armed forces of the United States, to fill the vacancy occasioned by the resignation of William D. Sinclair of Colorado Springs, appointed.

for a term expiring June 30, 2013:

James W. Stanko of Steamboat Springs, a Democrat and a veteran who has been honorably released or separated from the armed forces of the United States, and a Democrat, reappointed.

for a term expiring June 30, 2010:

James C. Bobick of Aurora, Colorado, to fill the vacancy occasioned by the resignation of Joseph V. Potter of Colorado Springs, Colorado, and to serve as a veteran and as a Republican, appointed.

effective June 30, 2010, for a term expiring June 30, 2014:

James C. Bobick of Aurora, Colorado, to serve as a veteran and as a Republican, reappointed.

State, Veterans, & Military Affairs

The Committee on State, Veterans, and Military Affairs has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBER OF THE BOARD OF COMMISSIONERS OF STATE AND VETERANS NURSING HOMES

for a term expiring July 1, 2011:

James C. Bobick of Aurora, Colorado, a veteran and the designee of the State Board of Veterans Affairs.

for a term expiring July 1, 2013:

Virginia A. Bedford of Denver, Colorado, who has expertise in nursing home operations and who has experience in multi-facility management of nursing homes, reappointed.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB10-1107** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 6, after line 6 insert:

"(III) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 1, FOR A PERIOD COMMENCING ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (III) AND CONCLUDING TEN YEARS FROM THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (III) AND IN ADDITION TO THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), NO AREA THAT HAS BEEN DESIGNATED AS AN URBAN RENEWAL AREA SHALL CONTAIN ANY AGRICULTURAL LAND UNLESS:

(A) THE AGRICULTURAL LAND IS CONTIGUOUS WITH AN URBAN

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RENEWAL AREA IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (III);

(B) THE PERSON WHO IS THE FEE SIMPLE OWNER OF THE AGRICULTURAL LAND AS OF THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (III) IS ALSO THE FEE SIMPLE OWNER OF LAND WITHIN THE URBAN RENEWAL AREA AS OF THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (III) THAT IS CONTIGUOUS WITH THE AGRICULTURAL LAND; AND

(C) BOTH THE AGRICULTURAL LAND AND THE LAND WITHIN THE URBAN RENEWAL AREA THAT IS DESCRIBED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III) WILL BE DEVELOPED SOLELY FOR THE PURPOSE OF CREATING PRIMARY MANUFACTURING JOBS, AND ANY ANCILLARY JOBS NECESSARY TO SUPPORT SUCH MANUFACTURING OPERATIONS, FOR THE DURATION OF THE PERIOD DURING WHICH PROPERTY TAX REVENUES IN EXCESS OF A BASE AMOUNT ARE PAID INTO A SPECIAL FUND PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (9) OF THIS SECTION FOR THE PURPOSE OF FINANCING AN URBAN RENEWAL PROJECT. FOR PURPOSES OF THIS SUBPARAGRAPH (III), "PRIMARY MANUFACTURING JOBS" MEANS MANUFACTURING JOBS THAT PRODUCE PRODUCTS THAT ARE IN EXCESS OF THOSE THAT WILL BE CONSUMED WITHIN THE BOUNDARIES OF THE STATE AND THAT ARE EXPORTED TO OTHER STATES AND FOREIGN COUNTRIES IN EXCHANGE FOR VALUE."

Page 7, line 24, strike "(II)" and substitute "(II), OR ALL OF THE CONDITIONS SPECIFIED IN SUBPARAGRAPH (III),".

Page 7, line 25, strike "HAS" and substitute "HAVE".

Page 8, strike lines 1 through 5 and substitute "ITS FAIR MARKET VALUE IN MAKING THE CALCULATION OF THE TAXES TO BE PAID TO THE PUBLIC BODIES PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (9) SOLELY FOR THE PURPOSE OF DETERMINING THE TAX INCREMENT AVAILABLE PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (9). NOTHING IN THIS SECTION SHALL AFFECT THE ACTUAL CLASSIFICATION, OR REQUIRE RECLASSIFICATION, OF AGRICULTURAL LAND FOR PROPERTY TAX PURPOSES, AND NOTHING IN THIS SECTION SHALL AFFECT THE TAXES ACTUALLY TO BE PAID TO THE PUBLIC BODIES PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (9), WHICH SHALL CONTINUE TO BE BASED ON THE AGRICULTURAL CLASSIFICATION OF SUCH LAND UNLESS AND UNTIL IT HAS BEEN RECLASSIFIED IN THE NORMAL COURSE OF THE ASSESSMENT PROCESS."

Page 9, line 21, after "(II)" insert "OR (III)".

Page 10, line 12, after "(II)" insert "OR (III)".

Page 10, line 22, after "(II)" insert "OR (III)".

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB10-1137** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, after line 2 insert:

"(4) THE REVISOR OF STATUTES IS AUTHORIZED TO CHANGE ANY DISRESPECTFUL, INSENSITIVE, OR OUTDATED TERMS THAT APPEAR IN THE COLORADO REVISED STATUTES AND TO REPLACE SUCH TERMS WITH PEOPLE FIRST LANGUAGE IN ACCORDANCE WITH THIS SECTION."

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB10-135** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike line 6 and substitute "WIRELESS COMMUNICATIONS ACCESS AT NO COST TO THE SUBSCRIBER PURSUANT TO

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THE LIFELINE".

Page 2, line 8, strike "ARTICLE." and substitute "ARTICLE FOR ONE WIRELESS COMMUNICATIONS ACCESS. THE PERSON SHALL CERTIFY ANNUALLY TO THE WIRELESS COMMUNICATIONS ACCESS PROVIDER THAT THE PERSON IS QUALIFIED FOR FREE ACCESS UNDER THE LIFELINE TELECOMMUNICATIONS PROGRAM. IF NOT PROHIBITED BY FEDERAL LAW, THE PROVIDER WILL PAY THE MINIMUM 911 SURCHARGE.".

Page 2, strike lines 9 through 14 and substitute the following:

**"SECTION 2. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.".

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

STATE BOARD OF EQUALIZATION

for terms expiring September 2, 2013:

Sandra M. Adams of Denver, Colorado, to serve as a representative with knowledge of property taxation, appointed;

Charles S. Brown of Littleton, Colorado, to serve as a representative with knowledge of property taxation, reappointed.

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

MEMBERS OF THE FINANCIAL SERVICES BOARD

for terms expiring July 1, 2013:

Keith M. Cowling of Arvada, Colorado, an executive officer of a state credit union and a Republican, appointed;

Nilsa Guerrero-Mahon of Brighton, Colorado, to serve as a public member with expertise in finance, appointed;

Stephen R. Williams of Gunnison, Colorado, an executive officer of a state savings and loan association and a Democrat, reappointed.

Finance After consideration on the merits, the Committee recommends that **SB10-141** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB10-1011** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB10-1197** be referred to the Committee on Appropriations with favorable recommendation.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB10-1170** be referred to the Committee of the Whole with favorable recommendation.

Business, Labor, & After consideration on the merits, the Committee recommends that **HB10-1016** be referred to the Committee of the Whole with favorable recommendation and with a

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Technology	recommendation that it be placed on the Consent Calendar.	1
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Judiciary	After consideration on the merits, the Committee recommends that <b>HB10-1247</b> be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	3
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Judiciary	After consideration on the merits, the Committee recommends that <b>HB10-1235</b> be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	8
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Local Government and Energy	After consideration on the merits, the Committee recommends that <b>SB10-174</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	13
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	Amend printed bill, page 5, line 20, strike "GROUNDWATER." and substitute "GROUNDWATER, AS THAT TERM IS DEFINED IN SECTION 37-90-103."	17
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Local Government and Energy	After consideration on the merits, the Committee recommends that <b>SB10-177</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	22
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	Amend printed bill, page 2, strike lines 2 through 8 and substitute:	26
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	"SECTION 1. 39-1-102 (1.1), Colorado Revised Statutes, is amended to read:	28
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	<b>39-1-102. Definitions.</b> As used in articles 1 to 13 of this title, unless the context otherwise requires:	31
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	(1.1) "Agricultural and livestock products" means plant or animal products in a raw or unprocessed state that are derived from the science and art of agriculture, regardless of the use of the product after its sale and regardless of the entity that purchases the product. "Agriculture", for the purposes of this subsection (1.1), means farming, ranching, animal husbandry, and horticulture. EFFECTIVE JULY 1, 2013, "AGRICULTURE" INCLUDES SILVICULTURE.	34
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	<b>SECTION 2.</b> 42-1-102 (44), Colorado Revised Statutes, is amended to read:	42
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	<b>42-1-102. Definitions.</b> As used in articles 1 to 4 of this title, unless the context otherwise requires:	45
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	(44) (a) On and after July 1, 2000, "implement of husbandry" means every vehicle that is designed, adapted, or used for agricultural purposes. It also includes equipment used solely for the application of liquid, gaseous, and dry fertilizers. Transportation of fertilizer, in or on the equipment used for its application, shall be deemed a part of application if it is incidental to such application. It also includes hay balers, hay stacking equipment, combines, tillage and harvesting equipment, agricultural commodity handling equipment, and other heavy movable farm equipment primarily used on farms or in a livestock production facility and not on the highways. Trailers specially designed to move such equipment on highways shall, for the purposes of part 5 of article 4 of this title, be considered as component parts of such implements of husbandry.	48
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	(b) EFFECTIVE JULY 1, 2013, FOR PURPOSES OF THIS SECTION, "AGRICULTURAL" INCLUDES SILVICULTURAL AND "IMPLEMENT OF HUSBANDRY" INCLUDES EVERY VEHICLE THAT IS DESIGNED, ADAPTED, OR USED FOR THE PLANTING, MAINTENANCE, OR HARVESTING OF TREES."	62
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	Renumber succeeding sections accordingly.	67
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	Page 3, line 1, strike "WOODY".	69



Page 6, strike lines 17 through 27.

Page 7, strike lines 1 through 7 and substitute:

**"SECTION 6.** 40-2-123, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**40-2-123. New energy technologies - consideration by commission - incentives - demonstration projects - definitions - legislative declaration - repeal.** (3.2) IN ITS CONSIDERATION OF GENERATION ACQUISITIONS FOR ELECTRIC UTILITIES, THE COMMISSION MAY GIVE THE FULLEST POSSIBLE CONSIDERATION, AT A UTILITY'S REQUEST, TO THE COST-EFFECTIVE IMPLEMENTATION OF NEW ENERGY TECHNOLOGIES FOR THE GENERATION OF ELECTRICITY FROM THE COMBUSTION OF BIOMASS, BIOSOLIDS DERIVED FROM THE TREATMENT OF WASTEWATER, AND MUNICIPAL SOLID WASTE. FOR PURPOSES OF THIS SUBSECTION (3.2), "BIOMASS" HAS THE MEANING ESTABLISHED IN SECTION 40-2-124 (1) (a), AS CLARIFIED BY THE COMMISSION."

Page 8, line 13, after the period add "FOR PURPOSES OF COMPLIANCE WITH THE RENEWABLE ENERGY STANDARD, IF A GENERATION SYSTEM USES A COMBINATION OF FOSSIL FUEL AND ELIGIBLE RENEWABLE ENERGY RESOURCES TO GENERATE ELECTRICITY, A QUALIFIED RETAIL UTILITY THAT IS NOT AN INVESTOR-OWNED UTILITY MAY COUNT AS ELIGIBLE RENEWABLE ENERGY ONLY THE PROPORTION OF THE TOTAL ELECTRIC OUTPUT OF THE GENERATION SYSTEM THAT RESULTS FROM THE USE OF ELIGIBLE RENEWABLE ENERGY RESOURCES."

Local Government and Energy

After consideration on the merits, the Committee recommends that **HB10-1007** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local Government and Energy

After consideration on the merits, the Committee recommends that **SB10-138** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

**SENATE SERVICES REPORT**

**Correctly Reengrossed:** SB10-062 and 076.

**Correctly Rerevised:** HB10-1023, 1037, 1049, 1071, 1080, 1090, 1097, 1112, 1175, 1203 and 1223.

**Correctly Enrolled:** SM10-001.

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 Wednesday, March 10, was laid over until Thursday, March 11, retaining its place on the calendar.

Consideration of Resolutions: SJR10-010, SR10-006.

Consideration of Memorials: SJM10-001.

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

Conference Committees to Report: HB10-1320, HB10-1327, HB10-1339.

**TRIBUTES**

Honoring:

Clayton Ellis - - By Senator Carroll.

Molly Perriman By Senator Hodge.

Francisco Montano - - Senator Penry.

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, March 11, 2010.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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