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

118th Legislative DayMonday, May 10, 2010

Prayer By the chaplain, Reverend Dwight Blackstock, Retired, Presbyterian Church, Denver. Call to By the President at 10:00 a.m. Order Pledge By Senator Schultheis. Present--33. Roll Call Absent--2, Penry, Romer. Present later--2, Penry, Romer. Quorum The President announced a quorum present. On motion of Senator Morse, reading of the Journal of Friday, May 7, 2010, Reading of Journal was dispensed with and the Journal was approved as corrected by the Secretary.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of Governor's Appointments -- Consent Calendar.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS -- CONSENT CALENDAR

On motion of Senator Morse, the following Governor's appointments were confirmed by a roll call vote:

MEMBER OF THE BOARD OF TRUSTEES FOR ADAMS STATE COLLEGE

for a term expiring December 31, 2011:

LeRoy J. Salazar of Manassa, Colorado, to fill the vacancy occasioned by the resignation of Bruce J. Oreck of Boulder, Colorado, appointed.

MEMBER OF THE COLORADO CHILDREN'S TRUST FUND BOARD

for a term expiring November 7, 2011:

Hilary A. Silver of Denver, Colorado, to fill the vacancy occasioned by the resignation of Frances H. Cosby of Denver, Colorado, and to serve as a member with knowledge of child abuse prevention/social work, appointed.

MEMBER OF THE COLORADO COMMISSION ON JUDICIAL DISCIPLINE

for a term expiring on June 30, 2011:

Norma V. Anderson of Lakewood.

MEMBER OF THE JUVENILE PAROLE BOARD

for a term expiring at the pleasure of the Governor:

Michael A. Gallegos of Thornton, Colorado, to fill the vacancy occasioned by the resignation of Charles F. DeSaussure of Colorado Springs, Colorado, and to serve as a representative of the Colorado Department of Human Services, appointed.

MEMBERS OF THE WORKERS' COMPENSATION COST CONTAINMENT BOARD

for a term expiring December 13, 2011:

Michael W. Mitchell of Windsor, Colorado, to serve as an executive with good risk management experience in the insurance industry, appointed;

for terms expiring December 13, 2012:

Richard C. Zellen, Jr. of Arvada, Colorado, to serve as an employer with good risk management experience with respect to their workers' compensation insurance, appointed;

Jerry L. Mosley of Golden, Colorado, to serve as an employer with good risk management experience with respect to their workers' compensation insurance, reappointed.

MEMBERS OF THE COLORADO COMMISSION ON HIGHER EDUCATION

for terms expiring July 1, 2014:

Allegra "Happy" Haynes of Denver, Colorado, a resident of the 1st Congressional District and a Democrat, reappointed;

James T. Polsfut of Arvada, Colorado, a resident of the 7th Congressional District and a Democrat, reappointed.

MEMBERS OF THE PRIVATE OCCUPATIONAL SCHOOL BOARD

for terms expiring July 1, 2014:

Lisa B. Noll of Breckenridge, Colorado, a representative of the general public, who is an owner or operator of a business within Colorado that employs students who are enrolled in schools that are subject to administration by the private occupational school division, reappointed;

Thomas E. Narvaez of Denver, Colorado, a representative of the general public, who is an owner or operator of a business within Colorado that employs students who are enrolled in schools that are subject to administration by the private occupational school division, reappointed.

MEMBERS OF THE <u>READ-TO-ACHIEVE BOARD</u>

for terms expiring April 1, 2013:

Deborah L. Middel-Katzenmeyer of Broomfield, Colorado, to serve as a member with knowledge of best practices in reading and reading instruction, appointed;

Pamela L. Robinson of Colorado Springs, Colorado, to serve as a parent of a child who is enrolled in a public school at the time of appointment, appointed;

Joel A. Albers of Limon, Colorado, to serve as an elementary school principal, reappointed.

UNIVERSITY OF COLORADO HOSPITAL AUTHORITY BOARD OF DIRECTORS

From the Third Congressional District: Steven Dawes, for a term effective August 1, 2009, and continuing until July 31, 2013 (or until his successor is appointed by the Board of Regents).

MEMBERS OF THE COLORADO CHILDREN'S TRUST FUND BOARD

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Kathryn M. Wells, M.D. of Denver, Colorado, to serve as a member with knowledge of child abuse prevention/medicine, appointed;

Jacalyn M. Reynolds of Sterling, Colorado, to serve as a member with knowledge of child abuse prevention, reappointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry		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		Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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:

HB10-1425 by Representative(s) Miklosi; also Senator(s) Foster--Concerning the exemption from the postretirement employment limit for certain employees of the Denver public school district who are retirees of the public employees' retirement association.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Ν	Keller	Y	Renfroe	Ν	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	Ν	Schultheis	Ν	President	Y
Heath		Mitchell	Ν	Schwartz	Y		

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

Co-sponsors added: Steadman

HB10-1250 by Representative(s) Fischer, Curry, Apuan, Baumgardner, Hullinghorst, Kefalas, Looper, Roberts, Ryden, Scanlan, Solano, Sonnenberg, Tyler, Vigil; also Senator(s) Hodge, Gibbs, Kester, Schwartz, White, Whitehead--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak		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		White	Y
Foster	Y	King K.	Y	Sandoval	Ŷ	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey		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**.

HB10-1404 by Representative(s) McCann; also Senator(s) Steadman--Concerning the administration of the independent ethics commission, and making an appropriation therefor.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	7 Tapia	Y
Cadman	Y	Keller		Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey		Lundberg	Y	Schultheis	Y	President	Y
Heath		Mitchell	Y	Schwartz	Y	7	

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

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

HB10-1113 by Representative(s) McFadyen, Sonnenberg, Vaad; also Senator(s) Hodge, Kester--Concerning the modification of agencies that perform oversight of the commercial vehicle industry through a transfer of the motor carrier safety assistance program of the ports of entry section in the department of revenue to the Colorado state patrol in the department of public safety, and making an appropriation in connection therewith.

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

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

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

Co-sponsors added: Whitehead

HB10-1393 by Representative(s) Nikkel; also Senator(s) Kopp--Concerning the information included in the web-based system that provides the public access to state financial information.

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

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

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

Co-sponsors added: Cadman, Newell, Schultheis and Williams.

HB10-1414 by Representative(s) Benefield; also Senator(s) Foster--Concerning the requirement that a health care facility report information identifying any individual responsible for the diversion of injectable drugs that were intended for use by patients of the facility.

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

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

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

Co-sponsors added: Boyd, Newell, Sandoval, Schwartz, 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:

HB10-1352 by Representative(s) Waller, Pace, Court, Gardner B., Gerou, Kagan, King S., Levy, Looper, Massey, May, McCann, Miklosi, Nikkel, Roberts, Ryden, Stephens; also Senator(s) Steadman and Mitchell, Carroll M., Hudak, Morse, Newell, Penry, White--Concerning changes to crimes involving controlled substances, and making an appropriation in connection therewith.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Ν	Keller		Renfroe	Ν	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Ν	Scheffel	Y	Williams	Y
Harvey	Ν	Lundberg	Y	Schultheis	Ν	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Keller and Williams.

HB10-1274 by Representative(s) Schafer S., Massey, Benefield, Merrifield, Middleton, Miklosi, Murray, Peniston, Priola, Solano, Stephens, Tipton, Todd; also Senator(s) Johnston, Carroll M., Keller, King K., Newell, Penry, Spence, Steadman--Concerning successful transitions back to the public school system for students in out-of-home placement who have demonstrated behavior that is detrimental to the safety or welfare of themselves or others during the previous twelve months.

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

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

Co-sponsors added: Bacon, Foster, Whitehead and Williams.

HB10-1278 by Representative(s) Ryden; also Senator(s) Carroll M.--Concerning the creation of an ombudsman for matters arising under the "Colorado Common Interest Ownership Act", and making an appropriation therefor.

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

YES	21	NO	14	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Σ	Spence	Ν
Boyd	Y	Hudak	Y	Newell	Ŋ	Steadman	Y
Brophy	Ν	Johnston	Y	Penry	N	V Tapia	Y
Cadman	Ν	Keller		Renfroe	Ν	Tochtrop	Y
Carroll M.	Y	Kester	Ν	Romer	γ	White	Ν
Foster	Y	King K.	Ν	Sandoval	Ŋ	Whitehead	Y
Gibbs	Y	Kopp	Ν	Scheffel	Ν	V Williams	Y
Harvey		Lundberg	Ν	Schultheis	Ν	V President	Y
Heath	Y	Mitchell	Ν	Schwartz	γ	7	

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

Co-sponsors added: Williams

HB10-1131 by Representative(s) Scanlan, Apuan, Benefield, Court, Curry, Ferrandino, Frangas, Gagliardi, Hullinghorst, Kerr A., Levy, Massey, Middleton, Miklosi, Pace, Peniston, Primavera, Rice, Schafer S., Todd, Tyler, Vigil; also Senator(s) Gibbs--Concerning measures to improve Colorado youths' knowledge of the environment, and, in connection therewith, creating the Colorado kids outdoors grant program.

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell		Steadman	Y
Brophy	Ν	Johnston	Y	Penry	Ν	Tapia	Y
Cadman	Ν	Keller		Renfroe	Ν	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Ν	Sandoval	Y	Whitehead	Y
Gibbs		Kopp	Ν	Scheffel	Ν	Williams	Y
Harvey		Lundberg	Ν	Schultheis	Ν	President	Y
Heath		Mitchell	Ν	Schwartz	Y		

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

Co-sponsors added: Bacon, Hodge, Hudak, Morse, Newell, Sandoval, Schwartz, Steadman, Tochtrop, Whitehead and Williams.

HB10-1214 by Representative(s) McCann; also Senator(s) Schwartz--Concerning financial support for efforts to reduce the overpopulation of pets, and, in connection therewith, authorizing the issuance of an adopt a shelter pet license plate, and making an appropriation therefor.

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

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

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

HB10-1209 by Representative(s) Balmer; also Senator(s) Gibbs--Concerning authorization to place

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voluntarily an identifier of a branch of the United States armed forces on certain identification documents issued by the department of revenue, and making an appropriation therefor.

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Ν	Newell	Y	Steadman	Ν
Brophy	Ν	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Ν	Tochtrop	Y
Carroll M.	Ν	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	Ν	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: Tochtrop

by Representative(s) Court, Apuan, Carroll T., Casso, Curry, Ferrandino, Fischer, Frangas, HB10-1370 Gagliardi, Hullinghorst, Kagan, Kerr A., King S., Labuda, Levy, Looper, Massey, McCann, McFadyen, Merrifield, Middleton, Miklosi, Murray, Pace, Peniston, Pommer, Primavera, Rice, Roberts, Ryden, Scanlan, Schafer S., Solano, Soper, Todd, Tyler, Vaad, Vigil, Weissmann; also Senator(s) Steadman--Concerning certain disclosure requirements that apply to statewide ballot measures.

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

YES	25	NO	10	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Ν	Johnston	Y	Penry	Ν	Tapia	Y
Cadman	Ν	Keller		Renfroe		Tochtrop	Y
Carroll M.	Y	Kester	Ν	Romer	Y	White	Y
Foster	Y	King K.	Ν	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Ν	Scheffel	Ν	Williams	Y
Harvey	Y	Lundberg	Ν	Schultheis	Ν	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Newell

HB10-1373 by Representative(s) Carroll T.; also Senator(s) Hudak--Concerning changes to sentencing provisions for escape crimes.

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

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

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

HB10-1238 by Representative(s) Curry; also Senator(s) Schwartz--Concerning wildlife crossing zones.

> Senator Harvey was given permission to offer a third reading amendment on the following roll call vote:

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

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

Amend revised bill, page 3, strike lines 7 and 8 and substitute "AREAS OF STATE HIGHWAY 82 BETWEEN GLENWOOD SPRINGS AND ASPEN AS WILDLIFE CROSSING ZONES.".

Page 3, line 9, strike "(a)".

Page 3, line 10, strike "WITHIN A PUBLIC HIGHWAY OF THE STATE" and substitute "OF STATE HIGHWAY 82 BETWEEN GLENWOOD SPRINGS AND ASPEN".

Page 3, line 112, strike "(I)" and substitute "(a)".

Page 3, line 14, strike "(II)" and substitute "(b)".

Page 3, strike lines 16 through 27.

Page 4, strike lines 1 through 5.

Renumber succeeding subsections accordingly.

Page 4, line 7, strike "OR (3)".

Page 5, line 10, strike "WITHIN THE PUBLIC HIGHWAYS" and substitute "OF STATE HIGHWAY 82 BETWEEN GLENWOOD SPRINGS AND ASPEN".

Page 5, line 11, strike "OF THE STATE".

Page 5, line 13, strike "WITHIN" and substitute "OF STATE HIGHWAY 82 BETWEEN GLENWOOD SPRINGS AND ASPEN".

Page 5, line 14, strike "THE STATE".

Page 5, line 20, strike "THE PUBLIC HIGHWAY" and substitute "STATE HIGHWAY 82".

Page 5, line 26, strike "ZONES," and substitute "ZONES IN AREAS OF STATE HIGHWAY 82 BETWEEN GLENWOOD SPRINGS AND ASPEN; OR".

Page 5, strike line 27.

Page 6, strike line 1.

Page 6, line 3, strike "PARAGRAPH (b) OF SUBSECTION (1) OF".

Page 6, strike line 5 and substitute:

"(7) This section is repealed, effective July 1, 2011.".

Page 6, line 10, strike "violations." and substitute "violations - repeal.".

Page 6, line 18, after "TRANSPORTATION" insert "IN AN AREA OF STATE HIGHWAY 82".

Page 6, line 22, after "TRANSPORTATION" insert "IN AN AREA OF STATE HIGHWAY 82".

Page 7, line 4, strike "(a)".

Page 7, line 8, strike "(I)" and substitute "(a)".

Page 7, line 11, strike "(II)" and substitute "(b)".

Page 7, strike lines 15 through 19.

Page 8, after line 4 insert:

"(5) This section is repealed, effective July 1, 2011.".

Page 8, after line 22 insert:

"(III) (A) THIS PARAGRAPH (d.5) IS REPEALED, EFFECTIVE JULY 1, 2011.

(B) ANY MONEYS REMAINING IN THE WILDLIFE CROSSING ZONE SAFETY ACCOUNT WITHIN THE HIGHWAY USERS TAX FUND ON JULY 1, 2011, SHALL BE CREDITED BY THE STATE TREASURER TO THE HIGHWAY USERS TAX FUND.".

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

YES	15	NO	20	EXCUSED	0	ABSENT	0
Bacon	Ν	Hodge	Ν	Morse	Ν	Spence	N
Boyd		Hudak	Ν	Newell	Ν	Steadman	Ν
Brophy	Y	Johnston	Ν	Penry	Y	Tapia	Ν
Cadman	Y	Keller	Ν	Renfroe		Tochtrop	Ν
Carroll M.	Ν	Kester	Y	Romer	Ν	White	Y
Foster	Ν	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs		Kopp	Y	Scheffel	Y	Williams	Ν
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Ν
Heath	Ν	Mitchell	Y	Schwartz	Ν		

Laid over until later on in the day, 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 Third Reading of Bills -- Final Passage (HB10-1238, HB10-1364, HB10-1277, HB10-1081, HB10-1022, HB10-1388, HB10-1027, HB10-1146, HB10-1264, HB10-1200, HB10-1032, HB10-1394) of Monday, May 10 was laid over until later in the day.

MESSAGE FROM THE HOUSE

May 10, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HCR10-1005.

MESSAGE FROM THE REVISOR OF STATUTES

May 10, 2010

We herewith transmit:

Without comment, HCR10-1005.

SENATE SERVICES REPORT

Correctly Engrossed: SJR10-035, 039 and 043. **Correctly Reengrossed:** SB10-198, 200, 202, 203, 204, 205, 208, 209, 210, 211, 212, 213, 216 and 217. **Correctly Revised:** HB10-1022, 1027, 1032, 1081, 1113, 1131, 1146, 1200, 1209, 1214, 1238, 1250, 1264, 1274, 1277, 1278, 1338, 1352, 1364, 1370, 1373, 1393, 1404, 1414 and 1425; HJR10-1023, 1026, 1029 and 1032.

Correctly Rerevised: HB10-1172, 1358 and 1398. **Correctly Enrolled:** SB10-108, 110, 169, 181, 183 and 168; SJR10-025, 033, 040, 041 and 048; SR10-009.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB10-019, 034, 158, 025, 042, 072, 094, 101, 117, 143 and 152.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Education After consideration on the merits, the Committee recommends that SB10-050 be postponed indefinitely.

Education After consideration on the merits, the Committee recommends that HB10-1430 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

> Amend reengrossed bill, strike everything below the enacting clause and substitute:

> "SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

> (a) In 2008, the general assembly enacted the "Preschool to Postsecondary Education Alignment Act", part 10 of article 7 of title 22, Colorado Revised Statutes, which requires the state board of education to adopt new state model content standards and a new system of assessments to use in measuring students' mastery of those standards. The state board of education adopted the new state model content standards in December 2009 and is now beginning to design the new system of assessments.

> (b) The state board of education is now soliciting input from the elementary, secondary, and postsecondary education communities in the state concerning the design of the new system of assessments and has formed an assessment stakeholder advisory committee to assist the department of education in designing the new system of assessments;

> (c) Colorado has also agreed to be a member of one or more consortia of states that are working to develop reliable, open source, on-line or paper-and-pencil summative assessments that will be capable of measuring student academic growth in the subjects of mathematics and English language arts toward attaining and demonstrating postsecondary and workforce readiness. The state board of education anticipates including these summative assessments in the new system of assessments.

> (d) The new system of assessments should improve upon the existing Colorado student assessment program by centering on the use of formative and interim assessments to provide rapid, usable, relevant, and reliable feedback on how students are progressing so that students can become more active participants in their learning and educators can receive the diagnostic feedback necessary to customize instruction; and

> (e) In adopting the new system of assessments, the state board of education should ensure that the summative assessments, to the extent they are included, and especially the formative and interim assessments:

> (I) Reliably and accurately gauge student knowledge and skill and can be used to inform teaching and learning;

(II) Include postsecondary and workforce readiness assessments and assessments at all critical academic growth stages in between;

(III) Provide results that support analysis of yearly academic growth;

(IV) Can be administered on-line or electronically, to the extent practicable, with real-time turnaround of results;

(V) Allow multiple opportunities for students to take different test versions within the same school year if necessary to support and encourage student academic growth;

(VI) Include a rich mix of testing items such as multiple-choice questions; open-ended, constructed response questions; and on-line simulations; and

(VII) Are relevant to students, parents, and educators;

(2) (a) The general assembly therefore declares that it is in the best interests of the people of the state of Colorado to repeal the existing Colorado student assessment program, effective July 1, 2013, and support the state board of education in adopting a new system of formative, interim, and summative assessments that will provide reliable, timely, diagnostic data that educators can use throughout the school year to customize education and ensure that all students advance in their mastery of standards and achieve postsecondary and workforce readiness by high school graduation.

(b) The general assembly recognizes that the assessments administered pursuant to the Colorado student assessment program continue to be important until they are repealed in 2013 because they provide the state's only method for measuring student achievement and academic growth across schools and across school districts. However, the general assembly encourages school districts and public schools to immediately begin making greater use of formative and interim assessments to support student-centered learning and to use the results of these assessments in measuring student achievement.

SECTION 2. Part 4 of article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-7-415. Repeal of part. This part 4 is repealed, effective July 1, 2013.

SECTION 3. 22-7-1003, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

22-7-1003. Definitions. As used in this part 10, unless the context otherwise requires:

(7.5) "FORMATIVE ASSESSMENT" MEANS A SET OF ASSESSMENT QUESTIONS, TOOLS, AND PROCESSES THAT ARE EMBEDDED IN INSTRUCTION AND USED BY TEACHERS AND STUDENTS TO PROVIDE TIMELY FEEDBACK FOR PURPOSES OF ADJUSTING INSTRUCTION TO IMPROVE LEARNING.

(8.5) "INTERIM ASSESSMENT" MEANS AN ASSESSMENT THAT IS GIVEN AT REGULAR AND SPECIFIED INTERVALS THROUGHOUT THE SCHOOL YEAR, IS DESIGNED TO EVALUATE STUDENTS' KNOWLEDGE AND SKILLS RELATIVE TO A SPECIFIC SET OF ACADEMIC STANDARDS, AND PRODUCES RESULTS THAT CAN BE AGGREGATED TO INFORM TEACHERS AND ADMINISTRATORS AT THE STUDENT, CLASSROOM, SCHOOL, AND LOCAL EDUCATION PROVIDER LEVELS.

(25) "SUMMATIVE ASSESSMENT" MEANS AN ASSESSMENT THAT IS VALID, RELIABLE, AND STANDARDIZED, GIVEN AT A PARTICULAR POINT IN

TIME TO MEASURE A STUDENT'S PROFICIENCY IN RELATION TO A SPECIFIC SET OF ACADEMIC STANDARDS.

SECTION 4. 22-7-1006, Colorado Revised Statutes, is amended to read:

22-7-1006. Preschool through elementary and secondary education - aligned assessments - adoption - revisions. (1) (a) On or before December 15, 2010, OR AS SOON THEREAFTER AS FISCALLY PRACTICABLE, the state board shall adopt a system of assessments that are aligned with the preschool through elementary and secondary education standards and are designed to measure students' levels of attainment of the standards and to longitudinally measure students' academic progress toward attaining the standards and toward attaining postsecondary and workforce readiness. THE SYSTEM OF ASSESSMENTS SHALL BE BASED ON USING FORMATIVE AND INTERIM ASSESSMENTS TO ANALYZE AND SUPPORT STUDENTS' PROGRESS TOWARD MASTERY OF THE STANDARDS. THE SYSTEM OF ASSESSMENTS SHALL ALSO INCLUDE SUMMATIVE ASSESSMENTS IN MATHEMATICS AND ENGLISH LANGUAGE ARTS THAT THE DEPARTMENT DEVELOPS IN WHOLE OR IN PART IN COOPERATION WITH THE STATE CONSORTIA. THE STATE BOARD SHALL ENSURE THAT THE SYSTEM OF ASSESSMENTS, INCLUDING THE POSTSECONDARY AND WORKFORCE PLANNING, PREPARATION, AND READINESS ASSESSMENTS, IS FULLY IMPLEMENTED AS SOON AS FISCALLY PRACTICABLE.

(b) THE DEPARTMENT SHALL SUPPORT LOCAL EDUCATION PROVIDERS IN IMPLEMENTING THE SYSTEM OF ASSESSMENTS BY:

(I) HELPING TO CREATE FORMATIVE ASSESSMENTS AND TO DISSEMINATE THEM TO LOCAL EDUCATION PROVIDERS THROUGH THE DATA PORTAL DEVELOPED AND MAINTAINED BY THE DEPARTMENT PURSUANT TO SECTION 22-11-502; AND

(II) ASSISTING LOCAL EDUCATION PROVIDERS IN SELECTING, EVALUATING, PURCHASING, AND IMPLEMENTING INTERIM ASSESSMENTS TO SUPPORT DATA-DRIVEN CLASSROOM INSTRUCTION.

(2) (a) In adopting the system of assessments, the state board shall ensure, at a minimum, that the system is designed to:

(I) Provide relevant, timely results that will aid teachers, parents, and students in identifying areas in which students may need additional support or assistance in attaining the standards;

(II) Facilitate and ensure longitudinal measurement of students' academic growth over time;

(III) Provide guidance to teachers, parents, and students in determining whether each student is making the necessary progress toward achieving postsecondary and workforce readiness;

(IV) Provide results that may be used across multiple education systems as a student progresses from preschool through elementary and secondary education and into postsecondary education;

(V) Maintain a high level of accountability across the state for students, schools, and school districts;

(VI) Comply with the requirements of federal law with regard to statewide standardized testing; and

(VII) Provide assessment scores that are useful in measuring student academic GROWTH AND performance, the academic performance of a school, and the academic performance of a school district for purposes of state and federal accountability systems; AND

(VIII) INCLUDE A VARIETY OF ASSESSMENT TYPES, INCLUDING BUT NOT LIMITED TO MULTIPLE-CHOICE QUESTIONS, OPEN-ENDED

CONSTRUCTED RESPONSES, AND ON-LINE SIMULATIONS.

(b) In adopting a system of assessments, the state board shall give consideration to the use of ENSURE THAT THE SYSTEM IS DESIGNED TO REQUIRE STUDENTS TO DEMONSTRATE AND APPLY THE SKILLS LISTED IN SECTION 22-7-1005 (3) (e) THROUGH THE USE OF FORMATIVE, INTERIM, AND SUMMATIVE ASSESSMENTS AND THROUGH THE USE OF authentic assessment methods, such as portfolios, PERFORMANCE TASKS, projects, EXHIBITIONS, and performances. so long as THE STATE BOARD SHALL FURTHER ENSURE THAT the assessment methods are valid and reliable, employ standard scoring criteria, and align with the preschool through elementary and secondary education standards, AND GIVE EACH LOCAL EDUCATION PROVIDER FLEXIBILITY IN DESIGNING OR ADOPTING AND IMPLEMENTING ITS SPECIFIC FORMATIVE AND INTERIM ASSESSMENTS. THE STATE BOARD SHALL DESIGN THE SYSTEM OF ASSESSMENTS TO ENSURE THAT THE ASSESSMENTS USED STATEWIDE AND BY INDIVIDUAL LOCAL EDUCATION PROVIDERS ARE MEANINGFUL AND RELEVANT AND PROVIDE TO STUDENTS, EDUCATORS, AND PARENTS HELPFUL, TIMELY INFORMATION.

(c) In adopting a system of assessments, the state board shall also adopt scoring criteria for measuring a student's level of attainment of a standard based on the student's performance on a particular assessment and for measuring a student's progress toward attaining postsecondary and workforce readiness.

(d) In adopting a system of assessments, the state board shall also make recommendations concerning a system of ratings for public schools that recognizes each school's success in supporting the longitudinal academic growth of the students enrolled in the public schools and in achieving adequate yearly progress as required by federal law.

(e) In adopting a system of assessments, the state board shall recommend legislative changes as necessary to implement the system. and the proposed changes to the system of ratings for public schools.

(3) THE SYSTEM OF ASSESSMENTS, TO THE EXTENT PRACTICABLE, SHALL CONSIST OF ON-LINE AND ELECTRONIC ASSESSMENTS TO FACILITATE EASE OF ADMINISTRATION, COMPLETION, AND SCORING, AND TO ENSURE THE USE OF A CONSISTENT TOOL THAT ALLOWS THE DEPARTMENT TO EVALUATE AND COMPARE STUDENT ACADEMIC PERFORMANCE WITHIN EACH LOCAL EDUCATION PROVIDER AND ACROSS THE STATE. HOWEVER, TO THE EXTENT AN ASSESSMENT THAT IS NEITHER ON-LINE NOR ELECTRONIC IS A MORE EFFECTIVE MEASURE OF THE ACHIEVEMENT OF CERTAIN STANDARDS OR IN CERTAIN SUBJECTS, THE SYSTEM OF ASSESSMENTS MAY INCLUDE OTHER FORMS OF ASSESSMENTS.

(2) (4) In adopting the system of assessments, the state board shall ensure that it includes the postsecondary and workforce planning, preparation, and readiness assessments adopted by the state board and the commission pursuant to section 22-7-1008, AND ASSESSMENTS AT LEVELS IN BETWEEN AS NECESSARY AND APPROPRIATE TO MEASURE LONGITUDINAL ACADEMIC GROWTH.

(3) (5) In adopting an assessment that is aligned with the state standards for writing, the state board:

(a) Shall ensure that any writing assessment that is included within the system of assessments can be evaluated and the results returned to the local education providers in a timely manner and that the assessment is designed to provide relevant, useful results; and

(b) SHALL seek input from local education providers concerning the writing assessments used by each local education provider, the usefulness of the assessments, and recommendations from the local education provider concerning writing assessments that would be effectively used at a statewide level; AND WRITING ASSESSMENT WITH THE READING ASSESSMENT AND SHALL ENSURE THE ABILITY OF A LOCAL EDUCATION PROVIDER TO ADMINISTER THE READING AND WRITING ASSESSMENTS INDEPENDENTLY. HOWEVER, IF THE STATE BOARD FINDS THE INTEGRATION OF THE WRITING ASSESSMENT AND READING ASSESSMENT IS A MORE EFFECTIVE MEASURE OF THE ACHIEVEMENT OF CERTAIN STANDARDS, THE SYSTEM OF ASSESSMENTS MAY INCLUDE AN INTEGRATED READING AND WRITING ASSESSMENT.

(4) (6) The state board shall modify the system of assessments adopted pursuant to this section as necessary in response to comments received through the peer review process and to reflect the contents of the state plan approved pursuant to section 22-7-1012.

(5) (7) On or before July 1, 2016, and on or before July 1 every six years thereafter EVERY SIX YEARS AFTER THE ADOPTION OF THE SYSTEM OF ASSESSMENTS PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, the state board shall review and adopt any appropriate revisions to the system of assessments specified in this section. The state board may adopt revisions to an assessment or adopt additional assessments, regardless of whether it adopts any revision to the standards with which the assessment is aligned. In adopting revisions to the system of assessments, the state board shall ensure that the system of assessments continues to meet the requirements specified in this section.

SECTION 5. 22-7-1008 (2) (a) and (3) (b), Colorado Revised Statutes, are amended to read:

22-7-1008. Postsecondary and workforce readiness description - postsecondary and workforce planning, preparation, and readiness assessments - adoption - revision. (2) (a) On or before December 15, 2010, OR AS SOON THEREAFTER AS FISCALLY PRACTICABLE, the state board and the commission shall negotiate a consensus and adopt one or more postsecondary and workforce planning assessments, postsecondary and workforce preparation assessments, and postsecondary and workforce readiness assessments that local education providers shall administer pursuant to section 22-7-1016. The state board and the commission shall base the selection of the postsecondary and workforce planning, preparation, and readiness assessments on the information received through the operation of the pilot program, ensuring that the selected assessments are aligned with the standards for grades nine through twelve and with the description of postsecondary and workforce readiness.

(3) (b) On or before July 1, 2016, and on or before July 1 every six years thereafter EVERY SIX YEARS AFTER THE ADOPTION OF THE POSTSECONDARY AND WORKFORCE PLANNING, PREPARATION, AND READINESS ASSESSMENTS PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, the state board and the commission shall review, negotiate a consensus, and adopt any appropriate revisions to the postsecondary and workforce planning, preparation, and readiness SUCH assessments. The state board and the commission may adopt revisions to the postsecondary and workforce planning, preparation, and readiness such assessments, regardless of whether they adopt any revisions to the postsecondary and workforce readiness description. In adopting revisions to the assessments, the state board and the commission shall ensure that the assessments continue to meet the requirements specified in subsection (2) of this section. The state board and the commission shall also review and adopt any appropriate revisions to the scoring criteria.

SECTION 6. 22-7-1009 (1) and (6), Colorado Revised Statutes, are amended to read:

22-7-1009. Diploma endorsements - adoption - revisions. (1) On or before July 1, 2011, OR AS SOON THEREAFTER AS FISCALLY PRACTICABLE, the state board shall adopt criteria that a local school board, BOCES, or institute charter high school may apply if the local school board, BOCES, or institute charter high school chooses to endorse

high school diplomas to indicate that students have achieved postsecondary and workforce readiness. The criteria shall include, but need not be limited to, the required minimum level of postsecondary and workforce readiness that a student must achieve to receive a readiness endorsement on his or her diploma from the local school board, BOCES, or institute charter high school. In identifying the required minimum level of postsecondary and workforce readiness, the state board shall ensure that the minimum level of postsecondary and workforce readiness reflects the expectations for postsecondary and workforce readiness that are applied nationally and internationally.

(6) On or before July 1, 2017, and on or before July 1 every six years thereafter EVERY SIX YEARS AFTER THE ADOPTION OF CRITERIA FOR ENDORSEMENTS PURSUANT TO SUBSECTION (1) OF THIS SECTION, the state board shall revise and adopt any appropriate revisions to the criteria for endorsements specified in this section.

SECTION 7. 22-7-1013 (3), Colorado Revised Statutes, is amended to read:

22-7-1013. Local education provider - preschool through elementary and secondary education standards - adoption. (3) (a) EACH LOCAL EDUCATION PROVIDER SHALL ADOPT ASSESSMENTS, INCLUDING FORMATIVE, INTERIM, AND SUMMATIVE ASSESSMENTS, AS MAY BE REQUIRED BY THE SYSTEM OF ASSESSMENTS ADOPTED BY THE STATE BOARD PURSUANT TO SECTION 22-7-1006.

(b) IN ADDITION TO THE ASSESSMENTS ADOPTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), each local education provider shall adopt FORMATIVE, INTERIM, AND, TO THE EXTENT THE LOCAL EDUCATION PROVIDER DEEMS APPROPRIATE, SUMMATIVE assessments that are aligned with the local education provider's standards and curricula and that will adequately measure each student's progress toward and attainment of the local education provider's standards for the subject areas that are not assessed by the state through the system of assessments adopted by the state board pursuant to section 22-7-1006.

(c) IN ADOPTING ASSESSMENTS PURSUANT TO PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (3), EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT THE ASSESSMENTS ARE DESIGNED TO REQUIRE STUDENTS TO DEMONSTRATE AND APPLY THE SKILLS LISTED IN SECTION 22-7-1005 (3) (e) THROUGH THE USE OF AUTHENTIC ASSESSMENT METHODS, SUCH AS PORTFOLIOS, PERFORMANCE TASKS, PROJECTS, EXHIBITIONS, AND PERFORMANCES. THE LOCAL EDUCATION PROVIDER SHALL FURTHER ENSURE THAT THE ASSESSMENT METHODS ARE VALID AND RELIABLE, EMPLOY STANDARD SCORING CRITERIA, AND ALIGN WITH THE PRESCHOOL THROUGH ELEMENTARY AND SECONDARY EDUCATION STANDARDS. THE LOCAL EDUCATION PROVIDER SHALL DESIGN ITS ASSESSMENTS TO ENSURE THAT THEY ARE MEANINGFUL AND RELEVANT AND PROVIDE TO STUDENTS, EDUCATORS, AND PARENTS HELPFUL, TIMELY INFORMATION.

SECTION 8. 22-7-1015 (3) (a), Colorado Revised Statutes, are amended to read:

22-7-1015. Postsecondary and workforce readiness program - technical assistance. (3) (a) It is the intent of the general assembly that, on or before December 15, 2012 2013, each student who enrolls in a public high school operated by a local education provider shall enroll in and successfully complete a postsecondary and workforce readiness program. Each local education provider shall require each high school student, beginning in ninth grade and continuing through twelfth grade, to enroll in the local education provider's postsecondary and workforce readiness program.

SECTION 9. 22-7-1016 (1), Colorado Revised Statutes, is amended to read:

22-7-1016. Postsecondary and workforce planning,

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preparation, and readiness assessments - transcripts. (1) On or before December 15, 2012 Each local education provider shall administer the postsecondary and workforce planning, preparation, and readiness assessments adopted by the state board and the commission pursuant to section 22-7-1008 WITHIN TWO YEARS AFTER THE ADOPTION OF SUCH ASSESSMENTS. Upon receiving the results following administration of the postsecondary and workforce planning, preparation, and readiness assessments, the local education provider shall provide to each student a printed copy of the student's assessment results, and a teacher or counselor shall review each student's results with the student and, to the extent practicable, with the student's parent or legal guardian and determine the areas in which the student continues to need instruction in order to demonstrate postsecondary and workforce readiness prior to or upon attaining a high school diploma.

SECTION 10. 22-7-1019 (2), Colorado Revised Statutes, is amended to read:

22-7-1019. Preschool to postsecondary and workforce readiness - progress reports - effectiveness reports. (2) On or before February 15, 2013 2014, and on or before February 15 each year thereafter, the department of education shall submit to the education committees of the senate and the house of representatives, or any successor committees, a report concerning the results achieved through implementation of school readiness, the preschool through elementary and secondary education standards, and postsecondary and workforce readiness.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.".

Page 1, strike lines 102 and 103 and substitute "EDUCATION SYSTEM.".

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SCR10-004 be postponed indefinitely.	3 3 3 3 4
State, Veterans, & Military Affairs		4 4 4 4 4 4
State, Veterans, & Military Affairs	to the Committee of the Whole with favorable recommendation.	4 4
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HJR10-1022 be referred to the Senate for final action.	445555555
Finance	After consideration on the merits, the Committee recommends that HB10-1428 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	5
Finance	amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	5 5 6 6
	Amend reengrossed bill, page 3, line 20, strike "OR POLITICAL SUBDIVISION".	6 6 6
	Page 3, strike line 23 and substitute "STATE; OR".	6 6
	Page 3, line 25, strike the last "OR".	6 6 6

Page 3, line 26, strike "POLITICAL SUBDIVISION'S".

Page 3, line 27, strike "OR POLITICAL SUBDIVISION" and strike "STATE OR" and substitute "STATE:".

Page 4, strike line 1.

Page 4, line 8, strike "OR POLITICAL SUBDIVISION".

Page 4, line 10, strike "OR POLITICAL SUBDIVISION".

Page 5, strike lines 5 through 8.

Renumber succeeding subsections accordingly.

Page 5, line 24, strike "OR A POLITICAL SUBDIVISION".

Page 5, line 27, strike "OR POLITICAL SUBDIVISION".

Page 6, line 8, strike "OR POLITICAL SUBDIVISION".

Page 6, line 12, strike the last "OR".

Page 6, line 13, strike "POLITICAL SUBDIVISION" and strike "STATE OR" and substitute "STATE,".

Page 6, line 14, strike "POLITICAL SUBDIVISION,".

Page 6, line 18, strike "OR POLITICAL SUBDIVISION".

Page 6, line 22 strike "STATE OR POLITICAL SUBDIVISION," and substitute "STATE,".

Page 6, strike line 25 and substitute "THE STATE; OR".

Page 7, line 4, strike "OR A POLITICAL".

Page 7, line 5, strike "SUBDIVISION".

Page 7, line 8, strike "OR".

Page 7, line 9, strike "POLITICAL SUBDIVISION".

Page 7, line 14, strike "STATE OR POLITICAL SUBDIVISION," and substitute "STATE,".

Page 7, line 20, strike "STATE OR POLITICAL SUBDIVISION." and substitute "STATE.".

Page 7, line 22, strike "OR A POLITICAL SUBDIVISION".

Page 7, strike lines 26 and 27 and substitute "ARTICLE 72 OF THIS TITLE.".

Page 8, strike line 1.

Page 8, line 10, strike "(a)".

Page 8, strike lines 15 through 27.

Page 9, strike lines 1 through 23.

Renumber succeeding subsections accordingly.

Page 9, line 26, strike "OR A POLITICAL SUBDIVISION".

Page 10, line 1, strike "STATE OR POLITICAL SUBDIVISION." and substitute "STATE.".

Page 10, line 2 strike "OR THE PROSECUTING".

Page 10, line 3, strike "AUTHORITY". Page 10, line 14, strike "IF BOTH THE STATE". Page 10, strike lines 15 and 16. Page 10, strike line 20 and substitute "SUBSECTION (2);". Page 10, line 21, strike "SEAL FOR MORE THAN ONE YEAR.". Page 11, line 1, strike "(3)" and substitute "(2)". Page 11, line 2, strike "(3)," and substitute "(2),". Page 11, line 13, strike "OR A". Page 11, line 14, strike "POLITICAL SUBDIVISION". Page 11, line 15, strike "(3)" and substitute "(2)". Page 11, line 19, strike "(4)." and substitute "(3).". Page 11, line 20, strike "OR POLITICAL SUBDIVISION". Page 11, line 22, strike "OR POLITICAL SUBDIVISION". Page 11, line 25, strike "OR POLITICAL SUBDIVISION". Page 12, line 2, after the period add "UPON A SHOWING OF GOOD CAUSE, THE HEARING MAY BE HELD IN CAMERA.". Page 12, line 3, strike "OR POLITICAL SUBDIVISION". Page 12, line 6, strike "OR POLITICAL SUBDIVISION'S". Page 12, line 22, strike "OR POLITICAL SUBDIVISION". Page 13, line 4, strike "OR POLITICAL SUBDIVISION". Page 13, line 6, strike "OR POLITICAL SUBDIVISION'S". Page 13, line 10, strike "OR POLITICAL SUBDIVISION". Page 13, line 12, strike "OR POLITICAL". Page 13, line 13, strike "SUBDIVISION". Page 13, line 14, strike "OR POLITICAL SUBDIVISION". Page 13, line 15, strike "OR POLITICAL". Page 13, line 16, strike "SUBDIVISION'S". Page 13, line 18, after "DAYS." insert "THE SHOWING SHALL BE CONDUCTED IN CAMERA.". Page 13, line 19, after "SHOWING" insert "IN CAMERA". Page 13, strike lines 24 and 25 and substitute "OR PROCEEDINGS.". Page 13, line 27, strike "OR POLITICAL SUBDIVISION". Page 14, line 2, strike "STATE OR POLITICAL SUBDIVISION," and substitute "STATE," Page 14, line 14, strike "OR A".

Page 14, line 15, strike "POLITICAL SUBDIVISION".

Page 14, line 16, strike "(3)" and substitute "(2)". Page 15, line 11, strike "OR A POLITICAL SUBDIVISION". Page 15, line 12, strike "(3)" and substitute "(2)". Page 15, line 22, strike "OR A POLITICAL". Page 15, line 23, strike "SUBDIVISION" and strike "(3)" and substitute '(2)". Page 16, line 3, strike "(5)," and substitute "(4),". Page 16, line 9, strike "OR". Page 16, line 10, strike "POLITICAL SUBDIVISION". Page 16, line 11, strike "OR A POLITICAL SUBDIVISION". Page 16, line 12, strike "(3)" and substitute "(2)". Page 16, line 27, strike "OR A POLITICAL SUBDIVISION". Page 17, line 2, strike "(3)" and substitute "(2)". Page 17, line 7, strike "OR A POLITICAL SUBDIVISION". Page 17, line 14, strike "(3)" and substitute "(2)". Page 17, line 16, strike "or political subdivision". Page 17, line 17, strike "OR A POLITICAL SUBDIVISION". Page 19, line 19, strike "(8)" and substitute "(7)". Page 20, line 9, strike "(8)." and substitute "(7).". Page 22, line 24, strike "(1), (2), OR (3)" and substitute "(1) OR (2)". Page 23, line 3, strike "OR POLITICAL". Page 23, line 4, strike "SUBDIVISION". Page 23, line 7, strike "OR POLITICAL SUBDIVISION". Page 23, line 9, strike "OR POLITICAL SUBDIVISION". Page 23, line 11, strike "OR POLITICAL SUBDIVISION". Page 23, line 13, strike "OR POLITICAL SUBDIVISION". Page 23, line 15, strike "OR POLITICAL SUBDIVISION". Page 23, line 16, strike "OR". Page 23, line 17, strike "POLITICAL SUBDIVISION'S". Page 23, line 21, strike "STATE, POLITICAL SUBDIVISION," and substitute "STATE". Page 23, line 26, strike "OR A". Page 23, line 27, strike "POLITICAL SUBDIVISION". Page 24, line 21, strike "(3)" and substitute "(2)". Page 32, line 9, after "examinations." insert "(a)". Page 32, after line 26 insert:

"(b) THE FALSE CLAIMS LAW INVESTIGATOR CONDUCTING THE EXAMINATION SHALL EXCLUDE FROM THE PLACE WHERE THE EXAMINATION IS HELD ALL PERSONS EXCEPT THE PERSON GIVING THE TESTIMONY, THE ATTORNEY FOR AND ANY OTHER REPRESENTATIVE OF THE PERSON GIVING THE TESTIMONY, THE ATTORNEY FOR THE STATE, ANY PERSON WHO MAY BE AGREED UPON BY THE ATTORNEY FOR THE STATE AND THE PERSON GIVING THE TESTIMONY, THE OFFICER BEFORE WHOM THE TESTIMONY IS TO BE TAKEN, AND THE STENOGRAPHER WHO IS RECORDING THE TESTIMONY.".

Page 42, strike lines 22 and 23 and substitute "24-72-203.".

Page 44, strike lines 13 through 27.

Page 45, strike lines 1 through 7.

INTRODUCTION OF RESOLUTIONS

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

SJR10-050 by Senator(s) Morse, Shaffer B., Penry; also Representative(s) Weissmann, Carroll T., May--Concerning the appointment of a joint committee to notify the Governor that the Second Regular Session of the Sixty-seventh General Assembly is about to adjourn sine die.

Laid over until Wednesday, May 12, retaining its place on the calendar.

HCR10-1005 by Representative(s) Baumgardner; also Senator(s) Kopp--Submitting to the registered electors of the state of Colorado an amendment to section 3 (1) (b) of article X of the constitution of the state of Colorado, concerning an exemption from property taxation for possessory interests in real property with specified actual values. Finance

DELIVERY TO THE GOVERNOR

To the Governor for signature on Monday, May 10, 2010, at 1:11 p.m.: SB10-019, 025, 034, 042, 066, 072, 094, 101, 117, 143, 152, 158 and 177.

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

THIRD READING OF BILLS -- FINAL PASSAGE -- con't

HB10-1238 by Representative(s) Curry; also Senator(s) Schwartz--Concerning wildlife crossing zones.

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

Third Reading Amendment No. 2(L.023), by Senator Penry.

Amend revised bill, page 6, after line 4 insert:

"(8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE DEPARTMENT OF TRANSPORTATION SHALL NOT ESTABLISH ANY AREA OF ANY INTERSTATE HIGHWAY AS A WILDLIFE CROSSING ZONE.".

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

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

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

YES	23	NO	11	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Ν	Johnston	Y	Penry	Ν	Tapia	Y
Cadman	Ν	Keller	Y	Renfroe		Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Ν	Sandoval	Y	Whitehead	Ν
Gibbs		Kopp	E	Scheffel	Ν	Williams	Y
Harvey		Lundberg	Ν	Schultheis	Ν	President	Y
Heath	Y	Mitchell	Ν	Schwartz	Y		

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

HB10-1364 by Representative(s) Ryden; also Senator(s) Hudak--Concerning the sex offender management board, and, in connection therewith, continuing the sex offender management board, and making an appropriation.

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

Third Reading Amendment No. 1(J.008), by Senator Hudak.

Amend revised bill, page 29, strike lines 11 through 23 and substitute:

"SECTION 14. Appropriation - legislative intent. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, for allocation to the division of criminal justice, for research and reporting functions, for the fiscal year beginning July 1, 2010, the sum of seventeen thousand nine hundred eleven dollars (\$17,911) and 0.3 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, for allocation to the division of criminal justice, for information technology consultation, for the fiscal year beginning July 1, 2010, the sum of eighty thousand dollars (\$80,000), or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, for allocation to the division of criminal justice, for legal services, for the fiscal year beginning July 1, 2010, the sum of three thousand fifteen dollars (\$3,015), or so much thereof as may be necessary, for the implementation of this act.

(4) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2010, the sum of three thousand fifteen dollars (\$3,015), or so much thereof as may be necessary, for the provision of legal services to the department of public safety related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of public safety out of the appropriation made in subsection (3) of this section.

(5) It is the intent of the general assembly that the general fund appropriations for the implementation of this act shall be derived from savings generated from the implementation of the provisions of House Bill 10-1338, as enacted during the second regular session of the sixtyseventh general assembly.".

Page 29, line 27, strike "7 and 11" and substitute "7, 11, and 14".

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

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

Third Reading Amendment No. 2(L.030), by Senator Hudak.

Amend revised bill, page 28, line 7, strike "BOARD," and substitute "BOARD AND THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE,".

Page 28, line 18, strike "C.R.S." and substitute "C.R.S., AND THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE.".

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		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		Kopp	E	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		Newell		Y Steadman	Y
Brophy	Y	Johnston	Y	Penry		Y Tapia	Y
Cadman	Y	Keller		Renfroe		Y Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer		Y White	Y
Foster	Y	King K.	Y	Sandoval		Y Whitehead	Y
Gibbs		Kopp	E	Scheffel		Y Williams	Y
Harvey	Y	Lundberg	Y	Schultheis		Y President	Y
Heath	Y	Mitchell	Y	Schwartz		Y	

Co-sponsors added: Boyd, Foster, Newell and Steadman.

HB10-1277 by Representative(s) DelGrosso, Waller; also Senator(s) Steadman--Concerning an extension of the prohibition against sexual conduct in correctional institutions, and making an appropriation therefor.

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

Third Reading Amendment No. 1(L.005), by Senator Steadman.

Amend revised bill, page 7, line 5, strike "upon" and substitute "July 1, 2010.".

Page 7, strike line 6.

Page 7, line 18, strike "15," and substitute "1,".

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		Renfroe		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		

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
		110			$\frac{1}{\mathbf{V}}$		$\frac{0}{1}$
Bacon	ľ	Hodge		Morse		Spence	Y
Boyd	Y	Hudak		Newell		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		Kopp	E	Scheffel	Y	Williams	Y
Harvey		Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Newell and Williams.

HB10-1081 by Representative(s) Priola; also Senator(s) Steadman--Concerning money laundering, and making an appropriation therefor.

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		Renfroe		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		

HB10-1022 by Representative(s) Summers and Gagliardi, Kagan, Kefalas; also Senator(s) Boyd, Hudak-Concerning the administration of the supplemental nutrition assistance program.

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

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

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

Co-sponsors added: Gibbs, Sandoval, Tochtrop and Williams.

HB10-1338 by Representative(s) McCann; also Senator(s) Steadman--Concerning the eligibility for probation of a person who has two or more felony convictions, and making appropriations in connection therewith.

Laid over until Tuesday, May 11, retaining its place on the calendar.

HB10-1027 by Representative(s) Roberts and Tyler, Soper; also Senator(s) Williams, Newell--Concerning the requirement for a certain life expectancy prognosis for persons receiving hospice care through medicaid, and making an appropriation therefor.

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

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	Ν	Johnston	Y	Penry	•	Y Tapia	Y
Cadman	Y	Keller	Y	Renfroe	l	N 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	I	N Williams	Y
Harvey		Lundberg	Y	Schultheis	I	N President	Y
Heath		Mitchell	N	Schwartz	1	Y	

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

Co-sponsors added: Boyd, Hudak, Romer and Tochtrop.

HB10-1146 by Representative(s) Hullinghorst, Gagliardi, Kefalas, Kerr J., Labuda, Miklosi, Pommer, Primavera; also Senator(s) Tochtrop, Newell, Steadman, Tapia--Concerning certain state-funded, community-based, long-term care assistance provided to recipients of certain public benefit programs, and making an appropriation therefor.

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

YES	30	NO	4	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Ν	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Ν	Keller	Y	Renfroe	Ν	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	Ν	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Co-sponsors added: Boyd, Hudak and Schwartz.

HB10-1264 by Representative(s) Priola; also Senator(s) Heath--Concerning the establishment of an incentive process whereby state employees can submit suggestions for state agency improvements that result in cost savings.

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

Third Reading Amendment No. 1(L.007), by Senator Heath.

Amend revised bill, page 5, line 1, strike "**application - state employee**" and substitute "**application.**".

Page 5, line 2, "incentive fund."

Page 8, after line 15, insert:

"(V) THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, SHALL MAINTAIN COPIES OF ALL IDEA APPLICATIONS THAT ARE SUBMITTED, ALONG WITH THE FOLLOWING INFORMATION FOR APPROVED IDEA APPLICATIONS:

(A) A DESCRIPTION OF THE INNOVATIVE IDEA IMPLEMENTED;

 $(B)\ THE\ TOTAL\ SAVINGS\ ACHIEVED\ IN\ THE\ FIRST\ FISCAL\ YEAR\ OR\ FIRST\ FULL\ TWELVE-MONTH\ PERIOD\ AFTER\ FULL\ IMPLEMENTATION;$

(C) THE TOTAL DOLLARS AWARDED AS AN INCENTIVE TO THE EMPLOYEE WHO SUBMITTED THE IDEA APPLICATION;

(D) ANY AFFECTED GENERAL APPROPRIATIONS ACT LINE ITEM, IF APPLICABLE; AND

(E) AN EVALUATION OF THE EFFECTIVENESS IN ACHIEVING THE GOALS SET FORTH IN SECTION 24-50-901 of the implemented idea and the honorary award to the employee.".

Page 10, line 26, strike "(III)" and substitute "(II)".

Page 12, strike lines 6 through 19.

Page 12, line 20, strike "(IV)" and substitute "(III)".

Page 12, strike lines 23 through 27.

Page 13, strike lines 1 through 8.

Renumber succeeding subsection accordingly.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge		Morse		Y Spence	Y
Boyd	Y	Hudak	Y	Newell		Y Steadman	Y
Brophy	Y	Johnston	Y	Penry		Y Tapia	Y
Cadman	Y	Keller		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		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	28	NO	6	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Ν	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Ν	Keller	Y	Renfroe	Ν	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	Ν	Lundberg	Ν	Schultheis	Ν	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, Gibbs, Newell, Penry, Romer and Williams.

HB10-1200 by Representative(s) Hullinghorst; also Senator(s) Heath--Concerning a temporary requirement that a taxpayer defer claiming any amount of an enterprise zone investment income tax credit that exceeds two hundred fifty thousand dollars.

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

YES	16	NO	18	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse		Y Spence	N
Boyd	Y	Hudak	Y	Newell		Y Steadman	Y
Brophy	Ν	Johnston	Y	Penry		N Tapia	Ν
Cadman	Ν	Keller	Y	Renfroe		N Tochtrop	Y
Carroll M.	Y	Kester	Ν	Romer		N White	Ν
Foster	Y	King K.	Ν	Sandoval		N Whitehead	Ν
Gibbs	Y	Kopp	E	Scheffel		N Williams	Y
Harvey	Ν	Lundberg	Ν	Schultheis		N President	Y
Heath	Y	Mitchell	Ν	Schwartz		Ν	

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

HB10-1032 by Representative(s) Frangas, Apuan, Massey; also Senator(s) Boyd, Foster, Schwartz--Concerning behavioral health crisis response services.

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	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Ν	Johnston	Y	Penry	N	Tapia	Y
Cadman	Ν	Keller		Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Ν	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	E	Scheffel	N	Williams	Y
Harvey	Ν	Lundberg	Ν	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y	•	

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

Co-sponsors added: Newell and Tochtrop.

RECONSIDERATION OF HB10-1200

HB10-1200 by Representative(s) Hullinghorst; also Senator(s) Heath--Concerning a temporary requirement that a taxpayer defer claiming any amount of an enterprise zone investment income tax credit that exceeds two hundred fifty thousand dollars.

Senator Penry moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **HB10-1200**. The roll call was taken with the following result:

YES	20	NO	14	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Ν
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Ν	Johnston	Y	Penry	Ν	Tapia	Ν
Cadman	Ν	Keller	Y	Renfroe		Tochtrop	Y
Carroll M.	Y	Kester	Ν	Romer	Y	White	Ν
Foster	Y	King K.	Ν	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	E	Scheffel	Ν	Williams	Y
Harvey	Ν	Lundberg	Ν	Schultheis	Ν	President	Y
Heath	Y	Mitchell	Ν	Schwartz	Y		

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

THIRD READING OF BILLS -- FINAL PASSAGE

HB10-1200 by Representative(s) Hullinghorst; also Senator(s) Heath--Concerning a temporary requirement that a taxpayer defer claiming any amount of an enterprise zone investment income tax credit that exceeds two hundred fifty thousand dollars.

Laid over until Tuesday, May 11, retaining its place on the calendar.

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

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

Third Reading Amendment No. 1(L.011), by Senator Scheffel.

Amend rerevised bill, strike everything below the enacting clause and substitute:

"**SECTION 1.** Part 8 of article 20 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

13-20-808. Insurance policies issued to construction professionals. (1) (a) The GENERAL ASSEMBLY FINDS AND DETERMINES THAT:

(I) The interpretation of insurance policies issued to construction professionals is of vital importance to the economic and social welfare of the citizens of Colorado and in furthering the purposes of this part 8.

(II) INSURANCE POLICIES ISSUED TO CONSTRUCTION PROFESSIONALS HAVE BECOME INCREASINGLY COMPLEX, OFTEN CONTAINING MULTIPLE, LENGTHY ENDORSEMENTS AND EXCLUSIONS CONFLICTING WITH THE REASONABLE EXPECTATIONS OF THE INSURED.

(III) THE CORRECT INTERPRETATION OF COVERAGE FOR DAMAGES ARISING OUT OF CONSTRUCTION DEFECTS IS IN THE BEST INTEREST OF INSURERS, CONSTRUCTION PROFESSIONALS, AND PROPERTY OWNERS.

(b) THE GENERAL ASSEMBLY DECLARES THAT:

(I) THE POLICY OF COLORADO FAVORS THE INTERPRETATION OF INSURANCE COVERAGE BROADLY FOR THE INSURED.

(II) THE LONG-STANDING AND CONTINUING POLICY OF COLORADO FAVORS A BROAD INTERPRETATION OF AN INSURER'S DUTY TO DEFEND THE INSURED UNDER LIABILITY INSURANCE POLICIES AND THAT THIS DUTY IS A FIRST-PARTY BENEFIT TO AND CLAIM ON BEHALF OF THE INSURED.

(III) THE DECISION OF THE COLORADO COURT OF APPEALS IN

GENERAL SECURITY INDEMNITY COMPANY OF ARIZONA V. MOUNTAIN STATES MUTUAL CASUALTY COMPANY, 205 P.3d 529 (COLO. APP. 2009) DOES NOT PROPERLY CONSIDER A CONSTRUCTION PROFESSIONAL'S REASONABLE EXPECTATION THAT AN INSURER WOULD DEFEND THE CONSTRUCTION PROFESSIONAL AGAINST AN ACTION OR NOTICE OF CLAIM CONTEMPLATED BY THIS PART 8.

 $(IV)\ For the purposes of guiding pending and future actions interpreting liability insurance policies issued to construction professionals, what has been and continues to be the policy of Colorado is hereby clarified and confirmed in the interpretation of insurance policies that have been and may be issued to construction professionals.$

(2) FOR THE PURPOSES OF THIS SECTION:

(a) "INSURANCE" HAS THE SAME MEANING AS SET FORTH IN SECTION 10-1-102, C.R.S.

(b) "Insurer" has the same meaning as set forth in section 10-1-102, C.R.S.

(c) "INSURANCE POLICY" MEANS A CONTRACT OF INSURANCE.

(d) "LIABILITY INSURANCE POLICY" MEANS A CONTRACT OF INSURANCE THAT COVERS OCCURRENCES OF DAMAGE OR INJURY DURING THE POLICY PERIOD AND INSURES A CONSTRUCTION PROFESSIONAL FOR LIABILITY ARISING FROM CONSTRUCTION-RELATED WORK.

(3) IN INTERPRETING A LIABILITY INSURANCE POLICY ISSUED TO A CONSTRUCTION PROFESSIONAL, A COURT SHALL PRESUME THAT THE WORK OF A CONSTRUCTION PROFESSIONAL THAT RESULTS IN PROPERTY DAMAGE, INCLUDING DAMAGE TO THE WORK ITSELF OR OTHER WORK, IS AN ACCIDENT UNLESS THE PROPERTY DAMAGE IS INTENDED AND EXPECTED BY THE INSURED. NOTHING IN THIS SUBSECTION (3):

(a) REQUIRES COVERAGE FOR DAMAGE TO AN INSURED'S OWN WORK UNLESS OTHERWISE PROVIDED IN THE INSURANCE POLICY; OR

(b) CREATES INSURANCE COVERAGE THAT IS NOT INCLUDED IN THE INSURANCE POLICY.

(4) (a) UPON A FINDING OF AMBIGUITY IN AN INSURANCE POLICY, A COURT MAY CONSIDER A CONSTRUCTION PROFESSIONAL'S OBJECTIVE, REASONABLE EXPECTATIONS IN THE INTERPRETATION OF AN INSURANCE POLICY ISSUED TO A CONSTRUCTION PROFESSIONAL.

(b) IN CONSTRUING AN INSURANCE POLICY TO MEET A CONSTRUCTION PROFESSIONAL'S OBJECTIVE, REASONABLE EXPECTATIONS, THE COURT MAY CONSIDER THE FOLLOWING:

(I) THE OBJECT SOUGHT TO BE OBTAINED BY THE CONSTRUCTION PROFESSIONAL IN THE PURCHASE OF THE INSURANCE POLICY; AND

(II) WHETHER A CONSTRUCTION DEFECT HAS RESULTED, DIRECTLY OR INDIRECTLY, IN BODILY INJURY, PROPERTY DAMAGE, OR LOSS OF THE USE OF PROPERTY.

(c) IN CONSTRUING AN INSURANCE POLICY TO MEET A CONSTRUCTION PROFESSIONAL'S OBJECTIVE, REASONABLE EXPECTATIONS, A COURT MAY CONSIDER AND GIVE WEIGHT TO ANY WRITING CONCERNING THE INSURANCE POLICY PROVISION IN DISPUTE THAT IS NOT PROTECTED FROM DISCLOSURE BY THE ATTORNEY-CLIENT PRIVILEGE, WORK-PRODUCT PRIVILEGE, OR ARTICLE 72 OF TITLE 24, C.R.S., AND THAT IS GENERATED, APPROVED, ADOPTED, OR RELIED ON BY THE INSURER OR ITS PARENT OR SUBSIDIARY COMPANY; OR AN INSURANCE RATING OR POLICY DRAFTING ORGANIZATION, SUCH AS THE INSURANCE SERVICES OFFICE, INC., OR ITS PREDECESSOR OR SUCCESSOR ORGANIZATION; EXCEPT THAT SUCH WRITING SHALL NOT BE USED TO RESTRICT, LIMIT, EXCLUDE, OR

CONDITION COVERAGE OR THE INSURER'S OBLIGATION BEYOND THAT WHICH IS REASONABLY INFERRED FROM THE WORDS USED IN THE INSURANCE POLICY.

(5) IF AN INSURANCE POLICY PROVISION THAT APPEARS TO GRANT OR RESTORE COVERAGE CONFLICTS WITH AN INSURANCE POLICY PROVISION THAT APPEARS TO EXCLUDE OR LIMIT COVERAGE, THE COURT SHALL CONSTRUE THE INSURANCE POLICY TO FAVOR COVERAGE IF REASONABLY AND OBJECTIVELY POSSIBLE.

(6) IF AN INSURER DISCLAIMS OR LIMITS COVERAGE UNDER A LIABILITY INSURANCE POLICY ISSUED TO A CONSTRUCTION PROFESSIONAL, THE INSURER SHALL BEAR THE BURDEN OF PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT:

(a) ANY POLICY'S LIMITATION, EXCLUSION, OR CONDITION IN THE INSURANCE POLICY BARS OR LIMITS COVERAGE FOR THE INSURED'S LEGAL LIABILITY IN AN ACTION OR NOTICE OF CLAIM MADE PURSUANT TO SECTION 13-20-803.5 CONCERNING A CONSTRUCTION DEFECT; AND

(b) ANY EXCEPTION TO THE LIMITATION, EXCLUSION, OR CONDITION IN THE INSURANCE POLICY DOES NOT RESTORE COVERAGE UNDER THE POLICY.

(7) (a) AN INSURER'S DUTY TO DEFEND A CONSTRUCTION PROFESSIONAL OR OTHER INSURED UNDER A LIABILITY INSURANCE POLICY ISSUED TO A CONSTRUCTION PROFESSIONAL SHALL BE TRIGGERED BY A POTENTIALLY COVERED LIABILITY DESCRIBED IN:

(I) A NOTICE OF CLAIM MADE PURSUANT TO SECTION 13-20-803.5; OR

(II) A COMPLAINT, CROSS-CLAIM, COUNTERCLAIM, OR THIRD-PARTY CLAIM FILED IN AN ACTION AGAINST THE CONSTRUCTION PROFESSIONAL CONCERNING A CONSTRUCTION DEFECT.

(b) (I) AN INSURER SHALL DEFEND A CONSTRUCTION PROFESSIONAL WHO HAS RECEIVED A NOTICE OF CLAIM MADE PURSUANT TO SECTION 13-20-803.5 REGARDLESS OF WHETHER ANOTHER INSURER MAY ALSO OWE THE INSURED A DUTY TO DEFEND THE NOTICE OF CLAIM UNLESS AUTHORIZED BY LAW. IN DEFENDING THE CLAIM, THE INSURER SHALL:

(A) REASONABLY INVESTIGATE THE CLAIM; AND

(B) REASONABLY COOPERATE WITH THE INSURED IN THE NOTICE OF CLAIMS PROCESS.

 $(II) \ This paragraph (b) does not require the insurer to retain legal counsel for the insured or to pay any sums toward settlement of the notice of claim that are not covered by the insurance policy.$

(III) AN INSURER SHALL NOT WITHDRAW ITS DEFENSE OF AN INSURED CONSTRUCTION PROFESSIONAL OR COMMENCE AN ACTION SEEKING REIMBURSEMENT FROM AN INSURED FOR EXPENDED DEFENSE COST UNLESS AUTHORIZED BY LAW AND UNLESS THE INSURER HAS RESERVED SUCH RIGHT IN WRITING WHEN ACCEPTING OR ASSUMING THE DEFENSE OBLIGATION.

SECTION 2. Part 1 of article 4 of title 10, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

10-4-110.4. Exclusion - claims involving loss in progress not known to insured. (1) A PROVISION IN A LIABILITY INSURANCE POLICY ISSUED TO A CONSTRUCTION PROFESSIONAL EXCLUDING OR LIMITING COVERAGE FOR ONE OR MORE CLAIMS ARISING FROM BODILY INJURY, PROPERTY DAMAGE, ADVERTISING INJURY, OR PERSONAL INJURY THAT OCCURS BEFORE THE POLICY'S INCEPTION DATE AND THAT CONTINUES, WORSENS, OR PROGRESSES WHEN THE POLICY IS IN EFFECT IS VOID AND UNENFORCEABLE IF THE EXCLUSION OR LIMITATION APPLIES TO AN INJURY OR DAMAGE THAT WAS UNKNOWN TO THE INSURED AT THE POLICY'S INCEPTION DATE.

(2) ANY PROVISION IN AN INSURANCE POLICY ISSUED IN VIOLATION OF THIS SECTION IS VOID AND UNENFORCEABLE AS AGAINST PUBLIC POLICY. A COURT SHALL CONSTRUE AN INSURANCE POLICY CONTAINING A PROVISION THAT IS UNENFORCEABLE UNDER THIS SECTION AS IF THE PROVISION WAS NOT A PART OF THE POLICY WHEN THE POLICY WAS ISSUED.

(3) THIS SECTION APPLIES ONLY TO AN INSURANCE POLICY THAT COVERS OCCURRENCES OF DAMAGE OR INJURY DURING THE POLICY PERIOD AND THAT INSURES A CONSTRUCTION PROFESSIONAL FOR LIABILITY ARISING FROM CONSTRUCTION-RELATED WORK.

SECTION 3. Applicability. This act applies to all insurance policies currently in existence or issued on or after the effective date of this act.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.".

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

YES	34	NO	0		EXCUSED	1		ABSENT	0
Bacon	Y	Hodge			Morse		Y	Spence	Y
Boyd	Y	Hudak		Y	Newell		Y	Steadman	Y
Brophy	Y	Johnston		Y	Penry		Y	Tapia	Y
Cadman	Y	Keller			Renfroe		Y	Tochtrop	Y
Carroll M.	Y	Kester		Y	Romer			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		

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

YES	30	NO	4	EXCUSED	1	ABSENT	0
Bacon	Ν	Hodge	Y	Morse	γ	Spence	Y
Boyd	Y	Hudak	Y	Newell	Ŋ	Steadman	Y
Brophy	Ν	Johnston	Y	Penry	Ŋ	7 Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Ŋ	7 Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Ŋ	White White	Ν
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs		Kopp	E	Scheffel	Ŋ	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Ŋ	President	Ν
Heath		Mitchell	Y	Schwartz	λ	7	

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

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB10-207 was made Special Orders at 3:08 p.m.

Committee of the Whole The hour of 3:08 p.m. having arrived, Senator Tapia moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Tapia was called to the chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bill,

reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB10-207 by Senator(s) Johnston and Romer; also Representative(s) Tyler--Concerning authorization for the state treasurer to enter into lease-purchase agreements on behalf of the state to finance capital construction projects proposed by the governor's energy office that improve the energy efficiency of state capital facilities, and making an appropriation in connection therewith.

<u>Amendment No. 1, Finance Committee Amendment</u>. (Printed in Senate Journal, May 5, page 1215 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, May 7, pages 1283-1284 and placed in members' bill files.)

As amended, ordered engrossed 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 Tapia, the report of the Committee of the Whole was adopted on the following roll call vote:

YES	26	NO	8	EXCUSED	1		ABSENT	0
Bacon	Y	Hodge	Y	Morse		Y	Spence	Y
Boyd	Y	Hudak	Y	Newell		Y	Steadman	Y
Brophy	Ν	Johnston	Y	Penry		Y	Tapia	Y
Cadman	Ν	Keller	Y	Renfroe			Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer		Y	White	Ν
Foster	Y	King K.	Ν	Sandoval		Y	Whitehead	Y
Gibbs	Y	Kopp	E	Scheffel		Y	Williams	Y
Harvey		Lundberg	Ν	Schultheis		Ν	President	Y
Heath		Mitchell	Y	Schwartz		Y		

The Committee of the Whole took the following action:

Passed on second reading: SB10-207 as amended.

On motion of Senator Tapia, the Senate resolved itself into the Committee of the Committee of the Whole 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:

HB10-1009 by Representative(s) Miklosi, Pace, Ryden; also Senator(s) Hodge, Carroll M., Tochtrop--Concerning the board of directors of Pinnacol Assurance.

Amendment No. 1(L.005), by Senator Hodge.

Amend reengrossed bill, page 2, strike lines 2 through 23.

Page 3, strike lines 1 through 11.

Renumber succeeding sections accordingly.

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

HB10-1402 by Representative(s) Riesberg, McFadyen; also Senator(s) Bacon, Schwartz--Concerning legislative authorization of a privately run fund-raising campaign using cause-related marketing for the essential restoration of the cast iron structure of the Colorado state capitol dome, and making an appropriation therefor.

<u>Amendment No. 1, Finance Committee Amendment</u>. (Printed in Senate Journal, May 5, page 1215 and placed in members' bill files.)

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

SCR10-002 by Senator(s) Williams and Romer, Bacon, Hudak, Shaffer B.; also Representative(s) Benefield, Frangas, McKinley, Merrifield, Middleton, Peniston, Rice, Scanlan, Schafer S., Solano, Todd, Apuan, Casso, Fischer, Gagliardi, Kagan, Labuda, Levy, McCann, Miklosi, Pace, Pommer, Primavera, Ryden, Soper, Tyler, Vigil, Weissmann--Submitting to the registered electors of the state of Colorado an amendment to article IX of the constitution of the state of Colorado, concerning the authority of the general assembly to generate additional state revenues for funding preschool through postsecondary public education without prior voter approval, and, in connection therewith, notwithstanding the prior voter approval requirement of section 20 (4) (a) of article X of the state constitution, allowing the general assembly to enact statutes that result in additional state revenues to be used to fund preschool through postsecondary public education and exempting any additional state revenues raised for this purpose from the constitutional limitations on fiscal year spending.

Laid over until Tuesday, May 11, retaining its place on the calendar.

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

<u>Amendment No. 1, State, Veterans & Military Affairs Committee Amendment</u>. (Printed in Senate Journal, April 29, pages 1074-1077 and placed in members' bill files.)

Amendment No. 2(L.006), by Senator Heath.

Amend the State, Veterans, & Military Affairs Report, dated April 28, 2010, page 4, line 15, strike "NO MEASURE SHALL" and substitute "A MEASURE SHALL NOT".

Page 4, strike lines 22 and 23 and substitute:

"(III) THE MEASURE DOES NOT INCLUDE ANY NEW LANGUAGE TO BE ADDED TO THIS CONSTITUTION, EXCEPT AS IS NECESSARY, IN THE DISCRETION OF THE COMMISSION, TO MAKE TECHNICAL, CONFORMING AMENDMENTS OR TO RECONCILE ANY CONFLICTS OR INCONSISTENCIES THAT EXIST IN THIS CONSTITUTION; AND".

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

Amend printed the State, Veterans, & Military Affairs Report, dated April 28, 2010, page 6, strike lines 1 through 10 and substitute:

"(b) SUBSEQUENT TO ANY PUBLIC HEARING REQUIRED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6), THE GENERAL ASSEMBLY SHALL CONSIDER A JOINT RESOLUTION TO APPROVE THE MEASURE. IF THE JOINT RESOLUTION IS ADOPTED BY A VOTE OF TWO-THIRDS OF ALL THE MEMBERS ELECTED TO EACH HOUSE, THE MEASURE SHALL BE SUBMITTED TO THE VOTERS AT THE NEXT GENERAL ELECTION. IF THE JOINT RESOLUTION IS NOT ADOPTED BY A VOTE OF TWO-THIRDS OF ALL THE MEMBERS ELECTED TO EACH HOUSE, THE MEASURE SHALL NOT BE SUBMITTED TO THE VOTERS AT THE NEXT GENERAL ELECTION. IN NO CASE SHALL THE GENERAL ASSEMBLY HAVE THE POWER TO CHANGE A MEASURE IN ANY WAY.". Page 6, line 25, after "BY" insert "TWO-THIRDS OF EACH HOUSE OF".

Page 7, line 9, after "BY" insert "TWO-THIRDS OF EACH HOUSE OF".

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.)

SCR10-003by Senator(s) Tapia and White, Heath, Penry, Boyd, Hodge, Keller, Kester, Romer, Shaffer11B.; also Representative(s) Court--Submitting to the registered electors of the state of12Colorado an amendment to section 1 of article V of the constitution of the state of Colorado,13concerning initiated constitutional amendments, and, in connection therewith, requiring at14least five percent of the minimum total number of signatures for a petition for an initiated15constitutional amendment to be gathered from residents of each state congressional district16and, with certain specified exceptions, requiring at least sixty percent voter approval for a17proposed initiated constitutional amendment to become part of the constitution.18

<u>Amendment No. 1, State, Veterans & Military Affairs Committee Amendment</u>. (Printed in Senate Journal, April 29, pages 1108-1129 and placed in members' bill files.)

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

Amend printed concurrent resolution, page 3, line 22, strike "measure." and substitute "measure; EXCEPT THAT THE GENERAL ASSEMBLY SHALL NOT AMEND, REPEAL, OR SUPERSEDE AN INITIATED LAW FOR A PERIOD OF THREE YEARS FROM THE DATE THE LAW TAKES EFFECT UNLESS APPROVED BY A VOTE OF TWO-THIRDS OF ALL THE MEMBERS ELECTED TO EACH HOUSE.".

Page 5, line 2, strike "INITIATED CONSTITUTIONAL".

Page 5, line 3, strike "AMENDMENTS," and substitute "BALLOT INITIATIVES,".

Page 5, line 6, strike "DISTRICT".

Page 5, line 7, strike "AND," and substitute "DISTRICT;".

Page 5, line 9, strike "CONSTITUTION?"" and substitute "CONSTITUTION; AND REQUIRING A TWO-THIRDS VOTE FOR THE GENERAL ASSEMBLY TO AMEND, REPEAL, OR SUPERSEDE AN INITIATED LAW FOR A PERIOD OF THREE YEARS AFTER THE LAW BECOMES EFFECTIVE?"".

Page 1, line 104, strike "INITIATED CONSTITUTIONAL AMENDMENTS," and substitute "BALLOT INITIATIVES,".

Page1, line 109, strike "DISTRICT AND," and substitute "DISTRICT;".

Page 1, line 112, strike "CONSTITUTION." and substitute "CONSTITUTION; AND REQUIRING A TWO-THIRDS VOTE FOR THE GENERAL ASSEMBLY TO AMEND, REPEAL, OR SUPERSEDE AN INITIATED LAW FOR A PERIOD OF THREE YEARS AFTER THE LAW BECOMES EFFECTIVE.".

Amendment No. 3(L.005), by Senator Brophy.

Amend printed concurrent resolution, page 3, strike line 27.

Page 4, strike lines 1 through 24 and substitute "CAST THEREON.".

Page 5, line 7, strike "AND, WITH CERTAIN SPECIFIED EXCEPTIONS," and substitute "AND".

Page 1, line 109, strike "AND, WITH CERTAIN SPECIFIED".

Page 1, line 110, strike "EXCEPTIONS," and substitute "AND".

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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.)

HB10-1405 by Representative(s) Vaad and Pommer, Baumgardner, King S., Liston, Looper, May, McKinley, McNulty, Primavera, Swalm; also Senator(s) Spence and Tochtrop--Concerning a study of the options for devolution of state highways that are commuter highways to local governments.

Amendment No. 1, Transportation Committee Amendment. (Printed in Senate Journal, May 4, page 1193 and placed in members' bill files.)

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

Amend reengrossed bill, page 3, line 13, after "HAVE" insert "CONSULTED WITH THE AFFECTED METROPOLITAN PLANNING ORGANIZATIONS IN THE CONDUCT OF THE STUDY,".

Page 3, line 16, strike "INPUT" and substitute "INPUT, AND PRESENTED THE RECOMMENDATIONS TO THE BOARDS OF THE AFFECTED METROPOLITAN PLANNING ORGANIZATIONS FOR REVIEW AND COMMENT".

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

HB10-1418 by Representative(s) McFadyen and Sonnenberg; also Senator(s) Bacon--Concerning requirements applicable to community-based projects that qualify for special treatment under the renewable energy portfolio standard.

<u>Amendment No. 1, Transportation Committee Amendment</u>. (Printed in Senate Journal, May 6, page 1263 and placed in members' bill files.)

Amendment No. 2(L.009), by Senator Bacon.

Amend the Transportation Committee Report, dated May 6, 2010, page 1, after line 3 insert:

"Page 3 of the reengrossed bill, line 13, after "COUNTED" insert "FOR THE LIFE OF THE PROJECT".".

Page 1 of the report, after line 8 insert:

"Page 3 of the bill, line 18, after the period insert "FOR QUALIFYING RETAIL UTILITIES OTHER THAN INVESTOR-OWNED UTILITIES, THE BENEFITS DESCRIBED IN THIS SUBPARAGRAPH (IX) APPLY ONLY TO THE AGGREGATE FIRST ONE HUNDRED MEGAWATTS OF NAMEPLATE CAPACITY OF PROJECTS STATEWIDE THAT REPORT HAVING ACHIEVED COMMERCIAL OPERATIONS TO THE COMMISSION PURSUANT TO THE PROCEDURE DESCRIBED IN THIS SUBPARAGRAPH (IX)."."

Page 1 of the report, line 15, strike "TRANSITION" and substitute "EXPIRATION".

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

HB10-1400 by Representative(s) Apuan, Ferrandino; also Senator(s) Johnston, Steadman--Concerning refund anticipation loan facilitators, and, in connection therewith, requiring refund anticipation loan facilitators to be registered as electronic return originators with the federal internal revenue service and to make certain disclosures when facilitating refund anticipation loans.

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

HB10-1417 by Representative(s) Peniston, Casso, Court, Frangas, Gagliardi, Kefalas, Kerr A., Levy, Merrifield, Middleton, Pace, Primavera, Ryden, Schafer S., Todd; also Senator(s) Williams, Bacon, Boyd, Carroll M., Foster, Heath, Hudak, Keller, Morse, Newell, Romer, Sandoval, Steadman, Tapia, Tochtrop--Concerning the creation of the pay equity commission within the department of labor and employment.

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

HB10-1019 by Representative(s) Frangas, Fischer, McFadyen, Merrifield, Primavera, Tyler; also Senator(s) Williams, Gibbs, Romer--Concerning parking privileges for people with disabilities, and making an appropriation therefor.

<u>Amendment No. 1, Transportation Committee Amendment</u>. (Printed in Senate Journal, May 4, pages 1195-1196 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment. (Printed in Senate Journal, May 6, page 1250 and placed in members' bill files.)

Amendment No. 3(L.018), by Senator Williams.

Amend the Transportation Committee Report, dated May 4, 2010, page 1, line 14, after "PLATE" insert "OR PLACARD".

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

HB10-1347 by Representative(s) Levy; also Senator(s) Morse--Concerning misdemeanor penalties for persons who are convicted of multiple traffic offenses involving alcohol or drugs, and making an appropriation therefor.

<u>Amendment No. 1, Judiciary Committee Amendment</u>. (Printed in Senate Journal, May 6, pages 1173-1176 and placed in members' bill files.)

Amendment No. 2(L.016), by Senator Morse.

Amend the Judiciary Committee Report dated May 3, 2010, page 1, strike lines 7 through 18 and substitute:

""(b) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (3), AND EXCEPT AS DESCRIBED IN PARAGRAPHS (a) AND (b) OF SUBSECTION (5) AND PARAGRAPH (a) OF SUBSECTION (6) OF THIS SECTION, A PERSON WHO IS CONVICTED OF DUI OR DUI PER SE WHEN THE PERSON'S BAC WAS 0.20 OR MORE AT THE TIME OF DRIVING OR WITHIN TWO HOURS AFTER DRIVING SHALL BE PUNISHED BY IMPRISONMENT IN THE COUNTY JAIL FOR AT LEAST TEN CONSECUTIVE DAYS BUT NOT MORE THAN ONE YEAR; EXCEPT THAT THE COURT SHALL HAVE THE DISCRETION TO EMPLOY THE SENTENCING ALTERNATIVES DESCRIBED IN SECTION 18-1.3-106, C.R.S.".

Page 2 of the report, strike lines 1 through 10.

Page 2 of the report, strike lines 20 through 31 and substitute:

""(b) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (3), AND EXCEPT AS DESCRIBED IN PARAGRAPHS (a) AND (b) OF SUBSECTION (5) AND PARAGRAPH (a) OF SUBSECTION (6) OF THIS SECTION, A PERSON WHO IS CONVICTED OF DWAI WHEN THE PERSON'S BAC WAS 0.20 OR MORE AT THE TIME OF DRIVING OR WITHIN TWO HOURS AFTER DRIVING SHALL BE PUNISHED BY IMPRISONMENT IN THE COUNTY JAIL FOR AT LEAST TEN CONSECUTIVE DAYS BUT NOT MORE THAN ONE YEAR; EXCEPT THAT THE COURT SHALL HAVE THE DISCRETION TO EMPLOY THE SENTENCING ALTERNATIVES DESCRIBED IN SECTION 18-1.3-106, C.R.S.".

Page 3 of the report, strike lines 1 through 10.

Page 3 of the report, strike line 22 and substitute:

"Page 5, line 22, strike "DURING".

Page 5, strike lines 23 through 27.

Page 6, strike lines 1 through 8.".

Page 3 of the report, after line 26, insert:

"Page 7, line 11, strike "(A)" and substitute "(I)".

Page 7, line 13, strike "(B)" and substitute "(II)".

Page 7, line 16, strike "(C)" and substitute "(III)".".

Page 4 of the report, line 1, strike "(b) OR (c)" and substitute "(a) OR (b)".

Page 4 of the report, strike line 3 and substitute "TO SECTION 18-1.3-106, C.R.S., THE".

Page 5 of the report, line 7, strike "(IV)" and substitute "(I)".

Page 5 of the report, after line 7, insert:

"Page 10, line 17, strike "(I)" and substitute "(IV)".".

Page 6 of the report, after line 6, add:

"Page 15, line 15, after "OF" insert "ANY SENTENCE TO".

Page 18, line 12, strike "IMPRISONED." and substitute "IMPRISONED FOR THE CURRENT OFFENSE.".".

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

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

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

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

HB10-1349 by Representative(s) Fischer and Pace; also Senator(s) Schwartz and Tapia--Concerning the 39 use of renewable energy resources to supply the energy needs of state government, and, in 40 connection therewith, commissioning the creation of a statewide map of available renewable 41 energy generation areas on state lands and establishing the "Re-energize Colorado" program 42 in the division of parks and outdoor recreation in the department of natural resources, and making an appropriation therefor. 44

Amendment No. 1, Local Government & Energy Committee Amendment. (Printed in Senate Journal, May 5, page 1201 and placed in members' bill files.)

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

Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 7:45 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in Recess

Senate in Recess. Senate Reconvened.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & After consideration on the merits, the Committee recommends that **HB10-1409** be amended as follows, and as so amended, be referred to the Committee of the Whole with

Military favorable recommendation.

Amend reengrossed bill, page 7, strike lines 4 through 16 and substitute:

"(C) SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II) SHALL APPLY IN FISCAL YEARS IN WHICH THE GENERAL ASSEMBLY MAKES AN APPROPRIATION FOR ADVANCEMENTS TO HIGHER SALARY RATES IN THE ANNUAL GENERAL APPROPRIATION ACT FOR SUCH FISCAL YEAR.".

Page 7, line 18, strike "DIRECTOR AND" and substitute "DIRECTOR,".

Page 7, line 19, after "GOVERNMENT," insert "AND THE PRESIDENTS OF THE COLLEGES AND UNIVERSITIES,".

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB10-045** be postponed indefinitely.

MESSAGE FROM THE HOUSE

May 10, 2010

The House has postponed indefinitely SB10-210, 040. The bills are returned herewith.

The House has passed on Third Reading and returns herewith SB10-197, 196.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB10-114, amended as printed in House Journal, May 5, pages 1634-1635 and on Third Reading as printed in House Journal May 10. SB10-003, amended as printed in House Journal, May 7, page 1703, and on Third Reading as printed in House Journal, May 10. SB10-012, amended as printed in House Journal, May 7, page 1704. SB10-013, amended as printed in House Journal, May 7, page 1704. SB10-124, amended as printed in House Journal, May 7, page 1705. SB10-199, amended as printed in House Journal, May 7, page 1705.

House Journal, May 10. The House has adopted and transmits herewith HJR10-1025, and amended as printed in House Journal, May 10. The House has adopted and transmits herewith HJR10-1028, and amended as printed in House Journal, May 10.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

HJR10-1024 by Representative(s) Scanlan, Curry, Gerou, King S., Levy, Massey, Nikkel, Roberts, Vigil; also Senator(s) Gibbs--Concerning the Colorado bark beetle epidemic.

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

HJR10-1025 by Representative(s) Primavera, Benefield, Frangas, Merrifield; also Senator(s) Spence-- 59 Concerning recognition of the history of the disability rights movement, and, in connection 60 therewith, proclaiming Disability History Week in Colorado. 61

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

HJR10-1028 by Representative(s) Kerr A., Apuan, Benefield, Casso, Court, Hullinghorst, McCann, Merrifield, Middleton, Miklosi, Pace, Scanlan, Solano, Todd, Tyler, Vigil; also Senator(s) Williams, Bacon, Foster, Gibbs, Heath, Hudak, Johnston, Morse, Newell, Romer, Sandoval, Schwartz, Steadman, Tapia, Tochtrop--Concerning a request for the United States Congress to adopt legislation that promotes jobs and innovative energy development, heightens national energy and economic security, positions the United States to be an international leader in the field of clean energy, and addresses the consequences of climate change without preempting states' rights to control emissions or promote renewable energy.

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

Committee of the Whole Reconvened.

GENERAL ORDERS -- SECOND READING OF BILLS -- con't

HB10-1285 by Representative(s) Priola, Casso, Kefalas, Looper, McFadyen, Rice, Acree, Apuan, Bradford, Frangas, Kerr A., Kerr J., Lambert, Liston, Massey, Middleton, Nikkel, Schafer S., Stephens, Summers, Vaad, Waller; also Senator(s) Tapia, Hudak, Hodge--Concerning an increase in fines to fund tax incentives for commercial vehicles, and making an appropriation in connection therewith.

> <u>Amendment No. 1, Appropriations Committee Amendment</u>. (Printed in Senate Journal, May 6, page 1252 and placed in members' bill files.)

As amended, lost on second reading.

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

HB10-1345 by Representative(s) Carroll T.; also Senator(s) Steadman and King K.--Concerning the granting of emergency powers during emergency situations at charter schools.

<u>Amendment No. 1, Education Committee Amendment</u>. (Printed in Senate Journal, May 6, page 1267 and placed in members' bill files.)

Amendment No. 2(L.017), by Senator Steadman.

Amend reengrossed bill, page 5, line 1, strike "**process.**" and substitute "**process - rules.**".

Page 5, line 18, strike "AUTHORIZER'S ATTORNEY" and substitute "AUTHORIZER".

Page 11, line 5, strike "THE FIDUCIARY AND" and substitute "THE CHARTER SCHOOL AND ITS EMPLOYEES.".

Page 11, strike lines 6 through 8.

Page 11, line 9, strike "OF THE ORDER.".

Page 12, line 8, strike "CHARTER RESPONDENT" and substitute "PARTY ASSERTING AN INCONSISTENCY".

Page 13, after line 5 insert:

"(18) THE STATE BOARD IS AUTHORIZED TO ADOPT RULES, PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., FOR THE IMPLEMENTATION OF THIS SECTION.

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

HB10-1412 by Representative(s) Carroll T.; also Senator(s) Johnston and Spence--Concerning the creation of the charter school and charter authorizer standards review committee.

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

Amend reengrossed bill, page 2, line 18, strike "CHARTER SCHOOL

LEADER;" and substitute "REPRESENTATIVE OF A BOARD OF COOPERATIVE SERVICES;".

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

HB10-1408 by Representative(s) Weissmann; also Senator(s) Morse--Concerning statutory directions concerning congressional districts.

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

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

HB10-1422 by Representative(s) Gardner B., Kagan, Labuda, Levy, Roberts; also Senator(s) Brophy, Carroll M., Mitchell, Morse, Schwartz--Concerning the revision of statutes in the Colorado Revised Statutes, as amended, and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.

> <u>Amendment No. 1, Judiciary Committee Amendment</u>. (Printed in Senate Journal, May 6, pages 1247-1248 and placed in members' bill files.)

As amended, laid over until Tuesday, May 11, retaining its place on the calendar.

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SCR10-003 by Senator(s) Tapia and White, Heath, Penry, Boyd, Hodge, Keller, Kester, Romer, Shaffer B.; also Representative(s) Court--Submitting to the registered electors of the state of Colorado an amendment to section 1 of article V of the constitution of the state of Colorado, concerning initiated constitutional amendments, and, in connection therewith, requiring at least five percent of the minimum total number of signatures for a petition for an initiated constitutional amendment of each state congressional district and, with certain specified exceptions, requiring at least sixty percent voter approval for a proposed initiated constitutional amendment to become part of the constitution.

Senator White moved to amend the Report of the Committee of the Whole to show that the following Brophy floor amendment, (L.005) SCR 10-003 did not pass.

Amend printed concurrent resolution, page 3, strike line 27.

Page 4, strike lines 1 through 24 and substitute "CAST THEREON.".

Page 5, line 7, strike "AND, WITH CERTAIN SPECIFIED EXCEPTIONS," and substitute "AND".

Page 1, line 109, strike "AND, WITH CERTAIN SPECIFIED".

Page 1, line 110, strike "EXCEPTIONS," and substitute "AND".

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Ν	Johnston	Y	Penry	Ν	Tapia	Y
Cadman	Ν	Keller	Y	Renfroe	Ν	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Ν	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Ν	Scheffel	Ν	Williams	Y
Harvey	Ν	Lundberg	Ν	Schultheis	Ν	President	Y
Heath		Mitchell	N	Schwartz	Y		

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

Senator Schultheis moved to amend the Report of the Committee of the Whole to show that the following Schultheis floor amendment, (L.008) to SCR 10-001 did pass.

Amend the State, Veterans, and Military Affairs Committee Report, dated April 28, 2010, page 4, after line 21 insert:

"(III) The measure does not amend, repeal, or supersede any provision of section 20 of article X of this constitution.".

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

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

Senator Brophy moved to amend the Report of the Committee of the Whole to show that the following Morse floor amendment, (L.002) to HB 10-1271, did pass.

Amend reengrossed bill, page 7, line 5, strike "2012" and substitute "2010".

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

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

HB10-1285 by Representative(s) Priola, Casso, Kefalas, Looper, McFadyen, Rice, Acree, Apuan, Bradford, Frangas, Kerr A., Kerr J., Lambert, Liston, Massey, Middleton, Nikkel, Schafer S., Stephens, Summers, Vaad, Waller; also Senator(s) Tapia, Hudak, Hodge--Concerning an increase in fines to fund tax incentives for commercial vehicles, and making an appropriation in connection therewith. Senator Tapia moved to amend the Report of the Committee of the Whole to show that HB 10-1285, as amended, did pass.

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

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

HB10-1408 by Representative(s) Weissmann; also Senator(s) Morse--Concerning statutory directions concerning congressional districts.

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following Penry floor amendment, (L.013) to HB 10-1408, did pass.

Amend reengrossed bill, strike everything below the enacting clause and substitute:

"SECTION 1. 2-1-102, Colorado Revised Statutes, is amended to read:

2-1-102. Neutral criteria for judicial determinations of congressional districts. (1) In determining whether one or more of the congressional districts established in section 2-1-101 are lawful and in adopting or enforcing any change to any such district, courts shall:

(a) Not utilize nonneutral factors. For purposes of this section, "nonneutral factors" include political party registration, political party election performance, and other factors that invite the court to speculate about the outcome of an election.

(b) Utilize only neutral factors in the order of precedence established in this paragraph (b). For purposes of this section, a "neutral factor" means:

(I) First, a good faith effort to achieve precise mathematical population equality between districts, justifying each variance, no matter how small, as required by the constitution of the United States. Each district shall consist of contiguous whole general election precincts. Districts shall not overlap.

(II) Second, compliance with the federal "Voting Rights Act of 1965", in particular 42 U.S.C. sec. 1973;

(III) Third, except when necessary to comply with subparagraph (I) or (II) of this paragraph (b), political subdivisions such as counties, cities, and towns shall be preserved intact and shall not be fragmented or dispersed across district lines. When applying this criterion, preservation of the most populous counties, cities, and towns shall take precedence. When county, city, or town boundaries are changed, adjustments, if any, in districts shall be as prescribed by law COMMUNITIES OF INTEREST, INCLUDING ETHNIC, CULTURAL, ECONOMIC, TRADE AREA, GEOGRAPHIC, AND DEMOGRAPHIC FACTORS, SHALL BE PRESERVED WITHIN A SINGLE DISTRICT WHENEVER POSSIBLE. TRADITIONAL COMMUNITIES OF INTEREST IN COLORADO INCLUDE THE WESTERN SLOPE, THE EASTERN PLAINS, AND THE AREA COVERING THE SAN LUIS VALLEY AND THE CITY OF PUEBLO.

(IV) Fourth, communities of interest, including ethnic, cultural, economic, trade area, geographic, and demographic factors, shall be preserved within a single district whenever possible. Traditional communities of interest in Colorado include the western slope and the eastern plains EACH CONGRESSIONAL

DISTRICT SHALL BE AS COMPACT IN AREA AS POSSIBLE, AND THE AGGREGATE LINEAR DISTANCE OF ALL DISTRICT BOUNDARIES SHALL BE AS SHORT AS POSSIBLE; AND

(V) Fifth, each congressional district shall be as compact in area as possible, and the aggregate linear distance of all district boundaries shall be as short as possible; and EXCEPT WHEN NECESSARY TO COMPLY WITH SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH (b), POLITICAL SUBDIVISIONS SUCH AS COUNTIES, CITIES, CITY AND COUNTIES, AND TOWNS SHALL BE PRESERVED INTACT AND SHALL NOT BE FRAGMENTED OR DISPERSED ACROSS DISTRICT LINES. WHEN APPLYING THIS CRITERION, PRESERVATION OF THE MOST POPULOUS COUNTIES, CITIES, CITY AND COUNTIES, AND TOWNS SHALL TAKE PRECEDENCE. WHEN COUNTY, CITY, CITY AND COUNTY, OR TOWN BOUNDARIES ARE CHANGED, ADJUSTMENTS, IF ANY, IN DISTRICTS SHALL BE AS PRESCRIBED BY LAW.

(VI) Sixth, disruption of prior district lines shall be minimized.

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.".

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

HB10-1422 by Representative(s) Gardner B., Kagan, Labuda, Levy, Roberts; also Senator(s) Brophy, Carroll M., Mitchell, Morse, Schwartz--Concerning the revision of statutes in the Colorado Revised Statutes, as amended, and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.

Senator Brophy moved to amend the Report of the Committee of the Whole to show that HB 10-1422, as amended, did pass.

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

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

HB10-1408 by Representative(s) Weissmann; also Senator(s) Morse--Concerning statutory directions concerning congressional districts.

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the following Mitchell floor amendment, (L.016) to HB 10-1408, did pass.

Amend reengrossed bill, page 2, after line 22 insert:

"(III) CREATING COMPETITIVE DISTRICTS.".

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

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:

YES	31	NO	4	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Ν	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Ν	Keller		Renfroe		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	Ν	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on second reading: SCR10-001 as amended, SCR10-003 as amended, HB10-1009 as amended, HB10-1402 as amended, HB10-1405 as amended, HB10-1418 as amended, HB10-1400, HB10-1417, HB10-1019 as amended, HB10-1347 as amended, HB10-1271 as amended, HB10-1349 as amended, HB10-1285 as amended, HB10-1345 as amended, HB10-1412 as amended, HB10-1408, HB10-1422 as amended. Laid over until Tuesday, May 11: SCR10-002, HB10-1181, HB10-1287.

MESSAGE FROM THE REVISOR OF STATUTES

May 10, 2010

We herewith transmit:

Without comment, as amended, SB10-003, 012, 013, 114, 124, and 199.

On motion of Senator Morse, and with a majority of those elected to the Senate having 64 voted in the affirmative, the balance of the calendar of Monday, May 10 was laid over until 65 Tuesday, May 11, retaining its place on the calendar. 66

Consideration of Resolutions: SJR10-047, SJR10-042. Consideration of House Amendments to Senate Bills: SB10-178, SB10-139, SB10-087, SB10-076, SB10-141, SB10-128, SB10-180.
Consideration of Governor's Appointments Members of the State Board of Parole Members of the Pinnacol Assurance Board of Directors Conference Committees to Report: HB10-1188.

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

Approved:

Brandon C. Shaffer President of the Senate

Attest:

Karen Goldman Secretary of the Senate