

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

51st Legislative Day Thursday, March 4, 2010

Prayer By the chaplain, Reverend Vern Rempel, First Mennonite Church of Denver. 11

Call to Order By the President at 9:00 a.m. 13

Pledge By Senator Brophy 16

Roll Call Present--32. 18
 Absent--1, King. 19
 Excused--2, Mitchell, Romer. 20
 Present later--3, King, Mitchell, Romer. 21

Quorum The President announced a quorum present. 23

Reading of Journal On motion of Senator Foster, reading of the Journal of Wednesday, March 3, 2010, was dispensed with and the Journal was approved as corrected by the Secretary. 25

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of resolutions. 31

CONSIDERATION OF RESOLUTIONS

SJR10-016 by Senator(s) Bacon; also Representative(s) Kefalas--Concerning the recognition of the Peace Corps on its forty-ninth anniversary. 38

On motion of Senator Bacon, the resolution was read at length and **adopted** by the following roll call vote: 41

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	E	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

Co-sponsors added: Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath, Hodge, Hudak, Johnston, Keller, Kester, King K., Kopp, Lundberg, Morse, Newell, Penry, Renfroe, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Steadman, Tapia, Tochtrop, White, Whitehead and Williams. 55

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR10-1013 by Representative(s) Gardner B., Soper; also Senator(s) Tochtrop, Morse--Concerning the United States balance of trade deficit. 64

On motion of Senator Tochtrop, the resolution was **adopted** by the following roll call 66

vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	E	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath, Hodge, Hudak, Johnston, Keller, Kester, King K., Kopp, Lundberg, Newell, Penry, Renfroe, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Steadman, Tapia, White, Whitehead and Williams.

MESSAGE FROM THE HOUSE

March 3, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1206, 1265, 1167, 1140.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1292, amended as printed in House Journal, March 1, page 610.
 HB10-1096, amended as printed in House Journal, March 1, page 610.
 HB10-1147, amended as printed in House Journal, March 1, pages 610-611.
 HB10-1329, amended as printed in House Journal, March 1, page 611.
 HB10-1333, amended as printed in House Journal, March 1, pages 611-612.
 HB10-1128, amended as printed in House Journal, March 1, pages 617-618.
 HB10-1240, amended as printed in House Journal, March 1, page 618.
 HB10-1053, amended as printed in House Journal, March 1, page 619.
 HB10-1218, amended as printed in House Journal, March 1, page 619.
 HB10-1271, amended as printed in House Journal, March 1, page 620.
 HB10-1131, amended as printed in House Journal, March 1, page 621.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB10-109, amended as printed in House Journal, March 1, pages 608-610, and amended on Third Reading as printed in House Journal, March 3.

The House has adopted and transmits herewith HJR10-1013, and amended as printed in House Journal, March 3.

The House has voted to concur in the Senate amendments to HB10-1055, 1306, 1318, and has repressed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB10-1339 and requests that a conference committee be appointed. The Speaker has appointed Representatives Pommer, chairman, Ferrandino, and Lambert as House conferees on the First Conference Committee on HB10-1339. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB10-1320 and requests that a conference committee be appointed. The Speaker has appointed Representatives Pommer, chairman, Lambert, and Ferrandino as House conferees on the First Conference Committee on HB10-1320. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB10-1327 and requests that a conference committee be appointed. The Speaker has appointed Representatives Pommer, chairman, Lambert, and Ferrandino as House conferees on the First Conference Committee on HB10-1327. The bill is transmitted herewith.

MESSAGE FROM THE REVISOR OF STATUTES

March 3, 2010

We herewith transmit:

Without comment, HB10-1140, 1167, 1206, and 1265. 1
 Without comment, as amended, HB10-1053, 1096, 1128, 1131, 1147, 1218, 1240, 1271, 2
 1292, 1329, and 1333. 3
 Without comment, as amended, SB10-109. 4

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COMMITTEE OF REFERENCE REPORTS 7
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Appropriations After consideration on the merits, the Committee recommends that **SB10-126** be referred 10
 to the Committee on Finance with favorable recommendation. 11

Appropriations After consideration on the merits, the Committee recommends that **SB10-124** be referred 14
 to the Committee on Finance with favorable recommendation. 15

Appropriations After consideration on the merits, the Committee recommends that **HB10-1001** be 17
 amended as follows, and as so amended, be referred to the Committee of the Whole with 18
 favorable recommendation. 19

Amend reengrossed bill, page 22, line 11, strike "fifty-one thousand six 22
 hundred fifty six dollars" and substitute "fifty-one thousand four hundred 23
 forty dollars (\$51,440)". 24

Page 22, line 12, strike "(\$51,656)". 25
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Education After consideration on the merits, the Committee recommends that **HB10-1071** be referred 28
 to the Committee of the Whole with favorable recommendation and with a 29
 recommendation that it be placed on the Consent Calendar. 30

Education After consideration on the merits, the Committee recommends that **HB10-1037** be referred 33
 to the Committee of the Whole with favorable recommendation and with a 34
 recommendation that it be placed on the Consent Calendar. 35

Education After consideration on the merits, the Committee recommends that **HB10-1028** be referred 37
 to the Committee of the Whole with favorable recommendation. 38

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB10-113** be 41
 postponed indefinitely. 42

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB10-168** be 46
 postponed indefinitely. 47

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB10-033** be 50
 postponed indefinitely. 51

Agriculture and Natural Resources The Committee on Agriculture and Natural Resources has had under consideration and has 54
 had a hearing on the following appointments and recommends that the appointments be 55
 confirmed: 56

MEMBERS OF THE
MINED LAND RECLAMATION BOARD 57
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for terms expiring March 1, 2013: 59
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Catherine Kraeger-Rovey of Denver, Colorado, an individual with substantial experience 63
 in the mining industry, reappointed; 64

Elizabeth deLone Paranhos of Boulder, Colorado, an individual with substantial 66
 experience in conservation, appointed. 67

Agriculture and Natural Resources After consideration on the merits, the Committee recommends that **HB10-1223** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar. 1
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Health & Human Services After consideration on the merits, the Committee recommends that **SB10-169** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation. 5
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Amend printed bill, page 2, line 11, strike "THE" and substitute "THESE". 9
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Page 3, line 13, strike the first "THE" and substitute "THESE". 11
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Health & Human Services After consideration on the merits, the Committee recommends that **SB10-170** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 14
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Amend printed bill, page 5, line 6, strike "TWO YEARS" and substitute "EIGHTEEN MONTHS". 18
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Page 5, line 13, strike "TWO YEARS" and substitute "EIGHTEEN MONTHS". 22
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Page 7, line 15, strike "PROVIDE TO" and substitute "ASK" and strike the second "TO". 24
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Page 7, line 16, after "MINOR," insert "IF HE OR SHE WANTS". 27
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Page 7, line 17, strike "VISIT." and substitute "VISIT AND SHALL PROVIDE THE COPIES IF THE PATIENT, PARENT, OR LEGAL GUARDIAN, AS APPLICABLE, INDICATES HIS OR HER DESIRE FOR THE COPIES.". 29
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Page 7, after line 27 insert: 33
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"25-43-106. Pharmacists - physicians - practice of professions protected. NOTHING IN THIS ARTICLE LIMITS THE ABILITY OF A PHARMACIST LICENSED PURSUANT TO ARTICLE 22 OF TITLE 12, C.R.S., TO ENGAGE IN THE PRACTICE OF PHARMACY, AS DEFINED IN SECTION 12-22-102, C.R.S., OR OF A PHYSICIAN LICENSED PURSUANT TO ARTICLE 36 OF TITLE 12, C.R.S., TO ENGAGE IN THE PRACTICE OF MEDICINE, AS DEFINED IN SECTION 12-36-106, C.R.S.". 35
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Health & Human Services After consideration on the merits, the Committee recommends that **SB10-002** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation. 43
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Amend printed bill, page 3, line 8, strike "establishing and operating an ombudsman for" and substitute "providing assistance to". 47
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Page 3, line 10, after "children" insert "and providing assistance to those families in filing appeals of denials from third-party insurance carriers". 51
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Page 6, line 20, after the period add "NOTHING IN THIS PARAGRAPH (b) SHALL BE INTERPRETED TO REQUIRE THE STATE DEPARTMENT OR THE INDEPENDENT CONTRACT RETAINED PURSUANT TO SECTION 25.5-4-209 (3) (b) TO APPEAL EVERY DENIAL OF BENEFITS. 55
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(c) AN APPLICANT FOR MEDICAL BENEFITS UPON INITIAL APPLICATION AND EACH REDETERMINATION SHALL DISCLOSE ANY THIRD PARTY WHO MAY BE RESPONSIBLE FOR THE PAYMENT OF MEDICAL EXPENSES ON BEHALF OF THE APPLICANT OR ANY OTHER MEMBER OF THE APPLICANT'S FAMILY FOR WHOM APPLICATION IS MADE. AS PART OF ITS MEDICAID ELIGIBILITY MODERNIZATION, THE STATE DEPARTMENT SHALL REQUIRE THE COUNTY DEPARTMENT OR OTHER ENTITY DESIGNATED TO ACCEPT APPLICATIONS FOR MEDICAL BENEFITS TO ENTER THE THIRD-PARTY INFORMATION INTO THE AUTOMATED SYSTEM DEVELOPED PURSUANT TO SECTION 25.5-4-204.". 60
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Page 7, strike lines 13 through 27 and substitute:

"(e) AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (e) AND PRIOR TO THE STATE DEPARTMENT ENTERING INTO A NEW AGREEMENT OR RENEWING AN AGREEMENT PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3), THE STATE DEPARTMENT SHALL EXAMINE THE FEASIBILITY OF REQUIRING THE INDEPENDENT CONTRACTOR TO DEVELOP AN ADDITIONAL PROCESS TO IDENTIFY REASONS FOR DENIALS FOR WHICH AN APPEAL SHOULD BE CONSIDERED AND TO PRIORITIZE APPEALS OF DENIALS BASED UPON THE REASONS FOR THE DENIAL TO INCREASE AND SPEED RECOVERIES FROM THIRD PARTIES. IF THE STATE DEPARTMENT DETERMINES THAT IT IS IN THE STATE'S BEST INTEREST, THE STATE DEPARTMENT IS AUTHORIZED TO ADD THIS PROCESS TO THE REQUIREMENTS FOR AN AGREEMENT PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3). IF THE STATE DEPARTMENT ADDS THIS PROCESS, THE LIMIT ON COMPENSATION PAID TO THE CONTRACTING AGENT PURSUANT TO SECTION 25.5-4-301 (3) (b) (I) SHALL NOT APPLY."

Page 8, strike lines 1 through 9.

Page 8, line 14, strike "ESTABLISHMENT OF THE OMBUDSMAN SERVICES" and substitute "ADDITIONAL ASSISTANCE PROVIDED TO FAMILIES".

Page 8, line 16, strike "OMBUDSMAN SERVICES" and substitute "ADDITIONAL ASSISTANCE PROVIDED TO FAMILIES".

Page 8, line 22, strike "ombudsman." and substitute "additional assistance to families." and strike "SHALL" and substitute "IS ENCOURAGED AND AUTHORIZED TO".

Page 8, line 23, strike "TO PROVIDE OMBUDSMAN SERVICES".

Page 1, line 103, strike "ESTABLISHING A LONG-TERM" and substitute "PROVIDING ADDITIONAL ASSISTANCE TO FAMILIES ELIGIBLE FOR CERTAIN BENEFITS."

Page 1, strike line 104.

Local
Government
and Energy

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

MEMBERS OF THE
ENERGY IMPACT ASSISTANCE
ADVISORY COMMITTEE

for terms expiring August 24, 2013:

Eric E. Doering of Frederick, Colorado, appointed;

Honorable George B. Shiohita of Alamosa, Colorado, to fill the vacancy occasioned by the resignation of Honorable Charles J. Griego of Alamosa, Colorado, appointed.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB10-1021** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 8, strike "~~and~~" and substitute "and".

Page 2, line 9, strike "AND".

Page 2, strike line 10.

Page 2, line 11, strike "AN ENTITY SUBJECT TO PART 2 OF THIS ARTICLE".

Page 2, line 13, strike "AND PROVIDE COVERAGE FOR CONTRACEPTION".

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Page 2, line 15, strike "Policies" and substitute "GROUP SICKNESS AND ACCIDENT policies".

Page 2, line 17, after the period add "AN ENTITY THAT OFFERS INDIVIDUAL SICKNESS AND ACCIDENT INSURANCE POLICIES SUBJECT TO PART 2 OF THIS ARTICLE, EXCEPT SUPPLEMENTAL POLICIES COVERING A SPECIFIED DISEASE OR OTHER LIMITED BENEFIT, SHALL OFFER AT LEAST ONE POLICY THAT INCLUDES COVERAGE FOR MATERNITY CARE IN THE SAME MANNER AS ANY OTHER SICKNESS, INJURY, DISEASE, OR CONDITION THAT IS COVERED IN THE POLICY AND ALL INDIVIDUAL SICKNESS AND ACCIDENT POLICIES, EXCEPT SUPPLEMENTAL POLICIES COVERING A SPECIFIED DISEASE OR OTHER LIMITED BENEFIT, SHALL PROVIDE COVERAGE FOR CONTRACEPTION.".

Business,
Labor, &
Technology
Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB10-1204** be referred to the Committee of the Whole with favorable recommendation.

After consideration on the merits, the Committee recommends that **HB10-1203** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

SENATE SERVICES REPORT

- Correctly Printed:** SB10-178, 179 and 180.
- Correctly Engrossed:** SB10-028.
- Correctly Reengrossed:** SB10-060, 071, 079, 093, 101, 119, 140, 152 and 154.
- Correctly Rerevised:** HB10-1041 and 1321.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB10-1001 was made Special Orders at 9:30 a.m.

Committee
of the
Whole

The hour of 9:30 a.m. having arrived, Senator Boyd moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Boyd 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:

HB10-1001 by Representative(s) Tyler; also Senator(s) Schwartz and Whitehead--Concerning incentives for the installation of new distributed renewable energy generation facilities in Colorado, and, in connection therewith, increasing the target percentages under the electric utility portfolio standard to encourage Colorado utilities to generate three percent of their retail electricity sales from distributed renewable sources by the year 2020, adopting standards for the installation of distributed solar electric generation equipment, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 4, and placed in members' bill files.)

Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 11:05 a.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in recess. Committee of the Whole reconvened.

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

HB10-1001 by Representative(s) Tyler; also Senator(s) Schwartz and Whitehead--Concerning incentives for the installation of new distributed renewable energy generation facilities in Colorado, and, in connection therewith, increasing the target percentages under the electric utility portfolio standard to encourage Colorado utilities to generate three percent of their retail electricity sales from distributed renewable sources by the year 2020, adopting standards for the installation of distributed solar electric generation equipment, and making an appropriation therefor.

EXCEPTION TO COMMENTS UNDER SENATE RULE 16(d)(2)

Senator Mitchell: Thank you Madam Chairman. Senator Cadman, I think that's an excellent question. Senator Schwartz, Senator One Year, excuse me, I am sorry, Senator Whitehead.

Senator Newell: Thank you, Madam Chair. I take exception pursuant to Rule 16(d)(2) to Senator Mitchell's comment to Senator Whitehead of Senator One Year.

Senator Penry: Thank you, Madam Chair, while the Secretary is reducing things to writing she should reduce this as well. During my time in the Senate, I have been accused of not caring about children, about putting big oil profits ahead of public health. And you're going to get up and complain about a throw-away statement from a Senator when he was gaveled down, he acknowledged that it was appropriate that he was gaveled down. Give me a break, let's not be politically correct whiners, let's have a debate and move forward.

Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 1:00 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. Committee of the Whole reconvened.

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

HB10-1001 by Representative(s) Tyler; also Senator(s) Schwartz and Whitehead--Concerning incentives for the installation of new distributed renewable energy generation facilities in Colorado, and, in connection therewith, increasing the target percentages under the electric utility portfolio standard to encourage Colorado utilities to generate three percent of their retail electricity sales from distributed renewable sources by the year 2020, adopting standards for the installation of distributed solar electric generation equipment, and making an appropriation therefor.

Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 3:45 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.

MESSAGE FROM THE HOUSE

March 4, 2010

The House has adopted and returns herewith SJR10-016.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Tapia , Chair, Keller, and White as Senate conferees on the first conference committee on **HB10-1320**.

The President appointed Senators White, Chair, Tapia, and Keller as Senate conferees on the first conference committee on **HB10-1339**.

The President appointed Senators White, Chair, Tapia, and Keller as Senate conferees on the first conference committee on **HB10-1327**.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB10-1110, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SR10-006 by Senator(s) Penry; --Concerning recognition of the sixtieth anniversary of Hilltop Community Resources.

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

Committee of the Whole reconvened.

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

HB10-1001 by Representative(s) Tyler; also Senator(s) Schwartz and Whitehead--Concerning incentives for the installation of new distributed renewable energy generation facilities in Colorado, and, in connection therewith, increasing the target percentages under the electric utility portfolio standard to encourage Colorado utilities to generate three percent of their retail electricity sales from distributed renewable sources by the year 2020, adopting standards for the installation of distributed solar electric generation equipment, and making an appropriation therefor.

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

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB10-1001 by Representative(s) Tyler; also Senator(s) Schwartz and Whitehead--Concerning incentives for the installation of new distributed renewable energy generation facilities in Colorado,

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and, in connection therewith, increasing the target percentages under the electric utility portfolio standard to encourage Colorado utilities to generate three percent of their retail electricity sales from distributed renewable sources by the year 2020, adopting standards for the installation of distributed solar electric generation equipment, and making an appropriation therefor.

Senator Lundberg moved to amend the Report of the Committee of the Whole to show that the following Lundberg floor amendment, (L.029) to HB 10-1001, did pass.

Amend reengrossed bill, page 11, line 27, after the period add "THE AGGREGATE REVENUE AUTHORIZED TO BE CHARGED BY EACH QUALIFYING RETAIL UTILITY TO ITS RETAIL CUSTOMERS WITHIN THE MAXIMUM RETAIL RATE IMPACT SHALL NOT INCREASE BY MORE THAN TWO PERCENT FROM ONE CALENDAR YEAR TO THE NEXT CALENDAR YEAR. WHEN THE COMMISSION DETERMINES THAT A QUALIFYING RETAIL UTILITY HAS ACHIEVED THE STANDARD SET FORTH IN SUB-SUBPARAGRAPH (E) OF SUBPARAGRAPH (I) OF PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION, IT SHALL TERMINATE ALL CHARGES TO RETAIL CUSTOMERS DESIGNATED FOR ACQUISITION OF ELIGIBLE ENERGY RESOURCES AND RENEWABLE ENERGY CREDITS.".

Page 12, line 4 strike "section." and substitute "section, AND THE COMMISSION MAY DIRECT THAT CHARGES TO RETAIL CUSTOMERS FOR ACQUIRING ELIGIBLE ENERGY RESOURCES AND RENEWABLE ENERGY CREDITS BE REDUCED TO LESS THAN TWO PERCENT OF THE TOTAL ELECTRIC BILL ANNUALLY FOR EACH RETAIL CUSTOMER.".

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

YES	12	NO	21	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	Y	Johnston	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	White	E
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	N	Kopp	*	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

* Abstaining from voting under Senate Rule 17(c) -- Senator Kopp.

Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 10-1001 did pass.

Amend reengrossed bill, page 22, strike lines 14 through 23 and substitute:

"SECTION 10. Refer to people under referendum. This act shall be submitted to a vote of the registered electors of the state of Colorado at the next biennial regular general election, for their approval or rejection, under the provisions of the referendum as provided for in section 1 of article V of the state constitution, and in article 40 of title 1, Colorado Revised Statutes. Each elector voting at said election and desirous of voting for or against said act shall cast a vote as provided by law either "Yes" or "No" on the proposition: "SHALL THERE BE INCENTIVES FOR THE INSTALLATION OF NEW DISTRIBUTED RENEWABLE ENERGY GENERATION FACILITIES IN COLORADO?" The votes cast for the adoption or rejection of said act shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress.".

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

YES	12	NO	21	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	Y	Johnston	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	White	E
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	N	Kopp	*	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

* Abstaining from voting under Senate Rule 17(c) -- Senator Kopp.

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following Penry floor amendment, (L.037) to HB 10-1001, did pass.

Amend reengrossed bill, page 13, strike lines 23 through 27.

Strike pages 14 through 21.

Page 22, strike lines 1 through 5.

Renumber succeeding sections 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	19	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	Y	Newell	N	Steadman	N
Brophy	Y	Johnston	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	White	E
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	N	Kopp	*	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	Y	Mitchell	Y	Schwartz	N		

* Abstaining from voting under Senate Rule 17(c) -- Senator Kopp.

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following Penry floor amendment, (L.039) to HB 10-1001, did pass.

Amend reengrossed bill, page 18, after line 10, insert:

"SECTION 5. 40-2-124, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

40-2-124. Renewable energy standard - definitions - net metering.

(8) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY:

(a) COMMENCING NO LATER THAN JULY 1, 2010, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL UNDERTAKE A STUDY TO DETERMINE WHETHER THE PASSAGE OF THIS SECTION HAS RESULTED IN ANY MEASURABLE REDUCTION OF EMISSIONS OF SULFUR DIOXIDE, NITROUS OXIDE, OR CARBON DIOXIDE IN COLORADO. THE EXECUTIVE DIRECTOR SHALL REPORT THE RESULTS OF SUCH STUDY TO THE GENERAL ASSEMBLY ON OR BEFORE JANUARY 1, 2011.

(b) IF THE EXECUTIVE DIRECTOR REPORTS, PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (8), THAT THERE HAS NOT BEEN A MEASURABLE REDUCTION OF EMISSIONS OF SULFUR DIOXIDE, NITROUS OXIDE, OR CARBON DIOXIDE IN COLORADO SINCE THE EFFECTIVE DATE OF THIS SECTION, THE IMPLEMENTATION OF THIS SECTION SHALL BE SUSPENDED PENDING FURTHER LEGISLATIVE ANALYSIS AND DELIBERATION."

Renumber succeeding sections 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	13	NO	20	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	Y	Steadman	N
Brophy	Y	Johnston	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	White	E
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	N	Kopp	*	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

* Abstaining from voting under Senate Rule 17(c) -- Senator Kopp.

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following Penry floor amendment, (L.040) to HB 10-1001, did pass.

Amend reengrossed bill, page 4, line 19, strike "or" and substitute "or".

Page 4, line 21, strike "residuals." and substitute "residuals; OR".

Page 4, after line 21 insert:

"(D) THE REMOVAL OF DEAD OR DYING TREES, OR OTHER TREES IN FOREST LANDS, AT A SUBSTANTIAL RISK OF CAUSING CATASTROPHIC WILDFIRE."

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

YES	12	NO	20	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	Y	Johnston	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	*	White	E
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	N	Kopp	*	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

* Abstaining from voting under Senate Rule 17(c) -- Senator Kopp and Romer.

Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following Renfroe floor amendment, (L.045) to HB 10-1001, did pass.

Amend reengrossed bill, page a8, after line 10, insert:

"40-2-130. Portfolio standards - utilities to reimburse at-risk households. (1) IF COMPLIANCE WITH THE TARGET PERCENTAGES UNDER SECTION 40-2-124, AS AMENDED BY HOUSE BILL 10-1001, RAISE ELECTRICITY RATES OF AT-RISK HOUSEHOLDS BY FIVE PERCENT, UTILITIES SHALL BEAR THE COST OF THE DIFFERENCE.

(2) AS USED IN THIS SECTION, AN "AT-RISK HOUSEHOLD" IS ONE WITH A HOUSEHOLD INCOME AT OR BELOW THE FEDERAL POVERTY LEVEL.

(3) THE COMMISSION SHALL REPORT ANNUALLY TO THE GENERAL ASSEMBLY THE NUMBER OF CONSUMERS IN AT-RISK HOUSEHOLDS WHO ARE AFFECTED BY THIS SECTION."

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

YES	12	NO	21	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	Y	Johnston	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	White	E
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	N	Kopp	*	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

* Abstaining from voting under Senate Rule 17(c) -- Senator Kopp.

Senator Brophy moved to amend the Report of the Committee of the Whole to show that the following Brophy floor amendment, (L.036) to HB 10-1001, did pass.

Amend reengrossed bill, page 4, strike lines 22 through 25 and substitute:

"(II) "DISTRIBUTED ELIGIBLE ELECTRIC GENERATION" MEANS ELECTRIC GENERATION FROM ELIGIBLE ENERGY RESOURCES, NOT EXCEEDING A TOTAL NAMEPLATE RATING OF THIRTY MEGAWATTS, THAT INTERCONNECTS TO EXISTING ELECTRIC TRANSMISSION OR DISTRIBUTION FACILITIES OWNED BY A COLORADO COOPERATIVE ELECTRIC ASSOCIATION OR MUNICIPAL UTILITY."

Page 7, strike lines 23 through 26 and substitute:

"(III) (A) Each kilowatt-hour of electricity generated from eligible energy resources in Colorado shall be counted as one and one-quarter kilowatt-hours for the purposes of compliance with this standard.

(B) EACH KILOWATT-HOUR OF ELECTRICITY GENERATED FROM DISTRIBUTED ELIGIBLE ELECTRIC GENERATION FACILITIES SHALL BE COUNTED AS TWO KILOWATT-HOURS FOR THE PURPOSES OF COMPLIANCE WITH THIS STANDARD.

(C) EACH KILOWATT-HOUR OF ELECTRICITY FROM ELIGIBLE ENERGY RESOURCES MAY TAKE ADVANTAGE OF ONLY ONE OF THE METHODS FOR COUNTING KILOWATT-HOURS SET FORTH IN THIS SUBPARAGRAPH (III)."

Page 8, strike lines 10 through 13 and substitute:

"(VII.5) FOR PURPOSES OF COMPLIANCE WITH THE STANDARDS SET FORTH IN SUBPARAGRAPH (V) OF THIS PARAGRAPH (c), EACH KILOWATT-HOUR OF RENEWABLE ELECTRICITY GENERATED FROM DISTRIBUTED ELIGIBLE ELECTRIC GENERATION TECHNOLOGIES SHALL BE COUNTED AS TWO KILOWATT-HOURS.

(VIII) Each kilowatt-hour of electricity from eligible energy resources may take advantage of only one of the methods for counting kilowatt-hours set forth in subparagraphs (III), (VI), and (VII), AND (VII.5) of this paragraph (c)."

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

YES	12	NO	21	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	N	Steadman	N
Brophy	Y	Johnston	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	White	E
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	N	Kopp	*	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

* Abstaining from voting under Senate Rule 17(c) -- Senator Kopp.

Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following Renfroe floor amendment, (L.031) to HB 10-1001, did pass.

Amend reengrossed bill, page 5, strike lines 9 through 12 and substitute "GEOTHERMAL, BIOMASS, AND HYDROELECTRICITY."

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	19	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	Y	Steadman	N
Brophy	Y	Johnston	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	White	E
Foster	N	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	N	Kopp	*	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

* Abstaining from voting under Senate Rule 17(c) -- Senator Kopp.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

The Committee of the Whole took the following action:

YES	21	NO	12	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	E
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	*	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senator Kopp.

Passed on second reading: HB10-1001, as amended.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, March 4 was laid over until Friday, March 5, retaining its place on the calendar.

Third Reading of Bills -- Final Passage: SB10-028

General Orders -- Second Reading of Bills -- Consent Calendar: HB10-1003, HB10-1175. 1
 General Orders -- Second Reading of Bills: SB10-076, SB10-062, SB10-094, SB10-110, HB10-1112, HB10-1023, HB10-1090, HB10-1097, HB10-1049, HB10-1085. 2
 Consideration of Resolutions: SJR10-010. 3
 Consideration of Memorials: SJM10-001. 4
 Consideration of Governor's Appointments: 5
 Member of the State Housing Board 6

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, March 5, 2010. 7
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Approved: 12

Brandon C. Shaffer 13
 President of the Senate 14

Attest: 15
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Karen Goldman 21
 Secretary of the Senate 22
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