

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

48th Legislative Day

Monday, March 1, 2010

Prayer	By the chaplain, Reverend Dwight Blackstock, Retired, Presbyterian Church, Denver.	1
Call to Order	By the President at 10:00 a.m.	2
Pledge	By Senator Brophy.	3
Roll Call	Present--34. Absent--1, Mitchell. Present later--1, Mitchell.	4
Quorum	The President announced a quorum present.	5
Reading of Journal	On motion of Senator Foster, reading of the Journal of Friday, February 26, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.	6

MESSAGE FROM THE HOUSE

February 26, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes
 HB10-1109, amended as printed in House Journal, February 25, page 545.
 HB10-1180, amended as printed in House Journal, February 25, page 545.
 HB10-1216, amended as printed in House Journal, February 25, page 546.
 HB10-1224, amended as printed in House Journal, February 25, page 546.
 HB10-1226, amended as printed in House Journal, February 25, page 546.
 HB10-1123, amended as printed in House Journal, February 25, page 546.
 HB10-1232, amended as printed in House Journal, February 25, pages 546-547.

The House has adopted and returns herewith SJR10-004.

MESSAGE FROM THE REVISOR OF STATUTES

February 26, 2010

We herewith transmit:

Without comment, as amended, HB10-1109, 1123, 1180, 1216, 1224, 1226, and 1232.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

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

Laid over until Thursday, March 4, retaining its place on the calendar.

INTRODUCTION OF BILLS -- FIRST READING

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

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SB10-176	by Senator(s) Tochtrop; also Representative(s) Gagliardi--Concerning the requirements for inclusion of a professional nurse on the advanced practice nurse registry. Business, Labor and Technology	6 7 8 9
HB10-1026	by Representative(s) Solano and Benefield, Massey, Peniston; also Senator(s) Hodge and Hudak, Steadman, Williams--Concerning the creation of the Colorado quality in child care incentive grant program. Education	10 11 12 13 14
HB10-1105	by Representative(s) Roberts; also Senator(s) Steadman--Concerning clarification of provisions in the "Colorado probate code" concerning compensation of certain parties. Judiciary	15 16 17 18
HB10-1109	by Representative(s) McCann; also Senator(s) Mitchell--Concerning the availability of workers' compensation to jail inmates who are working for a program that has been certified by the federal prison industry enhancement certification program. Judiciary	19 20 21 22 23
HB10-1114	by Representative(s) Liston; also Senator(s) Johnston--Concerning the registration of agents of persons in the business of transmitting money, and making an appropriation therefor. Business, Labor and Technology	24 25 26 27
HB10-1122	by Representative(s) Roberts and Merrifield, Gagliardi, Kefalas, Tyler; also Senator(s) Williams, Morse--Concerning medical orders determining the scope of treatment an adult wishes to receive under certain circumstances. Health and Human Services	28 29 30 31 32
HB10-1123	by Representative(s) Sonnenberg; also Senator(s) Renfroe--Concerning controlled agricultural burns in arson cases. Judiciary	33 34 35 36
HB10-1148	by Representative(s) Gerou, Balmer, Frangas, Levy, Liston, McNulty, Schafer S., Todd, Benefield, Casso, Hullinghorst, Kefalas, Priola, Solano, Stephens, Vaad; also Senator(s) Tapia, Bacon, Tochtrop, White, Williams, Kopp, Penry--Concerning the elimination of the requirement that an architect maintain continuing professional competency in order to renew a license to practice architecture, and making an appropriation therefor. Business, Labor and Technology	37 38 39 40 41 42 43
HB10-1180	by Representative(s) Massey, Gerou, Rice; also Senator(s) Gibbs and Spence--Concerning the criteria to qualify for a performance-based incentive for film production activities in Colorado. Business, Labor and Technology	44 45 46 47 48
HB10-1213	by Representative(s) Acree, Roberts; also Senator(s) Keller--Concerning the elimination of an individualized plan for a person with developmental disabilities who is on the waiting list for services. Health and Human Services	49 50 51 52 53
HB10-1216	by Representative(s) Riesberg; also Senator(s) Sandoval--Concerning the off-site administration of medications by persons authorized to inject medications pursuant to the pharmacy practice act. Health and Human Services	54 55 56 57 58
HB10-1224	by Representative(s) Gerou and Gagliardi, Primavera, Riesberg, Tyler; also Senator(s) Boyd--Concerning the continuation of the Colorado podiatry board. Health and Human Services	59 60 61 62
HB10-1226	by Representative(s) Kefalas; also Senator(s) Spence--Concerning an alternative approach for a county department of social services to use in addressing certain intrafamilial child abuse or neglect cases. Health and Human Services	63 64 65 66 67
HB10-1229	by Representative(s) Pace, Riesberg; also Senator(s) Newell--Concerning authentication requirements for verbal orders in a hospital. Health and Human Services	68 69 70 71
HB10-1232	by Representative(s) Baumgardner; also Senator(s) King K.--Concerning school vehicles.	72

Education

- HB10-1255** by Representative(s) Kefalas and Acree, Gagliardi, Gerou, Kerr J., Primavera, Riesberg, Roberts, Tyler; also Senator(s) Steadman--Concerning extending the repeal date for the Colorado commission for the deaf and hard of hearing.
Health and Human Services
- HB10-1275** by Representative(s) Baumgardner; also Senator(s) Newell--Concerning a requirement that the location of a private burial be recorded.
Local Government and Energy

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

- SB10-060** by Senator(s) Morse, Carroll M., Mitchell, Schwartz; also Representative(s) Labuda, Gardner B., Kagan, Levy, Roberts--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

Laid over until Tuesday, March 2, retaining its place on the calendar.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

- SB10-076** by Senator(s) Carroll M.; --Concerning unreasonable insurance claims settlement practices.

Laid over until Wednesday, March 3, retaining its place on the calendar.

- SB10-093** by Senator(s) Lundberg; --Concerning the orderly resolution of claims in foreclosures involving junior liens.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, February 16, page 257 and placed in members' bill files.)

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

Amend the Business, Labor, and Technology Committee Report, dated February 15, 2010, page 1, line 13, strike "LIENOR" and substitute "LIENOR, WITH CASH OR CERTIFIED FUNDS,".

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

- SB10-140** by Senator(s) Mitchell, Shaffer B., Carroll M., Spence; --Concerning human trafficking.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 18, page 271 and placed in members' bill files.)

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

- SB10-101** by Senator(s) Gibbs, Schwartz, Romer, Bacon, Cadman, Hudak, Johnston, Kester, Sandoval, Scheffel, Steadman, Tapia, White; also Representative(s) Scanlan and Massey, Balmer, Baumgardner, Curry, Frangas, Liston, Merrifield, Pace--Concerning authorizing Colorado mountain college to offer baccalaureate degrees.

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

Amend printed bill, page 2, line 23, strike "SUCH" and substitute "NO MORE THAN FIVE".

Page 2, line 26, strike "AREA." and substitute "AREA AND THAT ARE APPROVED BY THE COLORADO COMMISSION ON HIGHER EDUCATION.

SECTION 3. Part 1 of article 71 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-71-133. Approval of baccalaureate degrees. (1) WHEN APPROVING BACCALAUREATE DEGREES FOR COLORADO MOUNTAIN COLLEGE PURSUANT TO THE AUTHORITY IN SECTION 23-71-102 (1), THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL MAKE ITS DETERMINATION BASED ON THE FOLLOWING CRITERIA:

(a) WHETHER COLORADO MOUNTAIN COLLEGE CAN DEMONSTRATE WORKFORCE AND STUDENT DEMAND FOR THE BACCALAUREATE DEGREE PROGRAM BY PROVIDING DATA;

(b) WHETHER COLORADO MOUNTAIN COLLEGE CAN DEMONSTRATE REGIONAL AND PROFESSIONAL ACCREDITATION REQUIREMENTS, WHEN APPLICABLE, AND COMPLIANCE WITH THOSE REQUIREMENTS AS DEEMED APPROPRIATE AT BOTH THE INSTITUTIONAL AND PROGRAM LEVELS;

(c) WHETHER COLORADO MOUNTAIN COLLEGE CAN DEMONSTRATE THAT ITS PROVISION OF THE BACCALAUREATE DEGREE PROGRAM IS THE MOST COST-EFFECTIVE METHOD OF PROVIDING THE BACCALAUREATE DEGREE PROGRAM IN ITS SERVICE AREA; AND

(d) WHETHER COLORADO MOUNTAIN COLLEGE CAN PROVIDE A COST-BENEFIT ANALYSIS SHOWING THAT THE ADDITIONAL BACCALAUREATE DEGREE PROGRAM WILL NOT CREATE A NEGATIVE IMPACT FOR THE COLLEGE OR REQUIRE ADDITIONAL STATE APPROPRIATED MONEYS TO OPERATE."

Renumber succeeding section accordingly.

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

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

Laid over until Tuesday, March 2, retaining its place on the calendar.

SB10-110 by Senator(s) Williams; also Representative(s) Ryden, Court, Hullinghorst, Judd, Levy, Middleton, Rice--Concerning the enforcement of offenses involving failure of certain persons in a vehicle to use an appropriate restraining device.

Laid over until Tuesday, March 2, retaining its place on the calendar.

SB10-152 by Senator(s) Newell, Bacon, Boyd, Foster, Hodge, Keller, Sandoval, Schwartz, Steadman, Tochtrop; also Representative(s) Gagliardi, Apuan, May, Merrifield, Peniston, Primavera, Todd--Concerning information relating to a referral of suspected child abuse by certain mandatory reporters.

Laid over until Tuesday, March 2, retaining its place on the calendar.

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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Keller, the report of the Committee of the Whole was **adopted** 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		

The Committee of the Whole took the following action:

Passed on second reading: SB10-093 as amended, SB10-140 as amended, SB10-101 as amended.

Laid over until Tuesday, March 2: SB10-094, SB10-110, SB10-152.

Laid over until Wednesday, March 3: SB10-076.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB10-071, SB10-028, HB10-1041, SB10-154, SB10-079 were made Special Orders at 11:22 a.m.

Committee of the Whole

The hour of 11:22 a.m. having arrived, Senator Keller moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Keller 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 bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB10-071 by Senator(s) Morse; also Representative(s) Riesberg--Concerning creation of a lifetime pass to state parks and recreation areas that shall be available for purchase by Colorado residents who are of eligible age.

Amendment No. 1, Agriculture & Natural Resources Committee Amendment.
(Printed in Senate Journal, February 19, page 304 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, February 26, page 374 and placed in members' bill files.)

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

SB10-028 by Senator(s) Heath; --Concerning the establishment of the Colorado "Work Share Program" to allow payment of unemployment compensation benefits to eligible employees who have received a reduction in work hours.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, February 19, pages 294-298 and placed in members' bill files.)

As amended, laid over until Tuesday, March 2, retaining its place on the calendar.

HB10-1041 by Representative(s) Acree, Looper, Primavera, Todd; also Senator(s) Mitchell, Keller--Concerning applications for home- and community-based services waivers for children as part of the medicaid eligibility modernization.

Laid over until Tuesday, March 2, retaining its place on the calendar.

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SB10-154 by Senator(s) Sandoval; also Representative(s) Middleton--Concerning adding categories to the definition of a "high-risk student" for purposes of determining whether a public school qualifies for designation as an alternative education campus.

Laid over until Tuesday, March 2, retaining its place on the calendar.

SB10-079 by Senator(s) Penry; also Representative(s) Bradford and King S.--Concerning authority to offer additional programs at Mesa state college.

Laid over until Tuesday, March 2, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE -- SPECIAL ORDERS

On motion of Senator Keller, the report of the Committee of the Whole was **adopted** 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		

The Committee of the Whole took the following action:

Passed on second reading: SB10-071 as amended.

Laid over until Tuesday, March 2: HB10-1041, SB10-154, SB10-079, SB10-028 as amended.

COMMITTEE OF REFERENCE REPORTS

Education After consideration on the merits, the Committee recommends that **SB10-062** be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 2 through 14.

Strike pages 3 through 6.

Page 7, strike lines 1 through 11.

Renumber succeeding sections accordingly.

Page 9, line 16, strike "FUND." and substitute "FUND CREATED IN SECTION 22-54-114."

Page 9, line 24, strike "said" and substitute "~~said~~ THE".

Page 18, strike lines 18 through 27.

Strike page 19.

Page 20, strike lines 1 through 3 and insert:

"SECTION 18. Specified effective date. Sections 1 and 3 of this act shall take effect July 1, 2010, and the remainder of this act shall take effect upon passage."

Renumber succeeding section accordingly.

Page 1, strike lines 103 and 104 and substitute "CONSTITUTION."

MESSAGE FROM THE HOUSE

March 1, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1201, amended as printed in House Journal, February 26, pages 568-569. HB10-1222, amended as printed in House Journal, February 26, page 570. HB10-1227, amended as printed in House Journal, February 26, page 570. HB10-1236, amended as printed in House Journal, February 26, pages 570-572. HB10-1017, amended as printed in House Journal, February 26, page 572.

MESSAGE FROM THE REVISOR OF STATUTES

March 1, 2010

We herewith transmit:

Without comment, as amended, HB10-1017, 1201, 1222, and 1227.

SENATE SERVICES REPORT

Correctly Printed: SB10-172, 173, 174 and 175. Correctly Reengrossed: SB10-006, 025, 068, 072, 088, 098, 111, 116, 129, 147, 148, 155 and 158. Correctly Rerevised: HB10-1014, 1063, 1065, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327 and 1339. Correctly Enrolled: SJR10-004.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB10-1324.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Monday, March 1 was laid over until Tuesday, March 2, retaining its place on the calendar.

Consideration of Resolutions: SJR10-010. Consideration of Memorials: SJM10-001. Consideration of Governor's Appointments: Member of the Colorado Racing Commission

Senate in recess. Senate reconvened.

INTRODUCTION OF BILLS -- FIRST READING

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

SB10-177 by Senator(s) Schwartz and Gibbs; also Representative(s) Scanlan and Looper, Merrifield--

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Concerning the promotion of clean energy technologies.
Local Government and Energy

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, March 2, 2010.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate