

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

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92nd Legislative Day Wednesday, April 14, 2010

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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 Romer. 16

Roll Call Present--33. 18  
 Absent--1, Johnston. 19  
 Excused--1, Penry 20  
 Present later--2, Johnston, Penry. 21

Quorum The President announced a quorum present. 23

Reading of Journal On motion of Senator Lundberg, reading of the Journal of Tuesday, April 13, 2010, was dispensed with and the Journal was approved as corrected by the Secretary. 25

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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

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**CONSIDERATION OF RESOLUTIONS**

**SJR10-031** by Senator(s) Newell; also Representative(s) Rice--Concerning recognition of the Freedom Service Dogs program. 37

On motion of Senator Newell, the resolution was read at length and **adopted** by the following roll call vote: 40

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		

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath, Hodge, Hudak, Johnston, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Steadman, Tapia, Tochtrop, White, Whitehead and Williams. 54

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Call of the Senate. Call raised.

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**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:

**HB10-1138** by Representative(s) Gagliardi, Massey, Apuan, Casso, Ferrandino, Fischer, Frangas, Hullinghorst, Kefalas, Labuda, McFadyen, Middleton, Pace, Rice, Scanlan, Todd, Tyler; also Senator(s) Morse, Newell--Concerning the program to repay educational loans of health care professionals.

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

Third Reading Amendment No. 1,(L.004), by Senator Mitchell.

Amend revised bill, page 2, strike lines 2 through 16.

Page 3, strike lines 1 through 16 and substitute:

**"SECTION 1.** 25-20.5-702 (8), Colorado Revised Statutes, is amended to read:

**25-20.5-702. Definitions.** As used in this part 7, unless the context otherwise requires:".

Renumber succeeding sections accordingly.

Page 3, line 21, strike "(1)," and substitute "(1) (a), (1) (b), and", and strike "and (3),".

Page 3, strike line 23 and substitute:

**"25-20.5-703. State health care professional loan repayment program -"**.

Page 3, line 24, strike "(A)".

Page 4, line 3, strike "~~loan repayment program,~~" and substitute "loan repayment program.".

Page 4, line 5, strike "COLORADO HEALTH SERVICE".

Page 4, line 6, strike "CORPS.", and strike "COLORADO HEALTH" and substitute "PRIMARY CARE OFFICE".

Page 4, line 7, strike "SERVICE CORPS".

Page 4, strike lines 9 through 17 and substitute

"(II) Under the loan repayment program, SUBJECT TO THE LIMITATIONS SPECIFIED IN SUBSECTION".

Page 5, strike lines 3 through 13 and substitute:

"(b) Repayment of loans under the loan repayment program may be made using moneys in the health care professional loan repayment fund. The primary care office is authorized to receive and expend gifts, grants, and donations or moneys appropriated by the general assembly for the purpose of implementing the loan repayment program. In administering the loan repayment program, the primary care office shall collaborate with the university of Colorado health sciences center and other appropriate partners as needed to maximize the federal moneys available to the state for state loan repayment programs through the federal department of".

Page 5, line 15, strike "COLORADO HEALTH SERVICE" and substitute "LOAN REPAYMENT PROGRAM".

Page 5, line 16, strike "CORPS".

Page 5, strike lines 18 through 27.

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- Page 6, strike line 1. 1
- Page 6, line 4, strike "~~community board~~ ADVISORY COUNCIL" and substitute "community board". 2
- Page 6, line 5, strike "~~loan repayment program.~~" and substitute "loan repayment program.". 3
- Page 6, line 9, strike " COLORADO HEALTH SERVICE". 4
- Page 6, strike lines 10 through 27. 5
- Strike page 7. 6
- Page 8, strike lines 1 through 8. 7
- Reorder succeeding sections accordingly. 8
- Page 8, line 11, strike "**Advisory council -**" and substitute "**Community board -**". 9
- Page 8, line 13, strike "~~community board~~ ADVISORY COUNCIL" and substitute "community board". 10
- Page 8, line 26, strike "COLORADO HEALTH SERVICE CORPS," and substitute "LOAN REPAYMENT PROGRAM,". 11
- Page 9, line 9, strike "COLORADO" and substitute "LOAN REPAYMENT PROGRAM;". 12
- Page 9, strike line 10. 13
- Page 9, line 11, strike "COLORADO HEALTH" and substitute "LOAN REPAYMENT PROGRAM; AND". 14
- Page 9, strike line 12. 15
- Page 10, strike lines 10 through 27 and substitute: 16
- "SECTION 4.** 25-20.5-706 (1) (e) and (3), Colorado Revised Statutes, are amended to read: 17
- 25-20.5-706. Health care professional loan repayment fund - created - acceptance of grants and donations.** (1) The health care professional loan repayment fund is hereby created in the state treasury, which fund shall consist of: 18
- ~~(e) Any amounts received pursuant to subsection (3) of this section; and~~ 19
- Page 11, strike lines 1 through 3. 20
- Page 11, strike lines 8 through 27. 21
- Page 12, strike lines 1 through 26. 22
- Reorder succeeding sections accordingly. 23

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

YES	17	NO	18	EXCUSED	0	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	Y
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	White	Y
Foster	N	King K.	Y	Sandoval	Y	Whitehead	N
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

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

YES	27	NO	8	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	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Boyd, Carroll M., Foster, Heath, Hodge, Hudak, Johnston, Romer, Sandoval, Schwartz, Shaffer B., Steadman, Tochtrop, Whitehead and Williams.

**SB10-185** by Senator(s) Shaffer B., Bacon, Boyd, Carroll M., Foster, Heath, Hudak, Johnston, Keller, Morse, Sandoval, Schwartz, Steadman, Tapia, Tochtrop, Whitehead, Williams; also Representative(s) Merrifield, Apuan, Benefield, Casso, Ferrandino, Fischer, Gagliardi, Hullinghorst, Kagan, Kefalas, Kerr A., Labuda, Levy, McCann, Miklosi, Pace, Peniston, Pommer, Schafer S., Solano, Soper, Todd, Tyler, Vigil, Weissmann--Concerning modifications to the residential warranty of habitability for the purpose of protecting renters.

Laid over until Thursday, April 15, retaining its place on the calendar.

**HB10-1208** by Representative(s) Todd and Murray, Massey, Baumgardner, Benefield, Carroll T., Casso, Frangas, Gardner C., Looper, May, McFadyen, McKinley, McNulty, Merrifield, Middleton, Peniston, Priola, Ryden, Scanlan, Schafer S., Solano, Sonnenberg, Summers, Tipton; also Senator(s) Shaffer B. and King K., Cadman, Carroll M., Foster, Hodge, Johnston, Keller, Kester, Kopp, Lundberg, Newell, Penry, Renfroe, Romer, Scheffel, Schultheis, Spence, Steadman, White, Whitehead, Williams--Concerning requiring statewide agreements for the transfer of two-year degrees among all state institutions of higher education in Colorado.

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	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		

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

Co-sponsors added: Boyd, Heath, Hudak, Mitchell, Sandoval, Schwartz and Tapia.

**HB10-1252** by Representative(s) Primavera, Massey; also Senator(s) Boyd and Schwartz--Concerning health care services for breast cancer screening.

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

YES	33	NO	2	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	N	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: Bacon, Carroll M., Foster, Gibbs, Heath, Hodge, Hudak, Kester, Morse, Newell, Romer, Sandoval, Shaffer B., Spence, Steadman, Tapia, Tochtrop, White, Whitehead and Williams.

**HB10-1042** by Representative(s) Peniston; also Senator(s) Hodge--Concerning administration of the stationary sources air quality permitting program.

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	Y	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	N	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: Boyd

**SB10-183** by Senator(s) Morse and Tochtrop, Boyd, Penry, Steadman, Williams; also Representative(s) Gagliardi, Balmer, Kagan, Primavera, Riesberg--Concerning the continuation of a statutory prohibition on balance billing of certain charges for health care services.

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

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	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	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: Carroll M., Hudak, Sandoval and Whitehead.

**HB10-1273** by Representative(s) Merrifield, Rice, Ryden, Apuan, Benefield, Carroll T., Casso, Gagliardi, Gerou, Kerr A., May, McKinley, Middleton, Nikkel, Peniston, Primavera, Roberts, Scanlan, Schafer S., Solano, Todd, Tyler; also Senator(s) Spence and Steadman, Newell, Hudak, Bacon, Boyd, Foster, Gibbs, Heath, Johnston, Romer, Tapia, Williams--Concerning improved workforce development through increased participation in arts education in public schools.

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

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

Co-sponsors added: Sandoval, Shaffer B. and Whitehead.

**MESSAGE FROM THE HOUSE**

April 13, 2010

In response to the request of the Senate for the recall of HB10-1096, the bill is transmitted herewith.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Reconsideration of HB10-1096 .

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		

**THIRD READING OF BILLS -- FINAL PASSAGE**

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

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

Third Reading Amendment No. 1,(L.002) , by Senator Morse.

Amend rerevised bill, page 2, line 16, strike "MAY BE EMPLOYEES" and substitute "SHALL BE EMPLOYEES OR A BONA FIDE REPRESENTATIVE".

The amendment 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		

The question being "Shall the bill, as amended, 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	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		

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

Co-sponsors added: Kester

Call of the Senate. Call raised.

**RECONSIDERATION OF HB10-1273**

**HB10-1273** by Representative(s) Merrifield, Rice, Ryden, Apuan, Benefield, Carroll T., Casso, Gagliardi, Gerou, Kerr A., May, McKinley, Middleton, Nikkel, Peniston, Primavera, Roberts, Scanlan, Schafer S., Solano, Todd, Tyler; also Senator(s) Spence and Steadman, Newell, Hudak, Bacon, Boyd, Foster, Gibbs, Heath, Johnston, Romer, Tapia, Williams-- Concerning improved workforce development through increased participation in arts education in public schools.

Having voted on the prevailing side, Senator Renfroe moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB10-1273.

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		

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

**THIRD READING OF BILLS -- FINAL PASSAGE**

**HB10-1273** by Representative(s) Merrifield, Rice, Ryden, Apuan, Benefield, Carroll T., Casso, Gagliardi, Gerou, Kerr A., May, McKinley, Middleton, Nikkel, Peniston, Primavera, Roberts, Scanlan, Schafer S., Solano, Todd, Tyler; also Senator(s) Spence and Steadman, Newell, Hudak, Bacon, Boyd, Foster, Gibbs, Heath, Johnston, Romer, Tapia, Williams-- Concerning improved workforce development through increased participation in arts education in public schools.

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

**COMMITTEE OF REFERENCE REPORTS**

Finance

After consideration on the merits, the Committee recommends that **HB10-1149** be referred to the Committee of the Whole with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that **HB10-1119** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 6, strike lines 4 through 19.

Reletter succeeding paragraphs accordingly.

Page 7, line 19, strike "BRANCH" and substitute "DEPARTMENT, THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, THE OFFICE OF THE CHILD'S REPRESENTATIVE,".

Page 7, after line 27 insert:

"(5) "OFFICE OF ALTERNATE DEFENSE COUNSEL" MEANS THE OFFICE OF ALTERNATE DEFENSE COUNSEL CREATED IN SECTION 21-2-101, C.R.S."

Renumber succeeding subsections accordingly.

Page 8, after line 3 insert:

"(7) "OFFICE OF STATE PUBLIC DEFENDER" MEANS THE OFFICE OF STATE PUBLIC DEFENDER CREATED IN SECTION 21-1-101, C.R.S."

(8) "OFFICE OF THE CHILD'S REPRESENTATIVE" MEANS THE OFFICE OF THE CHILD'S REPRESENTATIVE CREATED IN SECTION 13-91-104, C.R.S."

Renumber succeeding subsections accordingly.

Page 12, line 14, after the period add "IF A COMMITTEE OF REFERENCE WISHES TO HOLD SUCH MEETINGS, PERMISSION FOR INCURRING ANY EXPENSES FOR WHICH REIMBURSEMENT MAY BE CLAIMED SHALL BE SOUGHT AS SPECIFIED IN SECTION 2-2-307 (4) PRIOR TO SCHEDULING ANY SUCH MEETINGS."

Page 12, line 23, strike "AND".

Page 12, line 24, strike "BRANCH" and substitute "DEPARTMENT, THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, AND THE OFFICE OF THE CHILD'S REPRESENTATIVE".

Page 13, line 3, strike "OR".

Page 13, line 4, strike "BRANCH." and substitute "DEPARTMENT, THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, OR THE OFFICE OF THE CHILD'S REPRESENTATIVE."

Page 13, line 10, strike "AND THE JUDICIAL BRANCH," and substitute "THE JUDICIAL DEPARTMENT, THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, AND THE OFFICE OF THE CHILD'S REPRESENTATIVE,".

Page 13, line 18, strike "BRANCH," and substitute "DEPARTMENT, THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, AND THE OFFICE OF THE CHILD'S REPRESENTATIVE,".

Page 13, line 21, strike "AND".

Page 13, line 22, after "ADMINISTRATOR," insert "THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, AND THE OFFICE OF THE CHILD'S REPRESENTATIVE,".

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Page 17, line 2, strike "AND".

Page 17, line 3, strike "BRANCH." and substitute "DEPARTMENT, THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, AND THE OFFICE OF THE CHILD'S REPRESENTATIVE.".

Page 17, line 10, strike "AND THE JUDICIAL BRANCH" and substitute "THE JUDICIAL DEPARTMENT, THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, AND THE OFFICE OF THE CHILD'S REPRESENTATIVE".

Page 19, line 10, strike "AND THE JUDICIAL BRANCH" and substitute "THE JUDICIAL DEPARTMENT, THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, AND THE OFFICE OF THE CHILD'S REPRESENTATIVE".

Page 19, line 23, strike "JUDICIAL AND" and after "AGENCIES," insert "THE JUDICIAL DEPARTMENT, THE OFFICE OF STATE PUBLIC DEFENDER CREATED IN SECTION 21-1-101, C.R.S., THE OFFICE OF ALTERNATE DEFENSE COUNSEL CREATED IN SECTION 21-2-101, C.R.S., AND THE OFFICE OF THE CHILD'S REPRESENTATIVE CREATED IN SECTION 13-91-104, C.R.S.,".

Page 20, strike line 1 and substitute "REQUESTS OF THE LEGISLATIVE BRANCH AGENCIES, THE JUDICIAL DEPARTMENT, THE OFFICE OF STATE PUBLIC DEFENDER CREATED IN SECTION 21-1-101, C.R.S., THE OFFICE OF ALTERNATE DEFENSE COUNSEL CREATED IN SECTION 21-2-101, C.R.S., AND THE OFFICE OF THE CHILD'S REPRESENTATIVE CREATED IN SECTION 13-91-104, C.R.S.;".

Page 20, strike line 8 and substitute "REQUESTS OF THE LEGISLATIVE BRANCH AGENCIES, THE JUDICIAL DEPARTMENT, THE OFFICE OF STATE PUBLIC DEFENDER CREATED IN SECTION 21-1-101, C.R.S., THE OFFICE OF ALTERNATE DEFENSE COUNSEL CREATED IN SECTION 21-2-101, C.R.S., AND THE OFFICE OF THE CHILD'S REPRESENTATIVE CREATED IN SECTION 13-91-104, C.R.S., TO THE".

Page 20, strike line 16 and substitute "BUDGET REQUESTS OF THE LEGISLATIVE BRANCH AGENCIES, THE JUDICIAL DEPARTMENT, THE OFFICE OF STATE PUBLIC DEFENDER CREATED IN SECTION 21-1-101, C.R.S., THE OFFICE OF ALTERNATE DEFENSE COUNSEL CREATED IN SECTION 21-2-101, C.R.S., AND THE OFFICE OF THE CHILD'S REPRESENTATIVE CREATED IN SECTION 13-91-104, C.R.S.;".

Page 21, line 8, strike "JUDICIAL".

Page 21, strike line 9 and substitute "LEGISLATIVE BRANCH AGENCIES, THE JUDICIAL DEPARTMENT, THE OFFICE OF STATE PUBLIC DEFENDER CREATED IN SECTION 21-1-101, C.R.S., THE OFFICE OF ALTERNATE DEFENSE COUNSEL CREATED IN SECTION 21-2-101, C.R.S., AND THE OFFICE OF THE CHILD'S REPRESENTATIVE CREATED IN SECTION 13-91-104, C.R.S., TO UPLOAD AND SUBMIT BUDGET".

Trans-  
portation

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

MEMBERS OF THE  
TRANSPORTATION COMMISSION

for terms expiring July 1, 2013:

Douglas E. Aden of Grand Junction, Colorado, to serve as a commissioner from the 7th Transportation District, reappointed;

Gilbert Ortiz Sr. of Pueblo, Colorado, to serve as a commissioner from the 10th Transportation District, reappointed;

B. Stephens Parker of Durango, Colorado, to serve as a commissioner from the 8th Transportation District, reappointed;

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Gary M. Reiff of Englewood, Colorado, to serve as a commissioner from the 3rd Transportation District, appointed;

Thomas M. Rogers III of Denver, Colorado, to fill the vacancy occasioned by the resignation of Michael L. Cheroutes Sr. of Denver, Colorado, and to serve as a commissioner from the 1st Transportation District, appointed.

Trans-  
portation

After consideration on the merits, the Committee recommends that **HB10-1018** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 14, line 2, after "NEW" insert "AND EXISTING".

Page 20, line 25, strike everything after "is".

Page 20, strike line 26 and substitute "~~not used to store waste tires for more than a ninety-day period prior to any beneficial use~~ IN COMPLIANCE WITH SECTION 25-17-206 (4) (b).".

Page 29, line 8, after "(1)" insert "(a)".

Page 29, after line 10 insert:

"(b) ONCE THE RULES HAVE BEEN PROMULGATED, THE DEPARTMENT SHALL REPORT TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION 43-2-145, C.R.S., ON THE PROMULGATION OF THE RULES.

(c) THE DEPARTMENT SHALL ANNUALLY REPORT TO THE HOUSE TRANSPORTATION & ENERGY COMMITTEE AND THE SENATE TRANSPORTATION COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, ON THE STATUS OF THE WASTE TIRE CLEANUP PROGRAM.".

Page 34, after line 19 insert:

**SECTION 16.** 25-16.5-106.5 (1) and (2), Colorado Revised Statutes, as amended by House Bill 10-1052, are amended to read:

**25-16.5-106.5. Recycling resources economic opportunity fund - creation - repeal.** (1) (a) The recycling resources economic opportunity fund is hereby created in the state treasury, referred to in this section as the "fund". The fund shall consist of:

(I) (A) Moneys collected for the fund pursuant to sections 25-16-104.5 (3.9) ~~(b) (a) and prior to July 1, 2011, 25-17-202 (1)(a)(IV)~~ (3) (a) (VI) and credited to the fund in accordance with ~~the provisions of~~ section 25-16-104.5 (3.9) (b). THIS SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE JULY 1, 2011.

(B) EFFECTIVE JULY 1, 2011, MONEYS COLLECTED FOR THE FUND PURSUANT TO SECTION 25-16-104.5 (3.9) (a) AND CREDITED TO THE FUND IN ACCORDANCE WITH SECTION 25-16-104.5 (3.9) (b).

(II) Any moneys appropriated to the fund by the general assembly; and

(III) All other moneys that may be available to the fund, including moneys made available from gifts, grants, or bequests.

(b) All interest derived from the deposit of moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain ~~therein~~ IN THE FUND and shall not be credited or transferred to the general fund or any other fund.

(2) Any moneys generated from ~~the imposition of solid waste user fees pursuant to sections 25-16-104.5 (3.9) and, prior to July 1, 2011,~~

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~~25-17-202 (1) (a) (IV)~~ PURSUANT TO SUBSECTION (1) OF THIS SECTION shall be annually appropriated to the department for allocation to the advisory board for the purpose of funding the recycling resources economic opportunity activities authorized by section 25-16.5-106.7, as well as any administrative costs associated therewith, including without limitation the grants authorized to be made under section 25-16.5-106.7 (3) and grant program oversight authorized by section 25-16.5-105.5 (3).

**SECTION 17. Repeal.** Sections 5 and 6 of House Bill 10-1052, are repealed."

Renumber succeeding sections accordingly.

Page 37, strike lines 14 and 15 and substitute:

**"SECTION 19. Specified effective date - applicability.** This act shall take effect upon passage and shall apply to conduct occurring on or after said date; except that sections 16 and 17 of this act shall take effect July 1, 2010, but only if House Bill 10-1052 is enacted and becomes law."

Local Government and Energy

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

MEMBER OF THE  
ADVISORY COMMITTEE ON  
GOVERNMENTAL ACCOUNTING

for a term expiring May 18, 2011:

John A. Carlson of Louisville, Colorado, to fill the vacancy occasioned by the resignation of Gregory W. Demko of Loveland, Colorado, and to serve as a representative of city and county government, appointed.

Local Government and Energy

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

MEMBER OF THE  
ENERGY IMPACT ASSISTANCE  
ADVISORY COMMITTEE

for terms expiring August 24, 2013:

Vicki L. Spencer of Gunnison, Colorado, appointed.

Local Government and Energy

After consideration on the merits, the Committee recommends that **HB10-1362** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 5, line 8, strike "DECEMBER 31" and substitute "DECEMBER 15".

Local Government and Energy

After consideration on the merits, the Committee recommends that **HB10-1328** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 14, strike "GLOBAL WARMING;" and substitute "CLIMATE CHANGE;".

Page 11, line 8, strike "DEVICES," and substitute "DEVICES, THAT DIRECTLY BENEFIT ELIGIBLE REAL PROPERTY THROUGH A QUALIFIED COMMUNITY LOCATION, AS DEFINED IN SECTION 30-20-602 (4.3), C.R.S.,

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ENACTED BY SENATE BILL 10-100, ENACTED IN 2010, OR THAT ARE".

Page 11, line 9, strike "THAT PRODUCES" and substitute "AND THAT PRODUCE".

Page 11, line 11, after "WIND," insert "LOW-IMPACT HYDROELECTRIC,".

Page 21, line 13, strike "MONITOR" and substitute "TAKE APPROPRIATE STEPS TO MONITOR".

Page 28, line 23, after "C.R.S." insert "THE ASSESSING RESOLUTION AND ASSESSMENT ROLL SHALL BE INDEXED IN THE GRANTOR INDEX UNDER THE NAME OF THE DISTRICT MEMBER AND IN THE GRANTEE INDEX UNDER THE COLORADO NEW ENERGY IMPROVEMENT DISTRICT.".

Local Government and Energy

After consideration on the merits, the Committee recommends that **HB10-1342** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, strike line 20 and substitute:

"(II) ALLOW RENTERS, LOW-INCOME UTILITY CUSTOMERS, AND AGRICULTURAL PRODUCERS TO".

Page 4, line 27, strike "A COUNTY" and substitute: "ANOTHER COUNTY, ALSO WITH A POPULATION OF LESS THAN TWENTY THOUSAND, WITHIN THE SERVICE TERRITORY OF THE SAME QUALIFYING RETAIL UTILITY AND ALSO".

Page 7, line 8, strike "TWO" and substitute "THREE".

Page 7, line 14, strike "TWO" and substitute "THREE".

Page 7, line 16, strike "THE GREATER OF THREE MEGAWATTS OR".

Page 7, line 19, strike "RENEWABLE" and substitute "NOTWITHSTANDING ANY PROVISION OF THIS SUBPARAGRAPH (II) TO THE CONTRARY, RENEWABLE".

Page 7, line 22, strike "2014." and substitute "2013.".

Page 7, after line 22 insert:

"(III) FOR THE FIRST THREE COMPLIANCE YEARS COMMENCING WITH THE 2011 COMPLIANCE YEAR, A QUALIFYING RETAIL UTILITY SHALL NOT BE OBLIGATED TO PURCHASE THE OUTPUT FROM MORE THAN SIX MEGAWATTS OF NEWLY INSTALLED COMMUNITY SOLAR GARDEN GENERATION.".

Page 7, line 23, strike "(III)" and substitute "(IV)".

Page 8, line 2, strike "TWO" and substitute "THREE".

Page 8, line 11, after "CUSTOMERS," insert "AND AGRICULTURAL PRODUCERS,".

Page 9, line 20, strike "ELECTRICITY GENERATION CHARGE ON A".

Page 10, line 25, strike "MARGIN" and substitute "MARGIN, IN AN AMOUNT DETERMINED BY THE COMMISSION,".

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**MESSAGE FROM THE GOVERNOR**

April 12, 2010

To the Honorable Senate  
Sixty-seventh General Assembly  
Second Regular Session  
State Capitol  
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

**SB10-080** CONCERNING ALLOWING COURT-ENTERED CIVIL PROTECTION ORDERS TO INCLUDE DIRECTIVE CONCERNING ANIMALS.

Approved April 12, 2010 at 1:40 p.m.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 4/13/10, 9:47 a.m  
Karen Goldman, Secretary of the Senate

April 13, 2010

To the Honorable Senate  
Sixty-seventh General Assembly  
Second Regular Session  
State Capitol  
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

**SB10-115** CONCERNING THE AUTHORITY OF LICENSED HEALTH CARE FACILITIES TO REDISPENSE UNUSED MEDICATIONS.

Approved April 13, 2010 at 3:08 p.m.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 4/13/10, 4:14 p.m  
Karen Goldman, Secretary of the Senate

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**SENATE SERVICES REPORT**

- Correctly Printed:** SB10-192 and 193; SJR10-031.
- Correctly Engrossed:** SB10-183 and 185; SJM10-003; SJR10-025.
- Correctly Reengrossed:** SB10-156 and 181.
- Correctly Revised:** HB10-1042, 1138, 1208, 1252 and 1273; HJR10-1015 and 1016.
- Correctly Rerevised:** HB10-1205, 1220, 1229, 1293 and 1387.

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**APPOINTMENTS TO CONFERENCE COMMITTEE**

The President appointed Senators Hodge, Chair, Boyd, and Cadman as Senate conferees on the first conference committee on **HB10-1098**.

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On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, April 14 was laid over until Thursday, April 15, retaining its place on the calendar.

- General Orders -- Second Reading of Bills: HB10-1271, HB10-1038, HB10-1009, SB10-012, SB10-011, HB10-1147.
- Consideration of Resolutions: HJR10-1017.
- Consideration of Memorials: SJM10-002.
- Consideration of House Amendments to Senate Bills: SB10-071, SB10-143, SB10-094, SB10-100, SB10-166.
- Consideration of House Adherence: HB10-1211.
- Consideration of Conference Committee Reports: SB10-109.
- Conference Committees to Report: HB10-1021, HB10-1376, HB10-1171, HB10-1369.

**TRIBUTES**

Honoring:

- Arvada High School Pom Squad - - By Senator Hudak.
- Louis Anthony Grasso Jr. - - By Senator Penry.
- Aubrey Ray Lambert - - By Senator Penry.
- Mary Lou Huerkamp - - By Senator Penry.
- Louis Anthony Grasso Jr. - - By Senator Penry.
- Aubrey Ray Lambert - - By Senator Penry.
- Mary Lou Huerkamp - - By Senator Penry.
- Harrison Smith - - By Senator Kopp.
- Michael Moores - - By Senator Kopp.
- Eric Almanzar - - By Senator Kopp.
- John Frederick Clewe - - By Senator Scheffel.
- National Minority Health and Health Disparities Month - - By Senator Sandoval.
- Doug Lehnen - - By Senator Scheffel.
- Randy Reed - - By Senator Scheffel.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, April 15, 2010.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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