

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

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23rd Legislative Day

Thursday, February 4, 2010

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Prayer	By the chaplain, Reverend Dr. Louise B. Barger, Retired Executive Minister, American Baptist Churches of the Rocky Mountains.	11
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Call to Order	By the President at 9:00 a.m.	14
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Pledge	By Senator Morse.	17
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Roll Call	Present--29.	19
	Absent--3, Schwartz, Whitehead, Williams.	20
	Excused--3, Foster, Mitchell, Scheffel.	21
	Present later--5, Mitchell, Scheffel, Schwartz, Whitehead, Williams.	22
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Quorum	The President announced a quorum present.	24
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Reading of Journal	On motion of Senator Lundberg, reading of the Journal of Wednesday, February 3, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.	26
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**MESSAGE FROM THE REVISOR OF STATUTES**

February 3, 2010

We herewith transmit:

Without comment, as amended, HB10-1190.

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**COMMITTEE OF REFERENCE REPORTS**

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

**MEMBERS OF THE  
BOARD OF GOVERNORS OF THE  
COLORADO STATE UNIVERSITY SYSTEM**

for terms expiring December 31, 2013:

Scott C. Johnson of Kit Carson, Colorado, to serve as a member who has substantial experience in the production of agriculture, and as a Republican, appointed;

Ed J. Haselden of Castle Rock, Colorado, to serve as a Republican, reappointed;

Mary Lou Makepeace of Colorado Springs, Colorado, to serve as a Republican, appointed.

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

**MEMBER OF THE  
HIGHER EDUCATION COMPETITIVE RESEARCH  
AUTHORITY BOARD OF DIRECTORS**

for a term expiring August 21, 2011:

D. Rico Munn of Denver, Colorado, to fill the vacancy occasioned by the resignation of David Skaggs of Boulder, Colorado, appointed.

Education

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

EXECUTIVE DIRECTOR OF THE COLORADO COMMISSION ON HIGHER EDUCATION AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HIGHER EDUCATION

for a term expiring at the pleasure of the Governor:

Rico Munn, Esq., of Denver, Colorado

Business, Labor, & Technology

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

MEMBERS OF THE BOARD OF REAL ESTATE APPRAISERS

for terms expiring July 1, 2012:

Wayne L. Hunsperger of Englewood, Colorado, to serve as a real estate appraiser, appointed;

Anthony J. Navarro of Denver, Colorado, to serve as a member of the public, reappointed;

Susan E. Secrest of Denver, Colorado, to serve as a member of the public, appointed.

Business, Labor, & Technology

The Committee on Business Labor and Technology has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE COLORADO LOTTERY COMMISSION

for a term expiring July 1, 2013:

Henry R. Reeve of Denver, Colorado, an attorney admitted to the practice of law in Colorado for not less than five years, reappointed.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB10-020** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 1, strike "**providers - rules.**" and substitute "**providers.**".

Page 3, line 5, strike "IN" and substitute "A FEE SCHEDULE ESTABLISHED PURSUANT TO THIS SECTION MAY BE BASED ON VARIOUS REIMBURSEMENT METHODOLOGIES COMMONLY USED IN THE HEALTH INSURANCE INDUSTRY, INCLUDING DISCOUNTED BILLED CHARGES, CASE RATES, THE FEE SCHEDULE ESTABLISHED PURSUANT TO SECTION 8-42-101 (3) (a), C.R.S., FOR SERVICES PROVIDED BY PHYSICIANS TO INJURED WORKERS UNDER THE "WORKERS' COMPENSATION ACT OF COLORADO", AND MULTIPLES OF MEDICARE REIMBURSEMENT, BUT SHALL BE SET AT AMOUNTS THAT EXCEED THE REIMBURSEMENT GENERALLY PAID TO ANY CATEGORY OF PROVIDER BY MEDICARE AND THE STATE MEDICAL ASSISTANCE PROGRAM ADMINISTERED PURSUANT TO THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4, 5, AND 6 OF TITLE 25.5, C.R.S. ADDITIONALLY, IN".

Page 3, line 9, strike "AND".

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Page 3, line 11, strike "PAYERS." and substitute "PAYERS; AND".

Page 3, after line 11 insert:

"(IV) THE IMPACT A FEE SCHEDULE MAY HAVE ON ACCESS TO PROVIDERS."

Page 3, line 14, after "SHALL" insert "CREATE ONE OR MORE MECHANISMS, SUCH AS AN ADVISORY REIMBURSEMENT COMMITTEE, TO".

Page 3, after line 19 insert:

"(d) IF THE ESTABLISHED FEE SCHEDULE RESULTS IN SAVINGS TO THE PROGRAM, THE BOARD SHALL USE THE SAVINGS TO REDUCE THE AMOUNTS NEEDED FROM PARTICIPANTS, INSURERS, AND THE UNCLAIMED PROPERTY TRUST FUND PURSUANT TO SECTION 10-8-530 (1) FOR THE TOTAL FUNDING FOR THE PROGRAM, AS DEFINED IN SECTION 10-8-530 (1) (e) (I)."

Page 3, strike line 20.

Page 3, line 21, strike "COMMISSIONER, A" and substitute:

"(2) (a) A".

Page 4, line 3, strike "SHALL PRECLUDE" and substitute "PRECLUDES".

Page 4, strike lines 9 through 11.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB10-056** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 6, strike "ADOPT AND IMPLEMENT A POLICY FOR".

Page 2, line 7, strike "PROVIDING" and substitute "PROVIDE".

Page 2, line 16, strike "ADOPT AND IMPLEMENT A".

Page 2, strike line 17 and substitute "ANNUALLY".

Page 2, line 19, strike "PAPER OR ELECTRONIC".

Page 2, line 22, strike "THE POLICY".

Page 2, line 23, strike "SHALL STATE THAT".

Page 3, strike line 6 and substitute "SHALL".

Page 3, line 7, strike "OF THE SCHOOL DISTRICT TO".

Page 3, line 8, strike "PAPER OR".

Page 3, line 9, strike "ELECTRONIC".

Page 3, line 12, strike "THE POLICY SHALL STATE THAT".

Page 3, line 17, strike "A NEW SUBSECTION" and substitute "THE FOLLOWING NEW SUBSECTIONS".

Page 4, after line 3 insert:

"(5) THE DOCUMENT CREATED PURSUANT TO SUBSECTION (4) OF THIS SECTION SHALL COMPLY WITH THE PROVISIONS OF SECTION 25-4-903 (4) REGARDING ALLOWABLE EXEMPTIONS FROM REQUIRED IMMUNIZATIONS."

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Agriculture and Natural Resources

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

MEMBERS OF THE GROUND WATER COMMISSION

for terms expiring May 1, 2013:

Grant H. Bledsoe of Wray, Colorado, a resident agriculturist from the Northern High Plains Basin, reappointed;

Corey M. Huwa of Roggen, Colorado, a resident agriculturist from the Lost Creek Basin, reappointed;

Earnest L. Mikita of Calhan, Colorado, a resident agriculturist from the Upper Big Sandy Basin, reappointed.

effective May 1, 2010, for terms expiring May 1, 2014:

Douglas L. Shriver of Monte Vista, Colorado, to serve as a representative of Water Division 3 and as a Resident Agriculturalist, reappointed;

Carolyn F. Burr of Denver, Colorado, to serve as a representative of municipal or industrial users, reappointed.

Finance

After consideration on the merits, the Committee recommends that **HB10-1191** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 2 through 5 and substitute:

**"SECTION 1.** 39-26-707 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:".

Page 2, strike lines 9 through 11 and substitute:

"(f) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (e) OF THIS SUBSECTION (1), FOR THE PERIOD COMMENCING MAY 1, 2010, AND ENDING JUNE 30, 2013, SALES OF CANDY AND SOFT DRINKS SHALL BE SUBJECT TO STATE SALES TAXATION.".

Page 2, line 12, strike "(e):" and substitute "(f):" .

Page 3, strike line 5 and substitute:

**"SECTION 2.** 39-26-707 (2) (d), Colorado Revised Statutes, is amended, and the said 39-26-707 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**39-26-707. Food, meals, and beverages - definitions.** (2) The following shall be exempt from taxation under the".

Renumber succeeding sections accordingly.

Page 3, strike line 8, strike and substitute "of food as defined in section 39-26-102 (4.5); EXCEPT THAT, FOR THE PERIOD COMMENCING MAY 1, 2010, AND ENDING JUNE 30, 2013,".

Page 3, line 9, strike "AFTER MAY 1, 2010,".

Page 3, line 10, strike "SUCH" and substitute "STATE USE".

Page 3, strike lines 23 through 27.

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Page 4, strike lines 1 through 14.

Renumber succeeding subsection accordingly.

Page 4, line 24, strike "(e)" and substitute "(f)".

Page 5, line 5, strike "ON".

Page 5, line 6, strike "AND AFTER MAY 1, 2010," and substitute "FOR THE PERIOD COMMENCING MAY 1, 2010, AND ENDING JUNE 30, 2013,".

Page 5, line 7, strike "SUCH" and substitute "STATE SALES".

Page 5, line 16, strike "ON AND AFTER MAY 1, 2010," and substitute "FOR THE PERIOD COMMENCING MAY 1, 2010, AND ENDING JUNE 30, 2013,".

Page 5, line 18, strike "SUCH" and substitute "STATE USE".

Page 6, strike lines 17 through 27.

Page 7, strike lines 1 through 8.

Page 7, after line 18 insert:

**SECTION 5.** Part 1 of article 26 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**39-26-127. Legislation modifying the state sales tax base - no impact on local government sales tax bases - no expansion of local authority to levy sales tax.** (1) NOTWITHSTANDING THE PROVISIONS OF SECTION 29-2-105 (1) (d), C.R.S., ANY PROVISION OF TITLE 32, C.R.S., OR ANY OTHER PROVISION OF LAW, THE LEVYING OF SALES TAX ON, EXEMPTION FROM SALES TAX FOR, OR LOCAL OPTION TO LEVY SALES TAX ON OR PROVIDE AN EXEMPTION FROM SALES TAX FOR ANY TANGIBLE PERSONAL PROPERTY OR SERVICES UNDER THE SALES TAX ORDINANCE OR RESOLUTION OF ANY COUNTY, MUNICIPALITY, SPECIAL DISTRICT, AUTHORITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF THE STATE SHALL NOT BE AFFECTED IN ANY WAY BY THE ELIMINATION, SUSPENSION, OR MODIFICATION OF ANY SALES TAX EXEMPTION OR ANY OTHER LEGISLATIVE MODIFICATION OF THE STATE SALES TAX BASE RESULTING FROM THE ENACTMENT OF ANY OF THE FOLLOWING BILLS:

(a) HOUSE BILL 10-1191, ENACTED IN 2010.

(2) THIS SECTION DOES NOT CREATE OR EXPAND, AND SHALL NOT BE CONSTRUED TO CREATE OR EXPAND, ANY AUTHORITY OF ANY COUNTY, MUNICIPALITY, SPECIAL DISTRICT, AUTHORITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF THE STATE TO LEVY SALES TAX.

**SECTION 6.** Part 2 of article 26 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**39-26-212. Legislation modifying the state use tax base - no impact on local government use tax bases - no expansion of local authority to levy use tax.** (1) NOTWITHSTANDING THE PROVISIONS OF SECTION 29-2-105 (1) (d), C.R.S., ANY PROVISION OF TITLE 32, C.R.S., OR ANY OTHER PROVISION OF LAW, THE LEVYING OF USE TAX ON, EXEMPTION FROM USE TAX FOR, OR LOCAL OPTION TO LEVY USE TAX ON OR PROVIDE AN EXEMPTION FROM USE TAX FOR ANY TANGIBLE PERSONAL PROPERTY OR SERVICES UNDER THE USE TAX ORDINANCE OR RESOLUTION OF ANY COUNTY, MUNICIPALITY, SPECIAL DISTRICT, AUTHORITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF THE STATE SHALL NOT BE AFFECTED IN ANY WAY BY THE ELIMINATION, SUSPENSION, OR MODIFICATION OF ANY USE TAX EXEMPTION OR ANY OTHER LEGISLATIVE MODIFICATION OF THE STATE USE TAX BASE RESULTING FROM THE ENACTMENT OF ANY OF THE FOLLOWING BILLS:

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(a) HOUSE BILL 10-1191, ENACTED IN 2010.

(2) THIS SECTION DOES NOT CREATE OR EXPAND, AND SHALL NOT BE CONSTRUED TO CREATE OR EXPAND, ANY AUTHORITY OF ANY COUNTY, MUNICIPALITY, SPECIAL DISTRICT, AUTHORITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF THE STATE TO LEVY USE TAX."

Renumber succeeding sections accordingly.

Finance

After consideration on the merits, the Committee recommends that **HB10-1196** be referred to the Committee on Appropriations with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that **HB10-1189** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, after line 7 insert:

**SECTION 3.** Part 1 of article 26 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**39-26-127. Legislation modifying the state sales tax base - no impact on local government sales tax bases - no expansion of local authority to levy sales tax.** (1) NOTWITHSTANDING THE PROVISIONS OF SECTION 29-2-105 (1) (d), C.R.S., ANY PROVISION OF TITLE 32, C.R.S., OR ANY OTHER PROVISION OF LAW, THE LEVYING OF SALES TAX ON, EXEMPTION FROM SALES TAX FOR, OR LOCAL OPTION TO LEVY SALES TAX ON OR PROVIDE AN EXEMPTION FROM SALES TAX FOR ANY TANGIBLE PERSONAL PROPERTY OR SERVICES UNDER THE SALES TAX ORDINANCE OR RESOLUTION OF ANY COUNTY, MUNICIPALITY, SPECIAL DISTRICT, AUTHORITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF THE STATE SHALL NOT BE AFFECTED IN ANY WAY BY THE ELIMINATION, SUSPENSION, OR MODIFICATION OF ANY SALES TAX EXEMPTION OR ANY OTHER LEGISLATIVE MODIFICATION OF THE STATE SALES TAX BASE RESULTING FROM THE ENACTMENT OF ANY OF THE FOLLOWING BILLS:

(a) HOUSE BILL 10-1189, ENACTED IN 2010.

(2) THIS SECTION DOES NOT CREATE OR EXPAND, AND SHALL NOT BE CONSTRUED TO CREATE OR EXPAND, ANY AUTHORITY OF ANY COUNTY, MUNICIPALITY, SPECIAL DISTRICT, AUTHORITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF THE STATE TO LEVY SALES TAX.

**SECTION 4.** Part 2 of article 26 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**39-26-212. Legislation modifying the state use tax base - no impact on local government use tax bases - no expansion of local authority to levy use tax.** (1) NOTWITHSTANDING THE PROVISIONS OF SECTION 29-2-105 (1) (d), C.R.S., ANY PROVISION OF TITLE 32, C.R.S., OR ANY OTHER PROVISION OF LAW, THE LEVYING OF USE TAX ON, EXEMPTION FROM USE TAX FOR, OR LOCAL OPTION TO LEVY USE TAX ON OR PROVIDE AN EXEMPTION FROM USE TAX FOR ANY TANGIBLE PERSONAL PROPERTY OR SERVICES UNDER THE USE TAX ORDINANCE OR RESOLUTION OF ANY COUNTY, MUNICIPALITY, SPECIAL DISTRICT, AUTHORITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF THE STATE SHALL NOT BE AFFECTED IN ANY WAY BY THE ELIMINATION, SUSPENSION, OR MODIFICATION OF ANY USE TAX EXEMPTION OR ANY OTHER LEGISLATIVE MODIFICATION OF THE STATE USE TAX BASE RESULTING FROM THE ENACTMENT OF ANY OF THE FOLLOWING BILLS:

(a) HOUSE BILL 10-1189, ENACTED IN 2010.

(2) THIS SECTION DOES NOT CREATE OR EXPAND, AND SHALL NOT

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BE CONSTRUED TO CREATE OR EXPAND, ANY AUTHORITY OF ANY COUNTY, MUNICIPALITY, SPECIAL DISTRICT, AUTHORITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF THE STATE TO LEVY USE TAX."

Renumber succeeding sections accordingly.

Finance

After consideration on the merits, the Committee recommends that **HB10-1194** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 3, strike "amended" and substitute "amended, and the said 39-26-707 is further amended BY THE ADDITION OF A NEW SUBSECTION,".

Page 2, line 12, strike "ON OR".

Page 2, line 13, strike "AFTER MARCH 1, 2010," and substitute "FOR THE PERIOD COMMENCING MARCH 1, 2010, AND ENDING JUNE 30, 2013,".

Page 3, line 4, strike "ON AND".

Page 3, line 5, strike "AFTER MARCH 1, 2010," and substitute "FOR THE PERIOD COMMENCING MARCH 1, 2010, AND ENDING JUNE 30, 2013,".

Page 3, line 19, strike "ON AND AFTER MARCH 1, 2010," and substitute "FOR THE PERIOD COMMENCING MARCH 1, 2010, AND ENDING JUNE 30, 2013,".

Page 4, line 5, strike "ON AND AFTER MARCH 1, 2010," and substitute "FOR THE PERIOD COMMENCING MARCH 1, 2010, AND ENDING JUNE 30, 2013,".

Page 4, after line 9, insert:

"(3) FOR ANY RETURN MADE PRIOR TO JUNE 1, 2010, A PERSON WHO SELLS OR STORES, USES, OR CONSUMES ITEMS DESCRIBED IN PARAGRAPHS (c) AND (d) OF SUBSECTION (1) AND PARAGRAPHS (b) AND (c) OF SUBSECTION (2) OF THIS SECTION THAT ARE NONESSENTIAL TO THE END CONSUMER OR USER SHALL NOT BE LIABLE FOR ANY INTEREST OR OTHER PENALTY IMPOSED AS A RESULT OF AN ERROR MADE IN CONNECTION WITH THE ELIMINATION OF THE EXEMPTION FOR SUCH NONESSENTIAL ITEMS FROM STATE SALES AND USE TAX BY HOUSE BILL 10-1194, ENACTED IN 2010."

Page 4, after line 19, insert:

**SECTION 3.** Part 1 of article 26 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**39-26-127. Legislation modifying the state sales tax base - no impact on local government sales tax bases - no expansion of local authority to levy sales tax.** (1) NOTWITHSTANDING THE PROVISIONS OF SECTION 29-2-105 (1) (d), C.R.S., ANY PROVISION OF TITLE 32, C.R.S., OR ANY OTHER PROVISION OF LAW, THE LEVYING OF SALES TAX ON, EXEMPTION FROM SALES TAX FOR, OR LOCAL OPTION TO LEVY SALES TAX ON OR PROVIDE AN EXEMPTION FROM SALES TAX FOR ANY TANGIBLE PERSONAL PROPERTY OR SERVICES UNDER THE SALES TAX ORDINANCE OR RESOLUTION OF ANY COUNTY, MUNICIPALITY, SPECIAL DISTRICT, AUTHORITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF THE STATE SHALL NOT BE AFFECTED IN ANY WAY BY THE ELIMINATION, SUSPENSION, OR MODIFICATION OF ANY SALES TAX EXEMPTION OR ANY OTHER LEGISLATIVE MODIFICATION OF THE STATE SALES TAX BASE RESULTING FROM THE ENACTMENT OF ANY OF THE FOLLOWING BILLS:

(a) HOUSE BILL 10-1194, ENACTED IN 2010.

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(2) THIS SECTION DOES NOT CREATE OR EXPAND, AND SHALL NOT BE CONSTRUED TO CREATE OR EXPAND, ANY AUTHORITY OF ANY COUNTY, MUNICIPALITY, SPECIAL DISTRICT, AUTHORITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF THE STATE TO LEVY SALES TAX.

**SECTION 4.** Part 2 of article 26 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**39-26-212. Legislation modifying the state use tax base - no impact on local government use tax bases - no expansion of local authority to levy use tax.** (1) NOTWITHSTANDING THE PROVISIONS OF SECTION 29-2-105 (1) (d), C.R.S., ANY PROVISION OF TITLE 32, C.R.S., OR ANY OTHER PROVISION OF LAW, THE LEVYING OF USE TAX ON, EXEMPTION FROM USE TAX FOR, OR LOCAL OPTION TO LEVY USE TAX ON OR PROVIDE AN EXEMPTION FROM USE TAX FOR ANY TANGIBLE PERSONAL PROPERTY OR SERVICES UNDER THE USE TAX ORDINANCE OR RESOLUTION OF ANY COUNTY, MUNICIPALITY, SPECIAL DISTRICT, AUTHORITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF THE STATE SHALL NOT BE AFFECTED IN ANY WAY BY THE ELIMINATION, SUSPENSION, OR MODIFICATION OF ANY USE TAX EXEMPTION OR ANY OTHER LEGISLATIVE MODIFICATION OF THE STATE USE TAX BASE RESULTING FROM THE ENACTMENT OF ANY OF THE FOLLOWING BILLS:

(a) HOUSE BILL 10-1194, ENACTED IN 2010.

(2) THIS SECTION DOES NOT CREATE OR EXPAND, AND SHALL NOT BE CONSTRUED TO CREATE OR EXPAND, ANY AUTHORITY OF ANY COUNTY, MUNICIPALITY, SPECIAL DISTRICT, AUTHORITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF THE STATE TO LEVY USE TAX."

Renumber succeeding sections accordingly.

**INTRODUCTION OF RESOLUTIONS**

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

**SJR10-010** by Senator(s) White, Keller, Tapia; also Representative(s) Ferrandino, Pommer, Lambert-- Concerning the declaration of a state fiscal emergency pursuant to section 21 (7) of article X of the state constitution.  
Appropriations

**INTRODUCTION OF BILLS -- FIRST READING**

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

**SB10-134** by Senator(s) Brophy; also Representative(s) Sonnenberg and Frangas--Concerning incentives for the installation of new distributed eligible energy generation facilities in Colorado, and, in connection therewith, increasing the amount of the renewable energy credit available for the installation of distributed eligible electric generation equipment.  
State, Veterans & Military Affairs

**SB10-135** by Senator(s) Spence; also Representative(s) Pace--Concerning an exemption from the 911 charge for customers receiving subsidies under federal programs.  
State, Veterans & Military Affairs

**SB10-136** by Senator(s) Harvey; --Concerning a requirement of written communication to the attorney general when the head of a nonlegislative branch of state government seeks to employ outside legal counsel.  
State, Veterans & Military Affairs

**SB10-137** by Senator(s) Renfroe, Brophy, Kopp, Harvey, Lundberg, Cadman, Scheffel, Penry, Mitchell, King K., Kester, Schultheis, Spence; also Representative(s) Gardner C.--

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- Concerning authorization for a no-street-use vehicle registration, and, in connection therewith, reducing the amount of the specific ownership tax levied on a vehicle registered as a no-street-use vehicle and exempting the owner of such a vehicle from paying the road safety and bridge safety surcharges imposed pursuant to Senate Bill 09-108.  
State, Veterans & Military Affairs
- SB10-138** by Senator(s) Heath; --Concerning the award of expenses in a proceeding to appeal the valuation of property for property tax purposes.  
Local Government and Energy
- SB10-139** by Senator(s) Kester; also Representative(s) Sonnenberg--Concerning the addition of a line to Colorado state individual income tax return forms whereby individual taxpayers may make a voluntary contribution benefiting the unwanted horse fund.  
Agriculture and Natural Resources
- SB10-140** by Senator(s) Mitchell, Shaffer B., Carroll M., Spence; --Concerning human trafficking.  
Judiciary
- SB10-141** by Senator(s) King K.; also Representative(s) Lambert--Concerning the transfer of responsibility for the regulation of games of chance from the secretary of state to the department of revenue in accordance with House Concurrent Resolution 09-1003.  
Finance
- SB10-142** by Senator(s) Foster; --Concerning the process of resolving disputes related to sales and use tax paid to a local government.  
Local Government and Energy
- SB10-143** by Senator(s) Morse; --Concerning the refund of moneys erroneously collected by the Colorado department of state on or after a certain date, and, in connection therewith, authorizing the state controller to issue warrants to refund such moneys to the proper persons.  
Finance
- SB10-144** by Senator(s) Scheffel; --Concerning the registration of equipment mounted on a motor vehicle.  
Transportation
- SB10-145** by Senator(s) Romer, Williams, Bacon, Foster, Johnston, Hodge, Steadman; also Representative(s) McCann, Middleton, Ryden, Todd--Concerning the alleviation of traffic congestion within the United States highway 40 corridor through central and east Denver and Aurora, and, in connection therewith, requiring the high-performance transportation enterprise to study the feasibility of entering into a public-private partnership to develop, construct, and operate a rail fixed guideway system between the Auraria higher education center and the Anschutz medical campus of the university of Colorado at Denver and, if a special district or improvement district is subsequently formed for the purpose of financing, developing, constructing, and operating such a system, requiring a specified portion of the road safety surcharge paid by vehicle owners who reside within one mile of the system route to be paid to the special district.  
Transportation
- SB10-146** by Senator(s) Keller, Tapia, White; also Representative(s) Pommer, Ferrandino, Lambert--Concerning a temporary modification to the contribution rates for certain divisions of the public employees' retirement association.  
Appropriations
- SB10-147** by Senator(s) Lundberg, Penry; also Representative(s) DelGrosso--Concerning exempting from execution by creditors certain assets that are payable upon death.  
Judiciary
- SB10-148** by Senator(s) White, Keller, Tapia; also Representative(s) Lambert, Ferrandino, Pommer--Concerning the transfer of the enterprise facility for operational recovery, readiness, response, and transition services from the department of state to the office of information technology in the office of the governor, and, in connection therewith, developing a timeline to transfer funding of the facility from the department of state cash fund to the information technology revolving fund over a period of four years.  
Appropriations
- SB10-149** by Senator(s) Tapia, Keller, White; also Representative(s) Ferrandino, Pommer, Lambert--Concerning advancements to counties from the county tax base relief fund.

	Appropriations	1
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<b>SB10-150</b>	by Senator(s) Tapia, Keller, White; also Representative(s) Pommer, Ferrandino, Lambert-- Concerning the transfer in state fiscal year 2010-11 of all moneys not otherwise allocated from state public school lands to the state public school fund instead of the permanent school fund.	3 4 5 6
	Appropriations	7
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<b>SB10-151</b>	by Senator(s) White, Keller, Tapia; also Representative(s) Pommer, Ferrandino, Lambert-- Concerning the repeal of the Colorado comprehensive health fund.	9 10
	Appropriations	11
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<b>SB10-152</b>	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.	13 14 15 16
	Health and Human Services	17
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<b>SB10-153</b>	by Senator(s) Boyd; --Concerning behavioral health transformation.	19
	Health and Human Services	20
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<b>SB10-154</b>	by Senator(s) Sandoval; --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.	22 23 24
	Education	25
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<b>SB10-155</b>	by Senator(s) Tochtrop; also Representative(s) Benefield--Concerning limitations on the issuance of gift cards.	27 28
	Business, Labor and Technology	29
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<b>SB10-156</b>	by Senator(s) Heath; also Representative(s) Hullinghorst--Concerning increased protections for mobile home owners who lease space in mobile home parks.	31 32
	Judiciary	33
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<b>SB10-157</b>	by Senator(s) White, Kester, Romer, Spence, Tochtrop; also Representative(s) McFadyen, McNulty, Liston--Concerning the definition of resident for the purposes of motor vehicle laws.	35 36 37
	Transportation	38
		39
<b>SB10-158</b>	by Senator(s) Newell, Bacon, Carroll M., Gibbs, Heath, Hodge, Hudak, Johnston, Keller, Kester, Lundberg, Morse, Romer, Sandoval, Schwartz, Spence, Steadman, Tapia, Tochtrop, White, Whitehead, Williams; also Representative(s) Rice, Ryden--Concerning the creation of the creative industries division within the Colorado office of economic development, and, in connection therewith, recodifying the statutory provisions that create the Colorado office of film, television, and media, the council on creative industries, and the art in public places program.	40 41 42 43 44 45 46
	Business, Labor and Technology	47
		48
<b>SB10-159</b>	by Senator(s) Foster; also Representative(s) Miklosi--Concerning defendant's statements at a community corrections hearing.	49 50
	Judiciary	51
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<b>SB10-160</b>	by Senator(s) Lundberg, Brophy, Harvey, Schultheis; --Concerning the development of an alternative medical assistance program for the elderly.	53 54
	Health and Human Services	55
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<b>SB10-161</b>	by Senator(s) King K.; also Representative(s) Massey--Concerning authorizing charter schools to enter into contractual agreements.	57 58
	Education	59
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<b>SB10-162</b>	by Senator(s) Heath; also Representative(s) Hullinghorst, May--Concerning modifications to the "Urban and Rural Enterprise Zone Act" to improve the accountability of income tax credits allowed by the act.	61 62 63
	Finance	64
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<b>SB10-163</b>	by Senator(s) Tochtrop; also Representative(s) Kerr A.--Concerning workers' compensation procedures.	66 67
	Business, Labor and Technology	68
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- HB10-1010** by Representative(s) Ferrandino, Court, Gerou; also Senator(s) Morse, Brophy, Heath--  
Concerning authorization for agencies of the state to enter into public-private initiative  
agreements with nonprofit entities.  
State, Veterans & Military Affairs
- HB10-1034** by Representative(s) Massey, Middleton, Scanlan; also Senator(s) King K., Johnston,  
Spence--Concerning the credentialing of school speech-language pathology assistants.  
Education
- HB10-1036** by Representative(s) Scanlan and Massey, Merrifield, Middleton, Stephens; also Senator(s)  
Romer, Johnston, King K., Spence, Steadman--Concerning on-line public access to public  
school financial information.  
Education
- HB10-1037** by Representative(s) Massey, Merrifield, Middleton, Scanlan, Stephens; also Senator(s)  
Spence, Johnston, King K., Steadman--Concerning the continuation of funding for  
supplemental on-line education services.  
Education
- HB10-1039** by Representative(s) Gardner B., Kagan, Labuda, Levy, Roberts; also Senator(s) Brophy,  
Carroll M., Mitchell, Morse, Schwartz--Concerning the enactment of Colorado Revised  
Statutes 2009 as the positive and statutory law of the state of Colorado.  
Judiciary
- HB10-1062** by Representative(s) Schafer S.; also Senator(s) Hodge--Concerning the ability to allow a  
county to purchase crime insurance coverage in lieu of surety bonds.  
Local Government and Energy
- HB10-1071** by Representative(s) Labuda; also Senator(s) Heath--Concerning elimination of the  
requirement that a person employed in a technical forestry capacity by the board of  
governors of the Colorado state university system possess at least two years' experience in  
forest practice.  
Education
- HB10-1080** by Representative(s) Lambert; also Senator(s) Sandoval--Concerning the expansion of  
duties of the legislative emergency epidemic response committee to include preparation for  
disaster emergencies, and, in connection therewith, changing the name of the committee and  
allowing the committee to recommend legislation pertaining to the preparedness, response,  
and recovery by the general assembly in the event of an emergency epidemic or disaster.  
State, Veterans & Military Affairs
- HB10-1095** by Representative(s) Gerou; also Senator(s) Kopp--Concerning a limitation on the authority  
of a fire protection district to charge fees for providing certain rescue services to those  
services provided at the scene of a motor vehicle accident.  
Local Government and Energy
- HB10-1190** by Representative(s) Pommer; also Senator(s) Heath--Concerning the suspension of the  
exemption from the state sales and use taxes for fuels used for industrial purposes, and  
making an appropriation therefor.  
Finance

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### SENATE SERVICES REPORT

**Correctly Printed:** SB10-133.  
**Correctly Engrossed:** SB10-019; SJR10-004.  
**Correctly Reengrossed:** SB10-009, 041, 046 and 119.

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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, February 4, was laid  
over until Thursday, February 5, retaining its place on the calendar.

Third Reading of Bills -- Final Passage: SB10-019.  
General Orders -- Second Reading of Bills: SB10-016, SB10-100.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

February 4, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1099, 1003, 1016.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1014, amended as printed in House Journal, February 3, page 172. HB10-1085, amended as printed in House Journal, February 3, page 172. HB10-1141, amended as printed in House Journal, February 3, page 172.

MESSAGE FROM THE REVISOR OF STATUTES

February 4, 2010

We herewith transmit:

Without comment, HB10-1003, 1016, and 1099. Without comment, as amended, HB10-1014, 1085, and 1141.

COMMITTEE OF REFERENCE REPORTS

Finance

After consideration on the merits, the Committee recommends that HB10-1199 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 8, after "(II)" insert "(A)".

Page 3, after line 12 insert:

"(B) THE COMMISSIONER OF BANKING SHALL ESTABLISH AN ADJUSTED ANNUAL RATE OF INTEREST BASED UPON THE COMPUTATION SPECIFIED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II) AND ROUNDED TO THE NEAREST FULL PERCENT. THE ADJUSTED ANNUAL RATE OF INTEREST SHALL BE SO ESTABLISHED BY THE COMMISSIONER OF BANKING AS OF JULY 1, 2011, TO BECOME EFFECTIVE JANUARY 1, 2012. THEREAFTER, ON JULY 1, OR THE NEXT SUCCEEDING BUSINESS DAY, OF THE NEXT TWO YEARS, THE ADJUSTED ANNUAL RATE OF INTEREST SHALL BE ESTABLISHED IN THE SAME MANNER, TO BECOME EFFECTIVE ON JANUARY 1 OF THE NEXT SUCCEEDING YEAR."

Page 3, strike lines 13 through 22 and substitute:

"SECTION 3. 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."

Finance

After consideration on the merits, the Committee recommends that HB10-1195 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 4, after line 11 insert:

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"SECTION 4. Part 1 of article 26 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**39-26-127. Legislation modifying the state sales tax base - no impact on local government sales tax bases - no expansion of local authority to levy sales tax.** (1) NOTWITHSTANDING THE PROVISIONS OF SECTION 29-2-105 (1) (d), C.R.S., ANY PROVISION OF TITLE 32, C.R.S., OR ANY OTHER PROVISION OF LAW, THE LEVYING OF SALES TAX ON, EXEMPTION FROM SALES TAX FOR, OR LOCAL OPTION TO LEVY SALES TAX ON OR PROVIDE AN EXEMPTION FROM SALES TAX FOR ANY TANGIBLE PERSONAL PROPERTY OR SERVICES UNDER THE SALES TAX ORDINANCE OR RESOLUTION OF ANY COUNTY, MUNICIPALITY, SPECIAL DISTRICT, AUTHORITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF THE STATE SHALL NOT BE AFFECTED IN ANY WAY BY THE ELIMINATION, SUSPENSION, OR MODIFICATION OF ANY SALES TAX EXEMPTION OR ANY OTHER LEGISLATIVE MODIFICATION OF THE STATE SALES TAX BASE RESULTING FROM THE ENACTMENT OF ANY OF THE FOLLOWING BILLS:

(a) HOUSE BILL 10-1195, ENACTED IN 2010.

(2) THIS SECTION DOES NOT CREATE OR EXPAND, AND SHALL NOT BE CONSTRUED TO CREATE OR EXPAND, ANY AUTHORITY OF ANY COUNTY, MUNICIPALITY, SPECIAL DISTRICT, AUTHORITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF THE STATE TO LEVY SALES TAX.

SECTION 5. Part 2 of article 26 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**39-26-212. Legislation modifying the state use tax base - no impact on local government use tax bases - no expansion of local authority to levy use tax.** (1) NOTWITHSTANDING THE PROVISIONS OF SECTION 29-2-105 (1) (d), C.R.S., ANY PROVISION OF TITLE 32, C.R.S., OR ANY OTHER PROVISION OF LAW, THE LEVYING OF USE TAX ON, EXEMPTION FROM USE TAX FOR, OR LOCAL OPTION TO LEVY USE TAX ON OR PROVIDE AN EXEMPTION FROM USE TAX FOR ANY TANGIBLE PERSONAL PROPERTY OR SERVICES UNDER THE USE TAX ORDINANCE OR RESOLUTION OF ANY COUNTY, MUNICIPALITY, SPECIAL DISTRICT, AUTHORITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF THE STATE SHALL NOT BE AFFECTED IN ANY WAY BY THE ELIMINATION, SUSPENSION, OR MODIFICATION OF ANY USE TAX EXEMPTION OR ANY OTHER LEGISLATIVE MODIFICATION OF THE STATE USE TAX BASE RESULTING FROM THE ENACTMENT OF ANY OF THE FOLLOWING BILLS:

(a) HOUSE BILL 10-1195, ENACTED IN 2010.

(2) THIS SECTION DOES NOT CREATE OR EXPAND, AND SHALL NOT BE CONSTRUED TO CREATE OR EXPAND, ANY AUTHORITY OF ANY COUNTY, MUNICIPALITY, SPECIAL DISTRICT, AUTHORITY, OR OTHER LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF THE STATE TO LEVY USE TAX."

Renumber succeeding sections accordingly.

**INTRODUCTION OF BILLS -- FIRST READING**

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

**SB10-164** by Senator(s) Kopp, Newell, Johnston, Scheffel, White; also Representative(s) Stephens, Roberts, King S.--Concerning the creation of efficiencies in state government. State, Veterans & Military Affairs

**HB10-1049** by Representative(s) Rice and Looper, Balmer, Court, Hullinghorst, King S., May, McNulty, Nikkel, Scanlan, Sonnenberg, Stephens, Summers, Primavera; also Senator(s)

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Romer and Mitchell, Foster, Hodge, Lundberg, Penry, Shaffer B.--Concerning the franchise rights of motor vehicle dealers.  
Business, Labor and Technology

**HB10-1052** by Representative(s) Solano; also Senator(s) Newell--Concerning the recycling resources economic opportunity fund, and, in connection therewith, extending the life of the fund.  
Local Government and Energy

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, February 5, 2010.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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