

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

112th Legislative Day Tuesday, May 4, 2010

Prayer By the chaplain, Reverend Jeannette Cartin, Harmony Christian Church, Lakewood.

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

Pledge By Senator Tochtrop.

Roll Call Present--27.
 Absent--4, Johnston, Kopp, Romer, Spence.
 Excused--4, Carroll, Mitchell, Penry, Scheffel.
 Present later--8, Carroll, Johnston, Kopp, Mitchell, Penry, Romer, Scheffel, Spence.

Quorum The President announced a quorum present.

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

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

CONSIDERATION OF RESOLUTIONS

SR10-009 by Senator(s) White; --Concerning the designation of a portion of Colorado state highway 13 as the "Major William Adams Medal of Honor Highway".

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

Amend printed resolution, page 2, line 37, before "the" insert "Major Adams' son, Col. John D. Adams, USMC, Major Adams' daughter, Mrs. Jean L. Wayne,".

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	E	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	E	Schwartz	Y		

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

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

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

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB10-1047** be postponed indefinitely.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB10-1370** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB10-198** be referred to the Committee on Appropriations with favorable recommendation.

Judiciary

The Committee on Judiciary has had under consideration and has had a hearing on the following appointments and refers the conferees to the full Senate without comment:

MEMBERS OF THE PINNACOL ASSURANCE BOARD OF DIRECTORS

for terms expiring January 1, 2012:

Gary O. Johnson of Lakewood, Colorado, who has experience in the management and operation of insurance companies, not competing with Pinnacol Assurance, reappointed;

Ryan L. Hettich of Colorado Springs, Colorado, an employer whose liability is insured by Pinnacol Assurance, reappointed;

for terms expiring January 1, 2013:

Robert C. McDaniel of Denver, Colorado, who has experience in finance or investments, but is not an employer whose liability is insured by Pinnacol Assurance, appointed;

Holman F. Carter of Boulder, Colorado, an employee of an employer whose liability is insured by Pinnacol Assurance, appointed;

Nonie Rivale Willisich of Evergreen, Colorado, an employee of an employer whose liability is insured by Pinnacol Assurance, appointed;

for a term expiring January 1, 2015:

Dr. Richard Rivera of Pueblo, Colorado, an employer whose liability is insured by Pinnacol Assurance, appointed.

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Judiciary After consideration on the merits, the Committee recommends that **HB10-1105** be postponed indefinitely. 1
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Judiciary After consideration on the merits, the Committee recommends that **SB10-204** 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. 4
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Amend printed bill, page 2, after line 7 insert: 8
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"SECTION 2. 42-4-1402 (2), Colorado Revised Statutes, is amended to read: 10
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42-4-1402. Careless driving - penalty. (2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (2), any person who violates any provision of this section commits a class 2 misdemeanor traffic offense. ~~but,~~ 13
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(b) If the person's actions are the proximate cause of bodily injury ~~or death~~ to another, such person commits a class 1 misdemeanor traffic offense. 18
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(c) IF THE PERSON'S ACTIONS ARE THE PROXIMATE CAUSE OF DEATH TO ANOTHER, SUCH PERSON COMMITS A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE." 22
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Renumber succeeding sections accordingly. 26
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Judiciary After consideration on the merits, the Committee recommends that **HB10-1347** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation. 29
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Amend reengrossed bill, page 2, line 18, strike "ON AN OFFENDER". 33
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Page 4, line 7, after "**user.**" insert "(a)". 35
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Page 4, line 11, strike "(a)" and substitute "(I)". 37
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Page 4, line 14, strike "(b)" and substitute "(II)". 39
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Page 4, line 16, strike "(c)" and substitute "(III)". 41
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Page 4, after line 19 insert: 43
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"(b) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (3), AND EXCEPT AS DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (6) OF THIS SECTION, A PERSON WHO IS CONVICTED OF DUI OR DUI PER SE WHEN THE PERSON'S BAC WAS 0.20 OR MORE AT THE TIME OF DRIVING OR WITHIN TWO HOURS AFTER DRIVING SHALL BE PUNISHED BY IMPRISONMENT IN THE COUNTY JAIL FOR AT LEAST TEN CONSECUTIVE DAYS BUT NO MORE THAN ONE YEAR. DURING THE MANDATORY TEN-DAY PERIOD OF IMPRISONMENT, THE PERSON SHALL NOT BE ELIGIBLE FOR EARNED TIME, GOOD TIME, OR TRUSTY PRISONER STATUS PURSUANT TO SECTION 17-26-115, C.R.S.; EXCEPT THAT THE PERSON MAY PARTICIPATE IN A PROGRAM PURSUANT TO SECTION 18-1.3-106 (1) (a) (I), (1) (a) (IV), OR (1) (a) (V), C.R.S., ONLY IF THE PROGRAM IS AVAILABLE THROUGH THE COUNTY IN WHICH THE PERSON IS IMPRISONED AND ONLY FOR THE PURPOSE OF: 45
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(I) CONTINUING A POSITION OF EMPLOYMENT THAT THE PERSON HELD AT THE TIME OF SENTENCING FOR SAID VIOLATION; 59
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(II) CONTINUING ATTENDANCE AT AN EDUCATIONAL INSTITUTION AT WHICH THE PERSON WAS ENROLLED AT THE TIME OF SENTENCING FOR SAID VIOLATION; OR 63
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(III) PARTICIPATING IN A COURT-ORDERED LEVEL II ALCOHOL AND DRUG DRIVING SAFETY EDUCATION OR TREATMENT PROGRAM, AS DESCRIBED IN SECTION 42-4-1301.3 (3) (c) (IV). 67
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(c) IN ADDITION TO ANY PENALTY DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3), THE COURT MAY IMPOSE A PERIOD OF PROBATION THAT SHALL NOT EXCEED TWO YEARS, WHICH PROBATION MAY INCLUDE ANY CONDITIONS PERMITTED BY LAW."

Page 4, line 20, after "DWAI." insert "(a)".

Page 4, line 23, strike "(a)" and substitute "(I)".

Page 4, line 27, strike "(b)" and substitute "(II)".

Page 5, line 2, strike "(c)" and substitute "(III)".

Page 5, after line 5 insert:

"(b) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (4), AND EXCEPT AS DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (6) OF THIS SECTION, A PERSON WHO IS CONVICTED OF DWAI PER SE WHEN THE PERSON'S BAC WAS 0.20 OR MORE AT THE TIME OF DRIVING OR WITHIN TWO HOURS AFTER DRIVING SHALL BE PUNISHED BY IMPRISONMENT IN THE COUNTY JAIL FOR AT LEAST TEN CONSECUTIVE DAYS BUT NO MORE THAN ONE YEAR. DURING THE MANDATORY TEN-DAY PERIOD OF IMPRISONMENT, THE PERSON SHALL NOT BE ELIGIBLE FOR EARNED TIME, GOOD TIME, OR TRUSTY PRISONER STATUS PURSUANT TO SECTION 17-26-115, C.R.S.; EXCEPT THAT THE PERSON MAY PARTICIPATE IN A PROGRAM PURSUANT TO SECTION 18-1.3-106 (1) (a) (I), (1) (a) (IV), OR (1) (a) (V), C.R.S., ONLY IF THE PROGRAM IS AVAILABLE THROUGH THE COUNTY IN WHICH THE PERSON IS IMPRISONED AND ONLY FOR THE PURPOSE OF:

(I) CONTINUING A POSITION OF EMPLOYMENT THAT THE PERSON HELD AT THE TIME OF SENTENCING FOR SAID VIOLATION;

(II) CONTINUING ATTENDANCE AT AN EDUCATIONAL INSTITUTION AT WHICH THE PERSON WAS ENROLLED AT THE TIME OF SENTENCING FOR SAID VIOLATION; OR

(III) PARTICIPATING IN A COURT-ORDERED LEVEL II ALCOHOL AND DRUG DRIVING SAFETY EDUCATION OR TREATMENT PROGRAM, AS DESCRIBED IN SECTION 42-4-1301.3 (3) (c) (IV).

(c) IN ADDITION TO ANY PENALTY DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4), THE COURT MAY IMPOSE A PERIOD OF PROBATION THAT SHALL NOT EXCEED TWO YEARS, WHICH PROBATION MAY INCLUDE ANY CONDITIONS PERMITTED BY LAW."

Page 5, line 11, strike "(1) (b) (I)," and substitute "(1) (b),".

Page 5, line 17, strike "YEAR." and substitute "YEAR; EXCEPT THAT THE COURT SHALL HAVE DISCRETION TO EMPLOY THE SENTENCING ALTERNATIVES DESCRIBED IN SECTION 18-1.3-106, C.R.S."

Page 5, strike line 19 and substitute "BE ELIGIBLE FOR EARNED TIME OR GOOD TIME PURSUANT TO SECTION 17-26-109, C.R.S., OR FOR TRUSTY PRISONER STATUS".

Page 5, line 24, strike "(1) (a) (I)," and substitute "(1) (a) (II),".

Page 6, line 25, strike "(1) (b) (I)," and substitute "(1) (b),".

Page 7, strike line 4 and substitute "ALTERNATIVES DESCRIBED IN SECTION 18-1.3-106, C.R.S.,".

Page 7, line 8, strike "(1) (a) (I)," and substitute "(1) (a) (II),".

Page 7, after line 18 insert:

"(c) NOTWITHSTANDING THE PROVISIONS OF SECTION 18-1.3-106 (12), C.R.S., IF, PURSUANT TO PARAGRAPH (b) OR (c) OF THIS SUBSECTION

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(5), A COURT ALLOWS A PERSON TO PARTICIPATE IN A PROGRAM PURSUANT TO SECTION 18-1.3-106 (1) (a) (II), (1) (a) (IV), OR (1) (a) (V), C.R.S., THE PERSON SHALL NOT RECEIVE ONE DAY CREDIT AGAINST HIS OR HER SENTENCE FOR EACH DAY SPENT IN SUCH A PROGRAM, AS PROVIDED IN SAID SECTION 18-1.3-106 (12), C.R.S."

Page 7, line 19, after "**offenses.**" insert "(a)".

Page 7, line 23, strike "(1) (b) (I)," and substitute "(1) (b),".

Page 8, line 2, strike "(a)" and substitute "(I)".

Page 8, strike line 5 and substitute "NOT BE ELIGIBLE FOR EARNED TIME OR GOOD TIME PURSUANT TO SECTION 17-26-109, C.R.S., OR FOR TRUSTY PRISONER".

Page 8, line 9, after the second "THE" insert "COURT SHALL NOT HAVE ANY DISCRETION TO EMPLOY ANY SENTENCING ALTERNATIVES DESCRIBED IN SECTION 18-1.3-106, C.R.S., EXCEPT THAT THE".

Page 8, line 10, strike "(1) (a) (I)," and substitute "(1) (a) (II),".

Page 8, line 14, strike "(I)" and substitute "(A)".

Page 8, line 16, strike "(II)" and substitute "(B)".

Page 8, line 19, strike "(III)" and substitute "(C)".

Page 8, line 22, strike "(b)" and substitute "(II)".

Page 8, line 24, strike "(c)" and substitute "(III)".

Page 9, line 1, strike "(d)" and substitute "(IV)".

Page 9, after line 6 insert:

"(b) NOTWITHSTANDING THE PROVISIONS OF SECTION 18-1.3-106 (12), C.R.S., IF, PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6), A COURT ALLOWS A PERSON TO PARTICIPATE IN A PROGRAM PURSUANT TO SECTION 18-1.3-106 (1) (a) (II), (1) (a) (IV), OR (1) (a) (V), C.R.S., THE PERSON SHALL NOT RECEIVE ONE DAY CREDIT AGAINST HIS OR HER SENTENCE FOR EACH DAY SPENT IN SUCH A PROGRAM, AS PROVIDED IN SAID SECTION 18-1.3-106 (12), C.R.S."

Page 9, line 9, strike "PARAGRAPH (d)" and substitute "SUBPARAGRAPH (IV) OF PARAGRAPH (a)".

Page 9, line 17, strike "PARAGRAPH (d)" and substitute "SUBPARAGRAPH (IV) OF PARAGRAPH (a)".

Page 10, line 18, strike "PARAGRAPH (d)" and substitute "SUBPARAGRAPH (IV) OF PARAGRAPH (a)".

Page 10, line 20, strike "UPON" and substitute "DURING".

Page 10, line 21, strike "COMPLETION OF".

Page 10, line 22, strike "RESUME" and substitute "CONTINUE".

Page 11, line 15, strike "SHOWING" and substitute "FINDING OF THE COURT".

Page 12, line 6, strike "(1) (b) (I), C.R.S., OR" and substitute "(1) (b), C.R.S.,".

Page 12, line 7, strike "(1) (b) (I), C.R.S., " and substitute "(1) (b), C.R.S., AGGRAVATED DRIVING WITH A REVOKED LICENSE PURSUANT TO SECTION 42-2-206 (1) (b) (I) (A) OR (1) (b) (I) (B), OR DRIVING WHILE THE PERSON'S DRIVER'S LICENSE WAS UNDER RESTRAINT PURSUANT TO

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SECTION 42-2-138 (1) (d),".

Page 12, line 12, strike "(1) (b) (I)," and substitute "(1) (b),".

Page 12, line 13, strike "OR" and strike "(b)" and substitute "(b), C.R.S., AGGRAVATED DRIVING WITH A REVOKED LICENSE PURSUANT TO SECTION 42-2-206 (1) (b) (I) (A) OR (1) (b) (I) (B), OR DRIVING WHILE THE PERSON'S DRIVER'S LICENSE WAS UNDER RESTRAINT PURSUANT TO SECTION 42-2-138 (1) (d).".

Page 12, strike line 14.

Page 13, line 8, strike "TRIAL, AND THE COURT" and substitute "TRIAL.".

Page 13, strike lines 9 and 10.

Page 14, strike lines 23 through 27 and substitute "PENALTY PROVIDED BY LAW,".

Page 15, strike line 1 and substitute "A COURT MAY SENTENCE A PERSON WHO IS TWICE OR MORE".

Judiciary

After consideration on the merits, the Committee recommends that **HB10-1373** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB10-203** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 6, after line 14 insert:

"(7.3) "DONATION" MEANS:

(a) THE PAYMENT, LOAN, PLEDGE, GIFT, OR ADVANCE OF MONEY, OR THE GUARANTEE OF A LOAN, MADE TO ANY PERSON FOR THE PURPOSE OF MAKING AN INDEPENDENT EXPENDITURE;

(b) ANY PAYMENT MADE TO A THIRD PARTY THAT RELATES TO, AND IS MADE FOR THE BENEFIT OF, ANY PERSON THAT MAKES AN INDEPENDENT EXPENDITURE;

(c) THE FAIR MARKET VALUE OF ANY GIFT OR LOAN OF PROPERTY THAT IS GIVEN TO ANY PERSON FOR THE PURPOSE OF MAKING AN INDEPENDENT EXPENDITURE; OR

(d) ANYTHING OF VALUE GIVEN, DIRECTLY OR INDIRECTLY, TO ANY PERSON FOR THE PURPOSE OF MAKING AN INDEPENDENT EXPENDITURE.".

Page 8, line 16, strike "NEW SECTION" and substitute "THE FOLLOWING NEW SECTIONS".

Page 15, after line 4 insert:

1-45-117.5. Media outlets - political records. ANY MEDIA OUTLET THAT IS SUBJECT TO THE PROVISIONS OF 47 U.S.C. SEC. 315 (e) SHALL MAINTAIN AND MAKE AVAILABLE FOR PUBLIC INSPECTION SUCH RECORDS AS THE OUTLET IS REQUIRED TO MAINTAIN TO COMPLY WITH FEDERAL LAW OR RULES.

SECTION 6. 1-45-109, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1-45-109. Filing - where to file - timeliness - repeal.
(11) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, DURING THE PERIOD COMMENCING ON THE EFFECTIVE DATE OF THIS SUBSECTION (11) AND CONTINUING THROUGH JULY 1, 2010, ANY REPORT, STATEMENT, OR OTHER DOCUMENT REQUIRED TO BE FILED UNDER SECTION 1-45-107.5 THAT IS TO BE FILED ELECTRONICALLY WITH THE

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SECRETARY OF STATE'S OFFICE PURSUANT TO THIS SECTION MAY BE FILED MANUALLY OR BY MEANS OF A PORTABLE DOCUMENT FORMAT FILE ACCEPTABLE TO THE SECRETARY."

Renumber succeeding sections accordingly.

Page 17, line 1, strike "OF THIS STATE".

Page 17, strike lines 17 through 22.

Renumber succeeding subsection accordingly.

Judiciary After consideration on the merits, the Committee recommends that **SCR10-005** be postponed indefinitely.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SCR10-006** be postponed indefinitely.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SCR10-007** be postponed indefinitely.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SCR10-008** be postponed indefinitely.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SCR10-009** be postponed indefinitely.

MESSAGE FROM THE REVISOR OF STATUTES

May 3, 2010

We herewith transmit:

Without comment, as amended, HB10-1217, 1345, 1403, 1407, 1412, 1413, 1414, 1417, 1421, and 1422.

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

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB10-1395 by Representative(s) Gardner B.; also Senator(s) Steadman--Concerning interlocutory appeals in civil cases.

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: Newell

HB10-1399 by Representative(s) Weissmann; also Senator(s) Gibbs--Concerning the authority of the Colorado bureau of investigation to assist a chief of a fire department in the investigation of a fire related to the crime of arson.

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: Newell

HB10-1375 by Representative(s) Riesberg, McFadyen; also Senator(s) Bacon, Schwartz--Concerning the necessary authority for Metropolitan state college of Denver to access favorable financing.

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	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.	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: Steadman and Williams.

HB10-1392 by Representative(s) Benefield; also Senator(s) Johnston--Concerning the membership of the government data advisory board.

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.

SB10-197 by Senator(s) Hodge; also Representative(s) Riesberg--Concerning exempting the transfer

of prescription drugs purchased with public funds by public entities from the definition of "wholesale distribution" of prescription drugs.

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 and Tochtrop.

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:

SB10-167 by Senator(s) Boyd; also Representative(s) Riesberg--Concerning increased efficiency in the administration of the "Colorado Medical Assistance Act", and, in connection therewith, creating the "Colorado Medicaid False Claims Act".

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

Third Reading Amendment No. 1(L.013), by Senator Boyd.

Amend engrossed bill, page 46, line 8, strike "16" and substitute "18".

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	20	NO	15	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	N
Carroll M.	Y	Kester	Y	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	N
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: Carroll M.

HB10-1018 by Representative(s) Looper and Primavera, Frangas, McFadyen, Solano; also Senator(s) Gibbs, Romer, Williams--Concerning increased authority to regulate waste tires, and making an appropriation therefor.

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

Third Reading Amendment No. 1(L.020), by Senator Gibbs.

Amend revised bill, page 36, line 16, strike "0.4" and substitute "2.5".

Page 37, line 27, strike "(\$314,813) and" and substitute "(\$314,813),".

Page 38, line 1, strike "2.1 FTE,".

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	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: Bacon, Boyd, King K., Newell, Schwartz and Whitehead.

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

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Bacon	N	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	Y	Romer	Y	White	N
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	N		

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

Co-sponsors added: Carroll M., Gibbs and Tochtrop.

RECONSIDERATION OF HB10-1018

HB10-1018 by Representative(s) Looper and Primavera, Frangas, McFadyen, Solano; also Senator(s) Gibbs, Romer, Williams--Concerning increased authority to regulate waste tires, and making an appropriation therefor.

Having voted on the prevailing side, Senator Cadman moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB10-1018.

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

HB10-1018 by Representative(s) Looper and Primavera, Frangas, McFadyen, Solano; also Senator(s) Gibbs, Romer, Williams--Concerning increased authority to regulate waste tires, and making an appropriation therefor.

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

YES	28	NO	7	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	Y	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	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 the Whole On motion of Senator Hodge, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Hodge was called to the chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

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

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

Laid over until Wednesday, May 5, retaining its place on the calendar.

SB10-196 by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning the minimum speed at which a motor vehicle may travel on interstate 70.

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

SB10-193 by Senator(s) Hudak; also Representative(s) Levy--Concerning the safe treatment of pregnant persons in custody. 1
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Amendment No. 1, Appropriations Committee Amendment. 4
 (Printed in Senate Journal, April 30, pages 1107-1108 and placed in members' bill files.) 5
 6
 As amended, ordered engrossed and placed on the calendar for third reading and final 7
 passage. 8
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 (For further action, see amendments to the report of the Committee of the Whole.) 10
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SB10-192 by Senator(s) Kopp, Hodge, Harvey, Renfroe, Johnston, Romer, Carroll M., Morse, 13
 Scheffel, Spence, Gibbs, Mitchell, Kester, Schultheis, Cadman, Foster, King K., Lundberg, 14
 Penry, Tochtrop, White, Whitehead, Williams; also Representative(s) Sonnenberg, Acree, 15
 Baumgardner, Bradford, Casso, Curry, Gardner B., Gerou, Kerr A., Kerr J., King S., 16
 Lambert, Liston, Looper, Massey, May, Murray, Nikkel, Priola, Summers, Swalm, Tipton, 17
 Vaad, Waller--Concerning the use of revenues derived from limited gaming activity to fund 18
 restoration work on the state capitol building, and, in connection therewith, creating the 19
 capitol dome restoration fund and redirecting moneys from the portion of limited gaming 20
 revenue constitutionally allocated to historic preservation to the capitol dome restoration 21
 fund. 22
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Amendment No. 1(L.007), by Senator Kopp. 24

Amend printed bill, page 3, strike lines 2 through 15 and substitute: 25
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"(III) (A) FOR THE FISCAL YEAR COMMENCING JULY 1, 2010, THE 27
 STATE TREASURER SHALL TRANSFER FOUR MILLION DOLLARS FROM THE 28
 STATE HISTORICAL FUND, FROM THE PORTION RESERVED FOR THE 29
 STATEWIDE GRANT PROGRAM FOR PRESERVATION PURSUANT TO 30
 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (II) OF PARAGRAPH (d) OF 31
 THIS SUBSECTION (5), AT THE BEGINNING OF THE FISCAL YEAR TO THE 32
 CAPITOL DOME RESTORATION FUND, ALSO REFERRED TO IN THIS 33
 SUBPARAGRAPH (III) AS THE "FUND", WHICH IS HEREBY CREATED IN THE 34
 STATE TREASURY. MONEYS IN THE FUND ARE SUBJECT TO APPROPRIATION 35
 BY THE GENERAL ASSEMBLY FOR REPAIRS AND SAFETY IMPROVEMENTS TO 36
 THE STATE CAPITOL DOME AND SUPPORTING STRUCTURES AND FOR NO 37
 OTHER PURPOSE, AND ANY UNEXPENDED AND UNENCUMBERED MONEYS 38
 REMAINING IN THE FUND AS OF JUNE 30, 2011, SHALL NOT REVERT TO THE 39
 STATE HISTORICAL FUND OR ANY OTHER FUND. 40
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(B) FOR THE FISCAL YEARS COMMENCING JULY 1, 2011, AND JULY 42
 1, 2012, THE STATE TREASURER SHALL TRANSFER UP TO FOUR MILLION 43
 DOLLARS FROM THE STATE HISTORICAL FUND, FROM THE PORTION 44
 RESERVED FOR THE STATEWIDE GRANT PROGRAM FOR PRESERVATION 45
 PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (II) OF 46
 PARAGRAPH (d) OF THIS SUBSECTION (5), AT THE BEGINNING OF THE 47
 FISCAL YEAR TO THE CAPITOL DOME RESTORATION FUND; EXCEPT THAT 48
 THE SAID FOUR-MILLION-DOLLAR MAXIMUM AMOUNT SHALL BE REDUCED, 49
 DOLLAR FOR DOLLAR, BY THE COMBINED TOTAL OF DONATIONS RECEIVED 50
 THROUGH CAUSE-RELATED MARKETING, IF ANY, AND GRANTS FOR 51
 REPAIRS AND SAFETY IMPROVEMENTS TO THE STATE CAPITOL DOME AND 52
 SUPPORTING STRUCTURES MADE BY THE STATE HISTORICAL SOCIETY 53
 UNDER THE GRANTS PROCESS SET FORTH IN SUBSECTION (1) OF THIS 54
 SECTION. THIS DOLLAR-FOR-DOLLAR REDUCTION SHALL NOT APPLY TO 55
 EMERGENCY CONTINGENCY EXPENDITURES DEEMED NECESSARY BY THE 56
 STATE ARCHITECT AS REPORTED PURSUANT TO SECTION 2-3-1304.5, 57
 C.R.S., NOR TO AUTHORIZED FEES AND EXPENSES OF ANY FUNDRAISING 58
 FIRM SELECTED BY THE CAPITAL DEVELOPMENT COMMITTEE FOR 59
 CAUSE-RELATED MARKETING FOR CAPITOL DOME REPAIRS. ANY 60
 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND 61
 AFTER COMPLETION OF THE DOME RESTORATION PROJECT SHALL REVERT 62
 TO THE STATE HISTORICAL FUND AS OF JUNE 30, 2013. 63
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(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR THE 65
 FISCAL YEAR COMMENCING JULY 1, 2010, AND FOR EACH FISCAL YEAR 66
 THEREAFTER UNTIL COMPLETION OF THE CAPITOL DOME RESTORATION 67
 PROJECT AS REPORTED BY THE STATE ARCHITECT PURSUANT TO SECTION 68
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2-3-1304.5, C.R.S., NO MONEYS FROM THE PORTION OF THE STATE HISTORICAL FUND RESERVED FOR THE STATEWIDE GRANT PROGRAM FOR PRESERVATION PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (II) OF PARAGRAPH (d) OF THIS SUBSECTION (5) SHALL BE EXPENDED FOR ANY PURPOSE OTHER THAN HIGH-PRIORITY CONSTRUCTION OR PRESERVATION PROJECTS. THE COLORADO HISTORICAL SOCIETY SHALL SUBMIT AN ANNUAL REPORT TO THE CAPITAL DEVELOPMENT COMMITTEE ON OR BEFORE DECEMBER 15 OF EACH YEAR CONCERNING ALL GRANTS AWARDED FROM THE STATE HISTORICAL FUND."

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

SB10-003 by Senator(s) Morse and Penry, Heath; also Representative(s) Middleton and May, Court, Gerou--Concerning higher education flexibility.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, April 30, pages 1108-1129 and placed in members' bill files.)

Amendment No. 2(L.042), by Senator Penry.

Amend the Education Committee Report, dated April 29, 2010, page 6, line 13, after "(2)" insert "(a)".

Page 6, after line 24 insert:

"(b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (2) TO THE CONTRARY, THE BOARD OF TRUSTEES OF THE COLORADO SCHOOL OF MINES SHALL NOT INCREASE THE TUITION RATE FOR UNDERGRADUATE STUDENTS WITH IN-STATE CLASSIFICATION BY MORE THAN NINE PERCENT PER STUDENT OR NINE PERCENT PER CREDIT HOUR OVER THE TUITION RATE FOR THE PRECEDING FISCAL YEAR OR BY MORE THAN A PERCENTAGE EQUAL TO TWO TIMES THE RATE OF THE PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR THE DENVER METROPOLITAN AREA, WHICHEVER IS GREATER; EXCEPT THAT THE BOARD OF TRUSTEES MAY INCREASE SAID TUITION RATE BY MORE THAN EITHER OF SAID PERCENTAGES IF THE BOARD OF TRUSTEES COMPLIES WITH THE REQUIREMENTS SPECIFIED IN SUBSECTION (3) OF THIS SECTION AND THE COMMISSION APPROVES THE INCREASE."

Page 6, strike lines 26 through 28 and substitute "UNDERGRADUATE, RESIDENT TUITION BY MORE THAN THE PERCENTAGES ALLOWED IN SUBSECTION (2) OF THIS SECTION SHALL SUBMIT TO THE COMMISSION A".

Page 8, line 5, strike "NINE" and substitute "THE PERCENTAGES ALLOWED IN SUBSECTION (2) OF THIS SECTION."

Page 8, line 6, strike "PERCENT."

Page 8, line 16, strike "BY AS MUCH AS NINE" and substitute "IN ACCORDANCE WITH THE PERCENTAGES ALLOWED IN SUBSECTION (2) OF THIS SECTION".

Page 8, line 17, strike "PERCENT".

Page 8, line 19, strike "NINE PERCENT," and substitute "THE PERCENTAGES ALLOWED IN SUBSECTION (2) OF THIS SECTION,".

Page 8, strike lines 22 through 27.

Re-number succeeding subsection accordingly.

Page 14, line 4, strike "**operations - repeal.**" and substitute "**operations.**".

Page 14, strike lines 8 through 11 and substitute "nonresident tuition rates for the Colorado school of mines ~~except that the annual percentage increase in resident tuition rates shall not exceed a percentage equal to~~

~~two times the rate of the percentage change in the consumer price index for the Denver metropolitan area~~ SO LONG AS THE SCHOOL CONTINUES TO MEET THE GOALS SPECIFIED IN THE PERFORMANCE CONTRACT AND TO COMPLY WITH THE PROVISIONS OF SECTION 23-41-104.7."

Page 14, strike lines 16 through 19 and substitute "FOR THE COLORADO SCHOOL OF MINES; EXCEPT THAT THE ANNUAL PERCENTAGE INCREASE IN RESIDENT TUITION RATES SHALL NOT EXCEED A PERCENTAGE EQUAL TO TWO TIMES THE RATE OF THE PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR THE DENVER METROPOLITAN AREA OR NINE PERCENT, WHICHEVER IS GREATER, UNLESS THE COLORADO COMMISSION ON HIGHER EDUCATION APPROVES A GREATER TUITION INCREASE PURSUANT TO SECTION 23-1-130.5."

Page 14, line 22, strike "all - repeal. (1)" and substitute "all."

Page 14, line 25, strike "trustees." and substitute "trustees PURSUANT TO SECTION 23-41-104.6."

Page 14, strike lines 28 through 35 and substitute "of tuition as such board may determine. ~~The board, shall fix tuition in accordance with the level of cash fund appropriations set by the general assembly for such institution pursuant to section 23-1-104 (1) (a) (I).~~"

Page 15, strike lines 1 through 3.

Page 35, line 13, strike "2015-16" and substitute "2020-21".

Amendment No. 3(L.033), by Senator Morse.

Amend the Education Committee Report, dated April 29, 2010, page 17, line 27, after the period, insert "EACH PRIVATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102 (9), THAT PARTICIPATES IN THE PROGRAM OF FINANCIAL ASSISTANCE ESTABLISHED PURSUANT TO THIS SECTION SHALL ADMINISTER A FINANCIAL ASSISTANCE PROGRAM ACCORDING TO POLICIES AND PROCEDURES ESTABLISHED BY THE GOVERNING BOARD OF THE INSTITUTION."

Page 17, line 28, after "INSTITUTION", insert "THAT IS NOT A PRIVATE INSTITUTION OF HIGHER EDUCATION".

Amendment No. 4(L.031), by Senator Morse.

Amend the Education Committee Report, dated April 29, 2010, page 7, line 13, strike "ON" and substitute "ONE".

Page 8, line 28, strike "2016." and substitute "2016."

Page 15, line 26, strike "2014-15," and substitute "2015-16,".

Page 16, line 4, strike "2014-15," and substitute "2015-16,".

Page 16, line 13, strike "2014-15," and substitute "2015-16,".

Page 16, line 22, strike "2014-15," and substitute "2015-16,".

Page 17, line 11, strike "2015-16 FISCAL YEARS," and substitute "2015-16,".

Page 19, line 13, strike "A THREE-YEAR ROLLING" and substitute "THE".

Page 19, line 14, strike "IN THE 2009-10 ACADEMIC YEAR;" and substitute "FOR THE THREE PRECEDING ACADEMIC YEARS;".

Amendment No. 5(L.032), by Senators Morse and Penry.

Amend the Education Committee Report, dated April 29, 2010, page 4, line 9, strike "AND".

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Page 4, line 12, strike "EDUCATION." and substitute "EDUCATION; AND".

Page 4, after line 12, insert:

"(VI) THE ROLE OF TWO-YEAR AND FOUR-YEAR JUNIOR COLLEGES AND AREA VOCATIONAL SCHOOLS IN HELPING TO ADDRESS THE WORKFORCE AND ECONOMIC DEVELOPMENT NEEDS OF THE STATE WITHIN THE SYSTEM OF HIGHER EDUCATION."

Amendment No. 6(L.036), by Senator Morse.

Amend the Education Committee Report, dated April 29, 2010, page 12, before line 1 insert:

"SECTION 6. 23-5-129 (6) (c) and (10), Colorado Revised Statutes, are amended to read:

23-5-129. Governing boards - performance contract - authorization - operations. (6) While operating pursuant to a performance contract negotiated pursuant to this section, the governing board of a state institution of higher education:

(c) Shall report to the Colorado commission on higher education its plans for any tuition or other proposed increases for the following fiscal year, using approved forms, for the commission to review and make recommendations to the general assembly during the annual budget process; EXCEPT THAT THIS PROVISION SHALL NOT APPLY FOR FISCAL YEARS 2011-12 THROUGH 2015-16.

(10) While a state institution of higher education is operating pursuant to a performance contract negotiated pursuant to this section, the general assembly retains the authority to approve tuition spending authority for the governing board of the institution; EXCEPT THAT THIS PROVISION SHALL NOT APPLY FOR FISCAL YEARS 2011-12 THROUGH 2015-16."

Renumber succeeding sections accordingly.

Amendment No. 7(L.041), by Senator Morse.

Amend the Education Committee Report, dated April 29, 2010, page 6, line 29, strike "FOUR-YEAR" and substitute "FIVE-YEAR".

Page 6, line 31, strike "FOUR" and substitute "FIVE".

Page 7, line 4, strike "FOUR" and substitute "FIVE".

Amendment No. 8(L.039), by Senator Bacon.

Amend the Education Committee Report, dated April 29, 2010, page 18, line 29, after "SYSTEM" insert "OR TO COLORADO STATE UNIVERSITY".

Page 19, line 1, after "CAMPUS" insert "OF THE UNIVERSITY OF COLORADO SYSTEM OR AT COLORADO STATE UNIVERSITY".

Page 19, line 3, strike "CAMPUS," and substitute "CAMPUS OR AT COLORADO STATE UNIVERSITY, RESPECTIVELY,".

Page 19, line 10, strike "INSTITUTION" and substitute "UNIVERSITY OF COLORADO SYSTEM OR TO COLORADO STATE UNIVERSITY".

Page 19, line 14, after "CAMPUS" insert "OR TO COLORADO STATE UNIVERSITY, RESPECTIVELY,".

Page 19, line 17, strike "INSTITUTION" and substitute "UNIVERSITY OF COLORADO SYSTEM OR AT COLORADO STATE UNIVERSITY".

Page 19, line 19, strike "CAMPUS." and substitute "CAMPUS OR AT COLORADO STATE UNIVERSITY, RESPECTIVELY.".

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Page 19, line 20, after "COLORADO" insert "AND COLORADO STATE UNIVERSITY".

Page 19, line 25, strike "INSTITUTION" and substitute "UNIVERSITY OF COLORADO SYSTEM OR AT COLORADO STATE UNIVERSITY".

Page 19, line 26, strike "CAMPUS." and substitute "CAMPUS OR AT COLORADO STATE UNIVERSITY, RESPECTIVELY.".

Amendment No. 9(L.035), by Senator Bacon.

Amend the Education Committee Report, dated April 29, 2010, page 6, after line 2, insert:

"(d) PRIOR TO SUBMITTING THE MASTER PLAN TO THE GOVERNOR AND THE GENERAL ASSEMBLY, THE COMMISSION SHALL DISTRIBUTE A DRAFT OF THE PLAN TO THE GOVERNING BOARDS FOR COMMENT. EACH GOVERNING BOARD SHALL SUBMIT TO THE COMMISSION ITS COMMENTS AND ANY SUGGESTED REVISIONS WITHIN FOURTEEN DAYS AFTER RECEIVING THE DRAFT PLAN.

(e) BEGINNING IN THE 2011-12 ACADEMIC YEAR, THE COMMISSION SHALL ENSURE THAT THE MASTER PLAN IS IMPLEMENTED THROUGH THE PERFORMANCE CONTRACTS AUTHORIZED PURSUANT TO SECTION 23-5-129."

Amendment No. 10(L.037), by Senator Brophy.

Amend the Education Committee Report, dated April 29, 2010, page 36, after line 20, insert:

"SECTION 40. 23-5-101.5 (2) (a), Colorado Revised Statutes, is amended to read:

23-5-101.5. Enterprise status of auxiliary facilities - definitions. (2) As used in this section and sections 23-5-101.7 to 23-5-105.5:

(a) "Auxiliary facility" means any student or faculty housing facility; student or faculty dining facility; recreational facility; student activities facility; child care facility; continuing education facility or activity; intercollegiate athletic facility or activity; health facility; ALTERNATIVE OR RENEWABLE ENERGY PRODUCING FACILITY, INCLUDING BUT NOT LIMITED TO, A SOLAR, WIND, BIOMASS, GEOTHERMAL, OR HYDROELECTRIC FACILITY; college store; or student or faculty parking facility; or any similar facility or activity which THAT has been historically managed, and was accounted for in institutional financial statements prepared for fiscal year 1991-92, as a self-supporting facility or activity, including any additions to and any extensions or replacements of any such facility on any campus under the control of the governing board managing such facility. "Auxiliary facility" shall also mean any activity undertaken by the governing board of any state-supported institution of higher education as an eligible lender participant pursuant to parts 1 and 2 of article 3.1 of this title.

SECTION 41. 23-5-102 (2), Colorado Revised Statutes, is amended to read:

23-5-102. Funding for auxiliary facilities - institutions of higher education - loans - bonds. (2) The governing board of any institution of higher education by resolution may issue revenue bonds on behalf of any auxiliary facility or group of auxiliary facilities or on behalf of any institution or group of institutions managed by such governing board for the purpose of obtaining funds for constructing, otherwise acquiring, equipping, or operating such auxiliary facility or group of auxiliary facilities or for facilities for such institution or group of institutions. Any bonds issued on behalf of any auxiliary facility or group of auxiliary facilities, other than housing facilities, dining facilities, recreational facilities, health facilities, parking facilities,

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ALTERNATIVE OR RENEWABLE ENERGY PRODUCING FACILITIES INCLUDING BUT NOT LIMITED TO, SOLAR, WIND, BIOMASS, GEOTHERMAL, OR HYDROELECTRIC FACILITIES, research facilities that are funded from a revolving fund, or designated enterprise auxiliary facilities listed in section 23-5-101.5 (4) may be issued only after approval by both houses of the general assembly either by bill or by joint resolution and after approval by the governor in accordance with section 39 of article V of the state constitution. The governing board of an institution or group of institutions that issues bonds on behalf of the institution or group of institutions, which is designated as an enterprise pursuant to section 23-5-101.7, shall file notice of such issuance with the Colorado commission on higher education. Bonds issued pursuant to this subsection (2) shall be payable only from revenues generated by the auxiliary facility or group of auxiliary facilities or by the institution or group of institutions on behalf of which such bonds are issued; except that, subject to section 23-1-123 (5) (a) (III) and (5) (b) (II), revenues generated by a designated enterprise that is associated with the university of Colorado may be pledged for the repayment of bonds issued by another designated enterprise auxiliary facility that is not part of the same enterprise. Such bonds shall be issued in accordance with the provisions of section 23-5-103 (2). The termination, rescission, or expiration of the enterprise designation of any auxiliary facility or group of auxiliary facilities pursuant to section 23-5-101.5 (3) or of any institution or group of institutions shall not adversely affect the validity of or security for any revenue bonds issued on behalf of any auxiliary facility or group of auxiliary facilities or on behalf of any institution or group of institutions."

Renumber succeeding section accordingly.

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

On motion of Senator Morse , and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (HB10-1352, HB10-1278, HB10-1131, HB10-1214, HB10-1250, SCR10-001, SCR10-003, HB10-1209) of Tuesday, May 4, was laid over until Wednesday, May 5, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB10-193 by Senator(s) Hudak; also Representative(s) Levy--Concerning the safe treatment of pregnant persons in custody.

Senator King K. moved to amend the Report of the Committee of the Whole to show that the following King K. floor amendment, (L.007) to SB 10-193, did pass.

Amend printed bill, page 2, strike line 7 and substitute:

"prisons - legislative declaration. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(I) DURING PREGNANCY, THE HEALTH AND SAFETY OF THE MOTHER ARE VITAL FOR A HEALTHY BIRTH AND FOR THE HEALTH OF THE BORN BABY;

(II) IT IS IN THE STATE'S INTEREST TO ENSURE THAT HEALTHY BIRTHS ARE NOT NEGATIVELY IMPACTED BY IMPROPERLY RESTRAINING PREGNANT WOMEN IN CUSTODY;

(III) IMPROPER RESTRAINT OF THE MOTHER DURING CHILDBIRTH MAY INFLICT UNNECESSARY PAIN ON BOTH THE MOTHER AND THE BABY AND MAY DAMAGE THE BABY; AND

(IV) FOR THE HEALTH AND SAFETY OF THE MOTHER AND THE BABY, THE

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MOTHER SHOULD BE TRANSPORTED TO AND FROM A MEDICAL FACILITY FOR CHILDBIRTH IN THE LEAST RESTRICTIVE METHOD POSSIBLE AND SHOULD GIVE BIRTH IN THE LEAST RESTRICTIVE ENVIRONMENT POSSIBLE.

(b) THE GENERAL ASSEMBLY THEREFORE FINDS THAT THE USE OF RESTRAINTS ON MOTHERS WHO ARE IN CUSTODY DURING PREGNANCY AND CHILDBIRTH SHOULD ALIGN WITH BEST MEDICAL PRACTICES, AND, WHERE POSSIBLE, NO RESTRAINTS, OR THE LEAST RESTRICTIVE RESTRAINTS NECESSARY TO ENSURE SAFETY, SHOULD BE USED ON PREGNANT WOMEN IN CUSTODY.

(2) THE STAFF OF A CORRECTIONAL FACILITY OR PRIVATE".

Renumber succeeding subsections accordingly.

Page 5, strike line 4 and substitute:

"pregnant women in custody - legislative declaration. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(I) DURING PREGNANCY, THE HEALTH AND SAFETY OF THE MOTHER ARE VITAL FOR A HEALTHY BIRTH AND FOR THE HEALTH OF THE BORN BABY;

(II) IT IS IN THE STATE'S INTEREST TO ENSURE THAT HEALTHY BIRTHS ARE NOT NEGATIVELY IMPACTED BY IMPROPERLY RESTRAINING PREGNANT WOMEN IN CUSTODY;

(III) IMPROPER RESTRAINT OF THE MOTHER DURING CHILDBIRTH MAY INFLICT UNNECESSARY PAIN ON BOTH THE MOTHER AND THE BABY AND MAY DAMAGE THE BABY; AND

(IV) FOR THE HEALTH AND SAFETY OF THE MOTHER AND THE BABY, THE MOTHER SHOULD BE TRANSPORTED TO AND FROM A MEDICAL FACILITY FOR CHILDBIRTH IN THE LEAST RESTRICTIVE METHOD POSSIBLE AND SHOULD GIVE BIRTH IN THE LEAST RESTRICTIVE ENVIRONMENT POSSIBLE.

(b) THE GENERAL ASSEMBLY THEREFORE FINDS THAT THE USE OF RESTRAINTS ON MOTHERS WHO ARE IN CUSTODY DURING PREGNANCY AND CHILDBIRTH SHOULD ALIGN WITH BEST MEDICAL PRACTICES, AND, WHERE POSSIBLE, NO RESTRAINTS, OR THE LEAST RESTRICTIVE RESTRAINTS NECESSARY TO ENSURE SAFETY, SHOULD BE USED ON PREGNANT WOMEN IN CUSTODY.

(2) THE STAFF OF A COUNTY JAIL, IN".

Renumber succeeding subsections accordingly.

Page 7, strike line 10 and substitute:

"juveniles - legislative declaration. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(I) DURING PREGNANCY, THE HEALTH AND SAFETY OF THE MOTHER ARE VITAL FOR A HEALTHY BIRTH AND FOR THE HEALTH OF THE BORN BABY;

(II) IT IS IN THE STATE'S INTEREST TO ENSURE THAT HEALTHY BIRTHS ARE NOT NEGATIVELY IMPACTED BY IMPROPERLY RESTRAINING PREGNANT WOMEN IN CUSTODY;

(III) IMPROPER RESTRAINT OF THE MOTHER DURING CHILDBIRTH MAY INFLICT UNNECESSARY PAIN ON BOTH THE MOTHER AND THE BABY AND MAY DAMAGE THE BABY; AND

(IV) FOR THE HEALTH AND SAFETY OF THE MOTHER AND THE BABY, THE MOTHER SHOULD BE TRANSPORTED TO AND FROM A MEDICAL FACILITY FOR CHILDBIRTH IN THE LEAST RESTRICTIVE METHOD POSSIBLE AND SHOULD GIVE BIRTH IN THE LEAST RESTRICTIVE ENVIRONMENT POSSIBLE.

(b) THE GENERAL ASSEMBLY THEREFORE FINDS THAT THE USE OF RESTRAINTS ON MOTHERS WHO ARE IN CUSTODY DURING PREGNANCY AND CHILDBIRTH SHOULD ALIGN WITH BEST MEDICAL PRACTICES, AND, WHERE

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POSSIBLE, NO RESTRAINTS, OR THE LEAST RESTRICTIVE RESTRAINTS NECESSARY TO ENSURE SAFETY, SHOULD BE USED ON PREGNANT JUVENILES IN CUSTODY.

(2) THE STAFF OF THE DEPARTMENT OF HUMAN SERVICES, IN".

Renumber succeeding subsections accordingly.

Page 9, strike line 20 and substitute:

"pregnant women - legislative declaration. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(I) DURING PREGNANCY, THE HEALTH AND SAFETY OF THE MOTHER ARE VITAL FOR A HEALTHY BIRTH AND FOR THE HEALTH OF THE BORN BABY;

(II) IT IS IN THE STATE'S INTEREST TO ENSURE THAT HEALTHY BIRTHS ARE NOT NEGATIVELY IMPACTED BY IMPROPERLY RESTRAINING PREGNANT WOMEN IN CUSTODY;

(III) IMPROPER RESTRAINT OF THE MOTHER DURING CHILDBIRTH MAY INFLICT UNNECESSARY PAIN ON BOTH THE MOTHER AND THE BABY AND MAY DAMAGE THE BABY; AND

(IV) FOR THE HEALTH AND SAFETY OF THE MOTHER AND THE BABY, THE MOTHER SHOULD BE TRANSPORTED TO AND FROM A MEDICAL FACILITY FOR CHILDBIRTH IN THE LEAST RESTRICTIVE METHOD POSSIBLE AND SHOULD GIVE BIRTH IN THE LEAST RESTRICTIVE ENVIRONMENT POSSIBLE.

(b) THE GENERAL ASSEMBLY THEREFORE FINDS THAT THE USE OF RESTRAINTS ON MOTHERS WHO ARE IN CUSTODY DURING PREGNANCY AND CHILDBIRTH SHOULD ALIGN WITH BEST MEDICAL PRACTICES, AND, WHERE POSSIBLE, NO RESTRAINTS, OR THE LEAST RESTRICTIVE RESTRAINTS NECESSARY TO ENSURE SAFETY, SHOULD BE USED ON PREGNANT WOMEN IN CUSTODY.

(2) AS USED IN THIS SECTION, "FACILITY STAFF"".

Renumber succeeding subsections accordingly.

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

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hodge, 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: SB10-196, SB10-193 as amended, SB10-192 as amended, SB10-003 as amended.
Laid over until Wednesday, May 5: HB10-1271, HB10-1352, HB10-1278, HB10-1131, HB10-1214, HB10-1250, SCR10-001, SCR10-003, HB10-1209.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that **HB10-1398** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the Committee recommends that **HB10-1364** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB10-1238** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB10-1287** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Strike the Transportation Committee Report, dated April 29, 2010.

Amend reengrossed bill, page 4, strike lines 4 and 5 and substitute "APPROVES THE USE AS CONSISTENT WITH THE CRITERIA FOR COMMUTING AUTHORIZATION. A determination by the".

Page 4 of the bill, line 26, after "(a)" insert "~~Any individual~~".

Page 4 of the bill, line 27, strike "any individual" and substitute "AN".

Page 5 of the bill, line 7, after "THE" insert "GREATER OF EITHER THE".

Page 5 of the bill, line 8, strike "AUTOMOBILE LEASE-VALUE" and substitute "COMMUTING VALUATION".

Page 5 of the bill, line 10, strike "PROVISION." and substitute "PROVISION OR A LEASE-VALUE METHODOLOGY ESTABLISHED BY THE DIVISION.".

Page 6 of the bill, line 1, after "(b)" insert "(I)".

Page 6 of the bill, after line 5, insert:

"(II) THE EXCEPTION TO REIMBURSEMENT SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL NOT APPLY TO AN EMPLOYEE WHO IS NOT A COLORADO STATE PATROL OFFICER IF THE DIVISION DETERMINES THAT THE EMPLOYEE'S PRIOR USE OF A STATE-OWNED MOTOR VEHICLE FOR COMMUTING WAS FIFTY PERCENT OR MORE OF THE TOTAL MILES TRAVELED IN THE VEHICLE.".

Page 6 of the bill, line 6, strike "TAX THE" and substitute "CALCULATE AND REPORT THE TAXABLE".

Page 7 of the bill, strike lines 4 through 7 and substitute:

"(e) THE TOTAL NUMBER OF EMPLOYEES FROM EACH DEPARTMENT WHO USED A STATE-OWNED MOTOR VEHICLE FOR COMMUTING DURING THE PRIOR STATE FISCAL YEAR WHO WERE NOT REQUIRED TO REIMBURSE THE STATE FOR SUCH USE; AND".

Page 7 of the bill, after line 10 insert:

"(6) SUBSECTION (5) OF THIS SECTION IS EXEMPT FROM THE PROVISIONS OF SECTION 24-1-136 (11), AND THE PERIODIC REPORTING

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REQUIREMENT SHALL REMAIN IN EFFECT UNTIL CHANGED BY THE
GENERAL ASSEMBLY ACTING BY BILL."

Renumber succeeding subsections accordingly.

Appropriations After consideration on the merits, the Committee recommends that **HB10-1172** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the Committee recommends that **HB10-1277** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB10-1081** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB10-1022** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB10-1338** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, after line 15 insert the following:

"**SECTION 3.** Footnote number 21a, as enacted in part VII of section 2 of House Bill 10-1376 is amended to read:

21a Department of Human Services, Division of Child Welfare, Child Welfare Services -- Pursuant to Section 26-5-104 (6), C.R.S., subject to Department rules, counties are authorized to negotiate rates, services, and outcomes with child welfare services providers and are thus not required to provide a specific rate decrease for any individual provider. This provision does not apply, however, to Medicaid treatment rates. The funding appropriated for this line item includes a decrease of ~~\$6,635,156~~ \$4,789,419 based on a ~~2.0~~ 1.44 percent decrease in funding for county staff salaries and benefits, community provider rates including subsidized adoption rates, and Medicaid treatment rates."

Renumber succeeding sections accordingly.

Appropriations After consideration on the merits, the Committee recommends that **HB10-1027** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB10-1146** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB10-1268** be postponed indefinitely.

MESSAGE FROM THE HOUSE

May 4, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HCR10-1004, and HB10-1391.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1366, amended as printed in House Journal, April 30, page 1551.

HB10-1411, amended as printed in House Journal, April 30, pages 1554-1555.

HB10-1409, amended as printed in House Journal, April 30, pages 1570-1571 .

HB10-1418, amended as printed in House Journal, April 30, page 1572.

The House has passed on Third Reading and returns herewith SB10-108, 169, 183, 181, 186.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
 SB10-006, amended as printed in House Journal, April 28, pages 1466-1467.
 SB10-061, amended as printed in House Journal, April 28, page 1467.
 SB10-103, amended as printed in House Journal, April 28, page 1467.
 SB10-106, amended as printed in House Journal, April 28, page 1468.
 SB10-120, amended as printed in House Journal, April 28, pages 1468-1469, and
 amended on Third Reading as printed in House Journal, May 4.
 SB10-171, amended as printed in House Journal, April 28, page 1469.
 SB10-156, amended as printed in House Journal, April 28, page 1470, and
 amended on Third Reading as printed in House Journal, May 4.

MESSAGE FROM THE REVISOR OF STATUTES

May 4, 2010

We herewith transmit:

- Without comment, HB10-1391 and HCR10-1004.
- Without comment, as amended, HB10-1366, 1409, 1411, and 1418.
- Without comment, as amended, SB10-006, 061, 103, 106, 120, 156, and 171.

SENATE SERVICES REPORT

- Correctly Engrossed:** SB10-167 and 197; SJR10-033.
- Correctly Reengrossed:** SB10-185, 195, 199, 201 and 206.
- Correctly Revised:** HB10-1018, 1375, 1392, 1394, 1395 and 1399; HJR10-020 and 034.
- Correctly Rerevised:** HB10-1005, 1033, 1073, 1119, 1139, 1141, 1241, 1329, 1334 and 1336.

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 Tuesday, May 4 was laid over until Wednesday, May 5, retaining its place on the calendar.

- Special Orders--Second Reading of Bills: HB10-1358
- Consideration of Resolutions: SJR10-039, SJR10-042, SJR10-043, SJR10-047, SJR10-035, HJR10-1029.
- Consideration of House Amendments to Senate Bills: SB10-071, SB10-153, SB10-159, SB10-162.
- Consideration of House Amendments to Senate Resolutions: SJR10-040.
- Consideration of Governor's Appointments -- Consent Calendar
 - Board of Directors of Denver Metropolitan Major League Stadium District
 - Members of the Colorado Channel Authority Board of Directors
 - Members of the Charter School Institute Board
 - Members of the Board of Assessment Appeals
 - Members of the Colorado Lottery Commission
 - Members of the Board of Parks and Outdoor Recreation
 - Member of the State Board of the Great Outdoors Colorado Trust fund
 - Member of the State Board of Stock Inspection Commissioners
 - Members fo the Colorado Traumatic Brain Injury Board
 - University of Colorado Hospital Authority board of Directors
 - Members of the CoverColorado Board of Directors
 - Member of the Public Employees' Retirement Benefit Plans
- Consideration of Governor's Appointments
 - Members of the State Board of Parole
 - Members of the Board of Trustees for Adams State College
- Consideration of Conference Committee Reports: SB10-109, HJR10-1015.
- Conference Committees to Report: HB10-1273, HB-1252, HB10-1125, HB10-1330.
- Requests for Conference Committee: HB10-1188.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Local Government and Energy After consideration on the merits, the Committee recommends that **SB10-209** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Finance After consideration on the merits, the Committee recommends that **SB10-200** be referred to the Committee of the Whole with favorable recommendation.

Trans- portation After consideration on the merits, the Committee recommends that **HB10-1405** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 4, line 12, strike "MEASURED" and substitute "ESTIMATED".

Judiciary After consideration on the merits, the Committee recommends that **HB10-1404** 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 15 insert:

SECTION 3. 2-7-202 (2), Colorado Revised Statutes, as enacted by House Bill 10-1119, is amended, and the said 2-7-202 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

2-7-202. Definitions. As used in this part 2, unless the context otherwise requires:

(2) "Department" means the judicial department, the office of state public defender, the office of alternate defense counsel, the office of the child's representative, THE INDEPENDENT ETHICS COMMISSION, and the principal departments of the executive branch of state government as specified in section 24-1-110, C.R.S., including any division, office, agency, or other unit created within a principal department.

(2.5) "INDEPENDENT ETHICS COMMISSION" MEANS THE INDEPENDENT ETHICS COMMISSION ESTABLISHED IN SECTION 24-18.5-101 (2) (a), C.R.S.

SECTION 4. 2-7-204 (1) (b), (3) (a) (I), and (3) (a) (II), Colorado Revised Statutes, as enacted by House Bill 10-1119, are amended to read:

2-7-204. Performance-based budgeting - program description.

(1) (b) Each department's strategic plan shall be posted on the official web sites of the department and the office of state planning and budgeting. The state treasurer, the attorney general, the secretary of state, the state court administrator for the judicial department, the office of state public defender, the office of alternate defense counsel, THE INDEPENDENT ETHICS COMMISSION, and the office of the child's representative shall ensure the office of state planning and budgeting receives the information required to be posted on the office of state planning and budgeting's web site pursuant to this paragraph (b). The office of state planning and budgeting shall not have access to edit any information provided by the state treasurer, the attorney general, the secretary of state, the state court administrator for the judicial department, the office of state public defender, the office of alternate defense counsel, THE INDEPENDENT ETHICS COMMISSION, or the office of the child's representative.

(3) (a) (I) For each department except the department of state, the department of the treasury, the department of law, the judicial department, the office of state public defender, the office of alternate defense counsel, THE INDEPENDENT ETHICS COMMISSION, and the office of the child's representative, within thirty days after the presentation

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specified in section 2-7-203 (2) (a) (II) (B), each committee of reference shall provide to the department any written recommendations regarding the strategic plan, performance-based goals, and performance measures presented by the department and shall provide a copy of the written recommendations to the office of state planning and budgeting.

(II) For the departments of state, treasury, and law, and for the judicial department, the office of state public defender, the office of alternate defense counsel, THE INDEPENDENT ETHICS COMMISSION, and the office of the child's representative, within thirty days after the presentation specified in section 2-7-203 (2) (a) (II) (B), each committee of reference shall provide to the secretary of state, state treasurer, attorney general, the state court administrator, the office of state public defender, the office of alternate defense counsel, THE INDEPENDENT ETHICS COMMISSION, and the office of the child's representative, respectively, any written recommendations regarding the strategic plan, performance-based goals, and performance measures presented by such department or branch.

SECTION 5. 2-7-205 (1), Colorado Revised Statutes, as enacted by House Bill 10-1119, is amended to read:

2-7-205. Annual performance report. (1) (a) On December 1, 2012, and each December 1 thereafter, the office of state planning and budgeting shall publish an annual performance report for each department except the department of state, the department of the treasury, the department of law, the judicial department, the office of state public defender, the office of alternate defense counsel, THE INDEPENDENT ETHICS COMMISSION, and the office of the child's representative. The annual performance report shall include a summary of each department's strategic plan. The annual performance report shall be clearly written and easily understood and shall be limited to a maximum of four pages per department.

(b) On December 1, 2012, and each December 1 thereafter, the department of state, the department of the treasury, the department of law, the judicial department, the office of state public defender, the office of alternate defense counsel, THE INDEPENDENT ETHICS COMMISSION, and the office of the child's representative shall each publish an annual performance report including a summary of its strategic plan. The annual performance reports shall be clearly written and easily understood and shall each be limited to a maximum of four pages.

SECTION 6. 24-37-302 (3) (b), Colorado Revised Statutes, as enacted by House Bill 10-1119, is amended to read:

24-37-302. Responsibilities of the office of state planning and budgeting. (3) (b) The department of state, the department of the treasury, the department of law, the judicial department, the office of state public defender, the office of alternate defense counsel, THE INDEPENDENT ETHICS COMMISSION, and the office of the child's representative shall use the state agency budget submissions described in paragraph (a) of this subsection (3) as a guideline for the submission of their budgets to the joint budget committee.

SECTION 7. 24-37.5-105 (10) (b) (I), (10) (b) (II), (10) (b) (IV), (10) (b) (VI), and (10) (c) (II), Colorado Revised Statutes, as enacted by House Bill 10-1119, are amended to read:

24-37.5-105. Office - responsibilities - rules. (10) (b) The electronic budgeting system should, at minimum:

(I) Allow access by the principal departments of the executive branch of state government, as specified in section 24-1-110, 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., THE INDEPENDENT ETHICS COMMISSION ESTABLISHED IN SECTION 24-18.5-101 (2) (a), and the office of the child's representative created in section

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13-91-104, C.R.S., the office of state planning and budgeting, and the joint budget committee staff;

(II) Allow for the confidential development of the governor's annual budget request and the annual 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., THE INDEPENDENT ETHICS COMMISSION ESTABLISHED IN SECTION 24-18.5-101 (2) (a), and the office of the child's representative created in section 13-91-104, C.R.S.;

(IV) Allow for the electronic communication of the governor's annual budget request and the annual 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., THE INDEPENDENT ETHICS COMMISSION ESTABLISHED IN SECTION 24-18.5-101 (2) (a), and the office of the child's representative created in section 13-91-104, C.R.S., to the joint budget committee staff;

(VI) Allow the joint budget committee staff to view the final version of the governor's annual budget requests and the 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., THE INDEPENDENT ETHICS COMMISSION ESTABLISHED IN SECTION 24-18.5-101 (2) (a), and the office of the child's representative created in section 13-91-104, C.R.S.;

(c) The feasibility and requirements study should also assess the cost and feasibility to implement the following potential system components:

(II) A web-based interface that will allow 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., THE INDEPENDENT ETHICS COMMISSION ESTABLISHED IN SECTION 24-18.5-101 (2) (a), and the office of the child's representative created in section 13-91-104, C.R.S., to upload and submit budget documents and requests to the joint budget committee staff;

SECTION 8. Specified effective date. This act shall take effect upon passage; except that sections 3, 4, 5, 6, and 7 of this act shall take effect only if House Bill 10-1119 is enacted and becomes law."

Renumber succeeding section accordingly.

Trans-
portation

After consideration on the merits, the Committee recommends that **HB10-1019** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 6, line 3, strike "DISABLED PERSON" and substitute "PERSON WITH A DISABILITY".

Page 6, line 5, strike "DISABLED MINOR," and substitute "MINOR WITH A DISABILITY,".

Page 6, line 6, strike "DISABLED PEOPLE" and substitute "PEOPLE WITH DISABILITIES".

Page 6, line 18, strike "DISABLED PEOPLE" and substitute "PEOPLE WITH DISABILITIES".

Page 7, line 23, strike "disabled person" and substitute "disabled person WITH A DISABILITY".

Page 9, line 1, after the period insert "THE PEACE OFFICER OR AUTHORIZED PARKING ENFORCEMENT OFFICIAL SHALL INCLUDE WITH THE

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STATEMENT THE NAME OF THE PERSON WHO MISUSED THE LICENSE PLATE OR PLACARD AND EITHER THE LICENSE PLATE NUMBER, THE LAST FOUR DIGITS OF THE DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER PRINTED ON THE PLACARD, OR THE TRUE NAME OF THE OWNER PRINTED ON THE PLACARD."

Page 12, strike lines 14 through 18 and substitute "USE THE LICENSE PLATE OR PLACARD. THE DEPARTMENT SHALL REQUIRE THE PERSON RENEWING THE PLATE OR PLACARD TO SUBMIT THE PERSON'S DATE OF BIRTH AND DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER."

Page 26, after line 19 insert:

"SECTION 8. 42-4-1701 (3) (a) (I) and (3) (a) (II) (A), Colorado Revised Statutes, are amended to read:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal. (3) (a) (I) Except as provided in subsections (4) and (5) of this section OR THE SECTION CREATING THE INFRACTION, traffic infractions are divided into two classes which shall be subject to the following penalties which are authorized upon entry of judgment against the defendant:

Class	Minimum Penalty	Maximum Penalty
A	\$15 penalty	\$100 penalty
B	\$15 penalty	\$100 penalty

(II) (A) Except as otherwise provided in sub-subparagraph (B) of this subparagraph (II), subsections (4) and (5) of this section, and sections 42-4-1301 (7), 42-4-1301.3, and 42-4-1301.4, OR THE SECTION CREATING THE OFFENSE, misdemeanor traffic offenses are divided into two classes that are distinguished from one another by the following penalties that are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence
1	Ten days imprisonment, or \$300 fine, or both	One year imprisonment, or \$1,000 fine, or both
2	Ten days imprisonment, or \$150 fine, or both	Ninety days imprisonment, or \$300 fine, or both"

Renumber succeeding sections accordingly.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB10-213** by Senator(s) Shaffer B., Morse, Penry; also Representative(s) Weissmann, Carroll T., May--Concerning committees created by the Colorado general assembly that operate during the interim.
State, Veterans & Military Affairs
- SB10-214** by Senator(s) Tochtrop; also Representative(s) Gagliardi--Concerning more precise specification of the circumstances in which sales of medical products are exempt from sales tax.
Finance
- HB10-1217** by Representative(s) McKinley, McFadyen, Looper, Pace, Vigil; also Senator(s) Kester--Concerning the repeal of the authority of the executive director of the department of human services to sell the Trinidad state nursing home.
Health and Human Services
- HB10-1345** by Representative(s) Carroll T.; also Senator(s) Steadman and King K.--Concerning the granting of emergency powers during emergency situations at charter schools.
Education

HB10-1403	by Representative(s) Kerr A.; also Senator(s) Whitehead--Concerning commercial notifications with regard to the secretary of state, and making an appropriation therefor.	1
	State, Veterans & Military Affairs	2
HB10-1407	by Representative(s) Kagan, Gagliardi, Hulinghorst, Looper, Solano, Vigil; also Senator(s) Steadman--Concerning the creation of the range worker advisory council, and making an appropriation therefor.	3
	Agriculture and Natural Resources	4
HB10-1412	by Representative(s) Carroll T.; also Senator(s) Johnston and Spence--Concerning the creation of the charter school and charter authorizer standards review committee.	5
	Education	6
HB10-1413	by Representative(s) Levy and May, Carroll T.; also Senator(s) Newell and Lundberg--Concerning juveniles who are tried as adults, and making an appropriation in connection therewith.	7
	Judiciary	8
HB10-1414	by Representative(s) Benefield; also Senator(s) Foster--Concerning the requirement that a health care facility report information identifying any individual responsible for the diversion of injectable drugs that were intended for use by patients of the facility.	9
	Health and Human Services	10
HB10-1417	by Representative(s) Peniston, Casso, Court, Frangas, Gagliardi, Kefalas, Kerr A., Levy, Merrifield, Middleton, Pace, Primavera, Ryden, Schafer S., Todd; also Senator(s) Williams, Bacon, Boyd, Carroll M., Foster, Heath, Hudak, Keller, Morse, Newell, Romer, Sandoval, Steadman, Tapia, Tochtrop--Concerning the creation of the pay equity commission within the department of labor and employment.	11
	Business, Labor and Employment	12
HB10-1421	by Representative(s) May and Weissmann, Ferrandino, Pommer, Lambert, Gardner B., Waller; also Senator(s) King K. and Tochtrop--Concerning the decommission of a correctional facility operated by the department of corrections.	13
	State, Veterans & Military Affairs	14
HB10-1422	by Representative(s) Gardner B., Kagan, Labuda, Levy, Roberts; also Senator(s) Brophy, Carroll M., Mitchell, Morse, Schwartz--Concerning the revision of statutes in the Colorado Revised Statutes, as amended, and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.	15
	Judiciary	16
SB10-215	by Senator(s) Romer and Tapia; also Representative(s) May and McFadyen--Concerning the state-supervised lottery.	17
	Education	18
SB10-216	by Senator(s) Heath; also Representative(s) Court--Concerning the order in which statewide ballot measures appear on a ballot.	19
	State, Veterans & Military Affairs	20
SB10-217	by Senator(s) Boyd; also Representative(s) Riesberg--Concerning a modification to the nursing-sensitive quality measures required to be included in the comprehensive hospital information system.	21
	Health and Human Services	22
HCR10-1004	by Representative(s) Lambert; also Senator(s) Sandoval--Submitting to the registered electors of the state of Colorado an amendment to section 3 of article VIII of the constitution of the state of Colorado, concerning a process for temporarily moving the seat of government in a disaster emergency that substantially affects the ability of the state government to operate in the city and county of Denver, and, in connection therewith, requiring the general assembly to convene in a temporary meeting location designated by the governor and authorizing the general assembly to determine by law a temporary location for the seat of government of the state.	23
	State, Veterans & Military Affairs	24
HB10-1366	by Representative(s) Apuan, Casso, Court, Hulinghorst, Labuda, McCann, Middleton, Miklosi, Murray, Scanlan, Todd; also Senator(s) Newell--Concerning the prohibition of a person who is serving a sentence under community supervision as a result of conviction for certain offenses from acting as a petition circulator unless the person receives written permission from the appropriate supervisory entity prior to circulating any petition.	25
	Business, Labor and Technology	26
HB10-1391	by Representative(s) Rice, Court, Levy, McCann, Ryden; also Senator(s) Boyd, Hudak, Newell, Steadman--Concerning the elimination of the repeal of certain provisions requiring that the Colorado bureau of investigation deny the transfer of a firearm to a person if the bureau receives certain information about the person's criminal history in response to a	27

search of a criminal history records database.
Judiciary

HB10-1409 by Representative(s) Pommer, Ferrandino, Lambert; also Senator(s) Tapia, Keller, White--
Concerning the process by which annual salary increases may be awarded to employees in
the state personnel system based on performance, job core competencies, and years of
service.
State, Veterans & Military Affairs

HB10-1411 by Representative(s) Waller, Liston, Pace; also Senator(s) Tochtrop--Concerning the
process for resolving a denial of a transfer of a firearm when the denial is based on a
prospective transferee's criminal record, which criminal record includes a case for which
there appears to be no final disposition, and making an appropriation therefor.
State, Veterans & Military Affairs

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

MESSAGE FROM THE GOVERNOR

Appointment A letter of designation and appointment from Governor Ritter was read and assigned to
committee as follows:

May 3, 2010

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of
Colorado, I have the honor to designate, appoint and submit to your consideration, the
following:

**EXECUTIVE DIRECTOR
COLORADO DEPARTMENT OF NATURAL RESOURCES**

for a term expiring at the pleasure of the Governor:

Mike King of Parker, Colorado, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor

Rec'd: 5/4/10
Karen Goldman, Secretary of the Senate

Committee on Agriculture and Natural Resources

DELIVERY TO THE GOVERNOR

To the Governor for signature on Monday, May 3, 2010, at 9:13 a.m.:
SB10-020, 070, 073, 100 and 182.

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TRIBUTES

Honoring:

The University of Denver Ski Team - - By Senators Gibbs and Romer.	1
Blake Annenberg - - By The Colorado Legislature.	2
Scott Hunter - - By The Colorado Legislature.	3
Nancy Miani - - By Senator Williams.	4
Lorie Sue Moreno-Roch - - By The Colorado Legislature.	5
Christopher Rixman - - By The Colorado Legislature.	6
Linda Schenkein - - By The Colorado Legislature.	7
Turquoise McKenzie - - By The Colorado Legislature.	8
Donna Johnson - - By Senator Bacon.	9
Erik Peterson - - By Senator Bacon.	10
Lois Florkey - - By Senator Boyd.	11
Jeannie Montgomery - - By Senator Boyd.	12
Susan Motika - - By Senator Boyd.	13
Ian Dehmel - - By Senator Carroll.	14
Matthew Gora - - By Senator Carroll.	15
George Rawles - - By Senator Carroll.	16
Diane Rich - - By Senator Carroll.	17
Corinne Rogan - - By Senator Carroll.	18
Marisa Stainkamp - - By Senator Carroll.	19
Michael Tipton - - By Senator Carroll.	20
Benjamin Epel - - By Senator Foster.	21
Chelsea Nielsen - - By Senator Foster.	22
Michelle Saipe - - By Senator Foster.	23
Bonnie Solomn - - By Senator Foster.	24
Andy Richmond - - By Senator Gibbs.	25
Jenna Sheely - - By Senator Gibbs.	26
John Comfort - - By Senator Heath.	27
Richard Valenty - - By Senator Heath.	28
Tiffanie Beal - - By Senator Hodge.	29
Andy Hodge - - By Senator Hodge.	30
Karen Arnold - - By Senator Hudak.	31
Linda Cerva - - By Senator Hudak.	32
James Everitt - - By Senator Hudak.	33
Sarah Fong - - By Senator Hudak.	34
Paul Harris - - By Senator Hudak.	35
Leah Kaufman - - By Senator Hudak.	36
Thomas Knauer - - By Senator Hudak.	37
Heather Lebedoff - - By Senator Hudak.	38
Mary Lindsey - - By Senator Hudak.	39
Seni Aliu - - By Senator Johnston.	40
Patrick Laband - - By Senator Johnston.	41
Nina Safane - - By Senator Johnston.	42
Alex Sharp - - By Senator Johnston.	43
Eric Charney - - By Senator Keller.	44
Rene Sanders - - By Senator Keller.	45
Charles Martin - - By Senator Morse.	46
Desmond Ready - - By Senator Morse.	47
Rebecca Askew - - By Senator Newell.	48
Julia Johns - - By Senator Newell.	49
Angie Knepell - - By Senator Newell.	50
Kenneth Ohmstede - - By Senator Newell.	51
Maxwell Pike - - By Senator Newell.	52
Alissa Thyfault - - By Senator Newell.	53
Erin Schol - - By The Colorado Legislature.	54
Paul Kellogg - - By The Press Office.	55
Ryan Maness - - By The Press Office.	56
Erin McCann - - By The Press Office.	57
Aaron Hendrikson - - By Senator Romer.	58
Jason Karsh - - By Senator Romer.	59
Mickie Clayton - - By Senator Sandoval.	60
Zeke Perez - - By Senator Sandoval.	61
Charles Williamson - - By Senator Sandoval.	62
Kayleigh Lloyd - - By Senator Schwartz.	63
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Scott Wozencraft - - By Senator Schwartz.	1
Ashlee Johnson - - By Senator Shaffer.	2
Anna Cook - - By Senator Steadman.	3
Peggy Dahms - - By Senator Steadman.	4
Deigo Martin Del Ca - - By Senator Steadman.	5
Kyle Piccola - - By Senator Steadman.	6
Matthew Pizzutti - - By Senator Steadman.	7
Lynn Cordova - - By Senator Tapia.	8
Connie Tapia - - By Senator Tapia.	9
Jade Sorget - - By Senator Tochtrop.	10
Diane Wright - - By Senator Tochtrop.	11
Ryan Hutton - - By Senator Whitehead.	12
Alyson Kimzey - - By Senator Whitehead.	13
Dominick Moreno - - By Senator Whitehead.	14
Adriennr Veyna - - By Senator Whitehead.	15
Parker Calbert - - By Senator Williams.	16
Lynn Desens - - By Senator Williams.	17
Dala Giffin - - By Senator Williams.	18
Nicole Hanlen - - By Senator Williams.	19
Touber City and County Building - - By Senator Schwartz.	20
Ron Williams - - By Senator Newell.	21
Emily Lozow - - By Senator Foster.	22
Paul Harris - - By Senator Schwartz.	23
William Lamon - - By Senator Schwartz.	24
Rebecca Rian - - By Senator Schwartz.	25
Katie Little - - By Senator Schwartz.	26
Jacob La Bure - - By Senator Hudak.	27
Amber Tyler - - By Senator Hudak.	28
Sharon Finch - - By Senator Hudak.	29
Antje Maempel - - By Senator Gibbs.	30
Beth Moyski - - By Senator Heath.	31
Laurie Albright - - By Senator Heath.	32
Harris Ravine - - By Senator Heath.	33
Rachael Flatt - - By Senator King.	34
Nick Hiebert - - By The Colorado Legislature.	35



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

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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