

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

101st Legislative Day Friday, April 23, 2010

- Prayer 11
 By the chaplain, Reverend Heidi McGinnis, Director of Outreach for Christian Solidarity International-USA and Reverend John Thompson, Park Hill United Methodist Church, Denver. 12-13
- Call to Order 15
 By the President at 9:00 a.m. 16-17
- Pledge 18
 By Senator Renfroe. 19
- Roll Call 20
 Present--30. 21
 Absent--1, Penry. 22
 Excused-- 4, Gibbs, Kester, Mitchell, Schultheis. 23
 Present later-- 4, Gibbs, Kester, Mitchell, Penry. 24
- Quorum 25
 The President announced a quorum present. 26
- Reading of Journal 27
 On motion of Senator Johnston, reading of the Journal of Thursday, April 22, 2010, was dispensed with and the Journal was approved as corrected by the Secretary. 28-29
- On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of resolutions. 31-32

CONSIDERATION OF RESOLUTIONS

- SJR10-036** by Senator(s) Morse; also Representative(s) King S.--Concerning declaring the week of May 9-15, 2010, as Police Week and May 15, 2010, as Peace Officers Memorial Day. 39-40
- On motion of Senator Morse, the resolution was read at length and **adopted** by the following roll call vote: 42-43

YES	31	NO	0	EXCUSED	4	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	E	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	E	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

- SJR10-038** by Senator(s) Tochtrop; also Representative(s) Ryden--Concerning remembrance of the Armenian Genocide on April 24, 2010, and, in connection therewith, designating every April 24 hereafter as "Colorado Day of Remembrance of the Armenian Genocide". 62-64
- On motion of Senator Tochtrop, the resolution was read at length and **adopted** by the following roll call vote: 65-66

YES	31	NO	0	EXCUSED	4	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	E	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	E	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	E	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

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 conference committee reports.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB10-1369 by Representative(s) Scanlan and Pommer; also Senator(s) Bacon--Concerning the financing of public schools, and making an appropriation therefor.

Senator Bacon moved for the adoption of the first report of the first conference committee on **HB10-1369**, as printed in Senate journal, April 20, pages 941-942. The motion was **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	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	E	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	E	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

YES	32	NO	0	EXCUSED	3	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	E	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	E	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

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

SJR10-037 by Senator(s) Gibbs, Schwartz, Kester, Kopp, Penry, Johnston, Spence, Keller, Cadman, Brophy, Harvey, Heath, Hodge, Lundberg, Mitchell, Newell, Sandoval, Scheffel, Tapia, Tochtrop, White, Whitehead; also Representative(s) Scanlan--Concerning the designation of April 23, 2010, as "Colorado Forest Products Day", and, in connection therewith, recognizing the economic and environmental importance of Colorado's forests.

On motion of Senator Gibbs, the resolution was read at length and **adopted** by 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	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	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	E	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Co-sponsors added: Bacon, Boyd, Carroll M., Foster, Hudak, King K., Morse, Renfroe, Romer, Shaffer B., Steadman and Williams.

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:

SB10-190 by Senator(s) White and Keller, Tapia; also Representative(s) Riesberg and Pommer-- Concerning the suspension of the property tax exemption for qualifying seniors for specified property tax years.

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

YES	19	NO	14	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	N
Carroll M.	Y	Kester	E	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	N	Whitehead	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	E	President	Y
Heath	Y	Mitchell	N	Schwartz	N		

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

HB10-1160 by Representative(s) Rice and Stephens; also Senator(s) Mitchell and Newell--Concerning the ability of health insurance carriers to offer incentives for participation in wellness programs based on satisfaction of a standard related to a health risk factor.

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

Third Reading Amendment No. 1,(L.023) by Senator Newell.

Amend revised bill, page 10, after line 27 insert:

"(6.7) THE COMMISSIONER SHALL MONITOR AND ENFORCE THE REQUIREMENTS OF THIS SECTION AND, IN CONNECTION WITH SUCH MONITORING AND ENFORCEMENT, MAY TAKE ANY MARKET CONDUCT ACTION AUTHORIZED BY PART 2 OF ARTICLE 1 OF THIS TITLE THAT THE COMMISSIONER DEEMS NECESSARY TO ENFORCE THE REQUIREMENTS OF THIS SECTION. AS USED IN THIS SUBSECTION (6.7), "MONITOR AND ENFORCE" INCLUDES AT LEAST THE FOLLOWING:

(a) THE REVIEW OF CARRIER AND PRODUCER MARKETING PRACTICES RELATED TO WELLNESS AND PREVENTION PROGRAMS; AND

(b) AN ASSESSMENT OF THE TYPES OF INDIVIDUAL HEALTH COVERAGE PLANS AND SMALL GROUP PLANS CONTAINING A WELLNESS AND PREVENTION PROGRAMS THAT HAVE BEEN SOLD, INDICATING THE PERCENTAGE OF SUCH PLANS THAT ARE HIGH DEDUCTIBLE, HIGH COST-SHARING PLANS."

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	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	E	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	E	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	22	NO	12	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	Y	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	Y	Steadman	N
Brophy	Y	Johnston	Y	Penry	Y	Tapia	N
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	Y	White	Y
Foster	N	King K.	Y	Sandoval	N	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	E	President	N
Heath	N	Mitchell	Y	Schwartz	Y		

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

Call of the Senate. Call raised.

RECONSIDERATION OF SB10-190

SB10-190 by Senator(s) White and Keller, Tapia; also Representative(s) Riesberg and Pommer-- Concerning the suspension of the property tax exemption for qualifying seniors for specified property tax years, and making an appropriation therefor.

Having voted on the prevailing side, Senator White moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB10-190.

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	E	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

SB10-190 by Senator(s) White and Keller, Tapia; also Representative(s) Riesberg and Pommer--
Concerning the suspension of the property tax exemption for qualifying seniors for specified
property tax years, and making an appropriation therefor.

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

YES	18	NO	16	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	N
Carroll M.	Y	Kester	N	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	N	Whitehead	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	E	President	Y
Heath	Y	Mitchell	N	Schwartz	N		

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

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

Laid over until Monday, April 26, retaining its place on the calendar.

HB10-1332 by Representative(s) Miklosi, Apuan, Gagliardi, Kefalas, Primavera, Tyler; also Senator(s)
Romer--Concerning the creation of the "Barry Keene Medical Clean Claims Transparency
and Uniformity Act".

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

Third Reading Amendment No.1, (L.015) , by Senator Romer.

Amend revised bill, page 6, line 21, strike "NATIONAL INITIATIVE BY A".

Page 6, strike line 22 and substitute "COLLABORATIVE EFFORT LED BY OR
OCCURRING UNDER THE DIRECTION OF THE SECRETARY OF THE UNITED
STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, WHICH
INCLUDES A DIVERSE GROUP OF STAKEHOLDERS,".

Page 6, line 23, strike "STAKEHOLDERS".

Page 11, line 16, strike ""BARRY KEENE".

Page 11, line 17, strike "MEDICAL" and substitute ""MEDICAL".

Page 11, line 22, strike "FORCE, WITHIN" and substitute "FORCE BY
NOVEMBER 30, 2010,".

Page 11, strike line 23.

Page 12, line 21, strike "ONE YEAR" and substitute "TWO YEARS".

Page 14, line 23, strike "DECEMBER 31," and substitute "NOVEMBER 30,
2012,".

Page 14, line 24, strike "2011,".

Page 14, line 26, strike "2012." and substitute "2013.".

Page 15, line 27, strike "2012," and substitute "2013,".

Page 16, line 1, strike "RECOMMENDATIONS CONCERNING" and substitute "MAY RECOMMEND IMPLEMENTATION OF".

Page 17, line 4, strike "WITHIN TWENTY-FOUR".

Page 17, strike line 5 and substitute "ACCORDING TO THE IMPLEMENTATION SCHEDULE REQUIRED BY FEDERAL LAW.".

Page 17, line 18, strike "REVIEW, COST CONTAINMENT," and substitute "REVIEW".

Page 1, line 101, strike ""BARRY KEENE MEDICAL" and substitute ""MEDICAL".

The amendment was passed on 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	E	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	27	NO	7	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	E	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, Foster, Heath, Hodge, Newell, Steadman and Tochtrop.

Committee of the Whole On motion of Senator Whitehead, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Whitehead 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:

HB10-1038 by Representative(s) Miklosi, Pace, Ryden; also Senator(s) Carroll M., Hodge, Tochtrop-- Concerning a brochure to describe the process for workers' compensation claims, and making adjustments to appropriations in connection therewith.

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

HB10-1009 by Representative(s) Miklosi, Pace, Ryden; also Senator(s) Hodge, Carroll M., Tochtrop-- Concerning the board of directors of Pinnacol Assurance.

Laid over until Monday, April 26, retaining its place on the calendar.

SB10-012 by Senator(s) Tochtrop, Carroll M., Hodge; also Representative(s) Pace, Miklosi, Ryden-- Concerning increased penalties for violations of the workers' compensation laws.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 1, page 747 and placed in members' bill files.)

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

SB10-011 by Senator(s) Carroll M., Hodge, Tochtrop; also Representative(s) Miklosi, Pace, Ryden-- Concerning measures to reduce conflicts of interest in workers' compensation cases.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 1, pages 747-748 and placed in members' bill files.)

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

HB10-1122 by Representative(s) Roberts and Merrifield, Gagliardi, Kefalas, Tyler; also Senator(s) Williams, Morse--Concerning medical orders determining the scope of treatment an adult wishes to receive under certain circumstances.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, March 26, page 680 and placed in members' bill files.)

Amendment No. 2, Judiciary Committee Amendment.
(Printed in Senate Journal, April 13, pages 864-865 and placed in members' bill files.)

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

SB10-179 by Senator(s) Steadman; --Concerning the voting rights of persons involved in the criminal justice system.

Laid over until Monday, April 26, retaining its place on the calendar.

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 (HB10-1342, SB10-161, HB10-1355, HB10-1221, SB10-180, SB10-144, SB10-084, SB10-013, SB10-002, HB10-1334, HB10-1060.) of Friday, April 23, was laid over until Monday, April 27, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Whitehead, the report of the Committee of the Whole was **adopted** on 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	E	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB10-012 as amended, SB10-011 as amended, HB10-1038, HB10-1122 as amended.
Laid over until Monday, April 26: HB10-1009, HB10-1342, SB10-161, HB10-1355, HB10-1221, SB10-180, SB10-179, SB10-144, SB10-084, SB10-013, SB10-002, HB10-1334, HB10-1060.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **HB10-1351** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **SB10-192** be referred to the Committee on Appropriations with favorable recommendation.

Health & Human Services After consideration on the merits, the Committee recommends that **HB10-1005** be referred to the Committee on Appropriations with favorable recommendation.

Health & Human Services After consideration on the merits, the Committee recommends that **HB10-1033** be referred to the Committee on Appropriations with favorable recommendation.

Health & Human Services After consideration on the merits, the Committee recommends that **SB10-194** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Health & Human Services After consideration on the merits, the Committee recommends that **SB10-195** be referred to the Committee on Appropriations with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB10-1278** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 6, change the period to a comma and add "SUBJECT TO A MAXIMUM LIMIT OF FIFTY DOLLARS.".

Page 3, line 22, strike "OMBUDSMAN." and substitute "INFORMATION OFFICER." and strike "OMBUDSMAN" and substitute "INFORMATION OFFICER".

Page 3, strike lines 25 and 26 and substitute:

"(2) THE HOA INFORMATION OFFICER SHALL BE FAMILIAR WITH THE "COLORADO".

Page 4, line 1, strike ""ACT", OR IN THE OPERATION" and substitute ""ACT".

Page 4, strike lines 2 and 3.

Page 4, line 4, strike "ANY COMBINATION THEREOF."

Page 4, line 9, strike "OMBUDSMAN." and substitute "INFORMATION OFFICER. IN ADDITION, IN CONDUCTING THE SEARCH FOR AN APPOINTEE, THE EXECUTIVE DIRECTOR OF THE DIVISION OF REAL ESTATE SHALL PLACE A HIGH PREMIUM ON CANDIDATES WHO ARE BALANCED, INDEPENDENT, UNBIASED, AND WITHOUT ANY CURRENT FINANCIAL TIES TO AN HOA BOARD OR BOARD MEMBER OR TO ANY PERSON OR ENTITY THAT PROVIDES HOA MANAGEMENT SERVICES. AFTER BEING APPOINTED, THE HOA INFORMATION OFFICER SHALL REFRAIN FROM ENGAGING IN ANY CONDUCT OR RELATIONSHIP THAT WOULD CREATE A CONFLICT OF INTEREST OR THE APPEARANCE OF A CONFLICT OF INTEREST."

Page 4, line 10, strike "OMBUDSMAN" and substitute "INFORMATION OFFICER".

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

Page 4, line 11, after "THE" insert "BASIC". 1

Page 4, line 13, strike "OMBUDSMANMAY:" and substitute "INFORMATION OFFICER:". 2
3

Page 4, line 14, strike "EMPLOY" and substitute "MAY EMPLOY". 4
5

Page 4, line 16, strike "TRACK" and substitute "SHALL TRACK". 6
7

Page 5, line 4, after the period add "THIS SUBSECTION (5) SHALL NOT BE CONSTRUED TO CONFER ADDITIONAL RULE-MAKING AUTHORITY UPON THE DIRECTOR FOR ANY OTHER PURPOSE.". 8
9
10

Page 5, line 7, strike "OMBUDSMAN'S" and substitute "INFORMATION OFFICER'S". 11
12
13

Page 5, line 17, strike "THE" and substitute "(a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), THE". 14
15
16

Page 5, after line 22 insert: 17
18

"(b) A UNIT OWNERS' ASSOCIATION SHALL BE EXEMPT FROM THE FEE, BUT NOT THE REGISTRATION REQUIREMENT, IF THE DECLARATION FOR THE COMMON INTEREST COMMUNITY: 19
20
21

(I) DOES NOT GIVE THE ASSOCIATION AUTHORITY TO MAKE ASSESSMENTS FOR COMMON EXPENSES; OR 22
23
24

(II) PROVIDES THAT THE ANNUAL AVERAGE COMMON EXPENSE LIABILITY OF EACH UNIT RESTRICTED TO RESIDENTIAL PURPOSES, EXCLUSIVE OF OPTIONAL USER FEES AND ANY INSURANCE PREMIUMS PAID BY THE ASSOCIATION, MAY NOT EXCEED FOUR HUNDRED DOLLARS, AS ADJUSTED USING THE METHOD SET FORTH IN SECTION 38-33.3-116 (3)". 25
26
27
28
29
30
31
32
33

Page 6, line 19, strike "ombudsman" and substitute "information officer". 34
35

Page 1, line 101, strike "OMBUDSMAN" and substitute "INFORMATION OFFICER". 36
37
38

State,
Veterans, &
Military
Affairs

The Committee on State, Veterans, and Military Affairs has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed: 39
40
41
42

MEMBERS OF THE
COLORADO CHANNEL AUTHORITY
BOARD OF DIRECTORS

for terms expiring October 6, 2011: 43
44
45
46
47
48

Luisa F. Collins of Denver, Colorado, an Unaffiliated who has experience in the business operations of broadcast journalism, appointed; 49
50
51

Ken Fellman of Arvada, Colorado, a Democrat, appointed; 52
53
54

John W. Montgomery of Centennial, Colorado, an Unaffiliated who has experience in the business operations of broadcast journalism, appointed. 55
56
57

Trans-
portation

After consideration on the merits, the Committee recommends that **SB10-196** be referred to the Committee on Appropriations with favorable recommendation. 58
59
60
61

Trans-
portation

After consideration on the merits, the Committee recommends that **HB10-1243** be referred to the Committee of the Whole with favorable recommendation. 62
63
64
65

Trans-
portation

After consideration on the merits, the Committee recommends that **SB10-173** be postponed indefinitely. 66
67
68
69

Trans- portation	After consideration on the merits, the Committee recommends that SB10-145 be postponed indefinitely.	1 2 3
Trans- portation	After consideration on the merits, the Committee recommends that SB10-184 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend printed bill, page 3, line 8, strike "SHALL ESTABLISH, AT A MINIMUM," and substitute "MAY ESTABLISH, CONSISTENT WITH PLANNING PROVISIONS IN SECTION 43-1-1103, C.R.S., THE INTERSTATE 70 COLLABORATIVE EFFORT, CONTEXT SENSITIVE SOLUTIONS, AND THE PROCESSES REQUIRED BY THE FEDERAL "NATIONAL ENVIRONMENTAL POLICY ACT OF 1969", 42 U.S.C. 4321 ET SEQ.,". Page 3, line 10, after "LANES" insert "AND REPORTING TO THE GENERAL ASSEMBLY".	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18
Agriculture and Natural Resources	After consideration on the merits, the Committee recommends that HB10-1051 be referred to the Committee of the Whole with favorable recommendation.	19 20 21 22
Agriculture and Natural Resources	After consideration on the merits, the Committee recommends that HB10-1363 be referred to the Committee of the Whole with favorable recommendation.	23 24 25 26
Appro- priations	After consideration on the merits, the Committee recommends that HB10-1035 be referred to the Committee of the Whole with favorable recommendation.	27 28 29
Appro- priations	After consideration on the merits, the Committee recommends that HB10-1125 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend reengrossed bill, page 12, line 10, before "In" insert "(1)". Page 12, line 16, strike "sixty thousand six hundred fifty-nine dollars (\$60,659)" and substitute "sixty-one thousand nine hundred sixty-four dollars (\$61,964)". Page 12, after line 18 insert: "(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2010, the sum of seven thousand five hundred thirty-eight dollars (\$7,538), or so much thereof as may be necessary, for the provision of legal services to the department of public health and environment related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of public health and environment out of the appropriation made in subsection (1) of this section."	30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51
Appro- priations	After consideration on the merits, the Committee recommends that HB10-1335 be referred to the Committee of the Whole with favorable recommendation.	52 53 54
Appro- priations	After consideration on the merits, the Committee recommends that HB10-1341 be referred to the Committee of the Whole with favorable recommendation.	55 56 57 58
Appro- priations	After consideration on the merits, the Committee recommends that HB10-1330 be referred to the Committee of the Whole with favorable recommendation.	59 60 61
Appro- priations	After consideration on the merits, the Committee recommends that HB10-1267 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	62 63 64 65
Appro- priations	After consideration on the merits, the Committee recommends that HB10-1260 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	66 67 68 69

Appropriations	After consideration on the merits, the Committee recommends that HB10-1045 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	1 2 3 4
Appropriations	After consideration on the merits, the Committee recommends that HB10-1141 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	5 6 7 8
	Amend revised bill, page 13, after line 16 insert:	9 10
	"SECTION 13. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the mortgage loan originator licensing cash fund created in section 12-61-908 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for the fiscal year beginning July 1, 2010, the sum of fifteen thousand seven hundred eighty-two dollars (\$15,782) cash funds, or so much thereof as may be necessary, for the implementation of this act.	11 12 13 14 15 16 17 18 19
	(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2010, the sum of six thousand four hundred seven dollars (\$6,407), or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section."	20 21 22 23 24 25 26 27 28
	Renumber succeeding section accordingly.	29 30
	Page 1, line 102, strike "ESTATE." and substitute "ESTATE, AND MAKING AN APPROPRIATION THEREFOR."	31 32 33
Appropriations	After consideration on the merits, the Committee recommends that HB10-1210 be referred to the Committee of the Whole with favorable recommendation.	34 35 36
Appropriations	After consideration on the merits, the Committee recommends that HB10-1106 be referred to the Committee of the Whole with favorable recommendation.	37 38 39
Appropriations	After consideration on the merits, the Committee recommends that HB10-1291 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	40 41 42 43
Appropriations	After consideration on the merits, the Committee recommends that SB10-064 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.	44 45 46 47
	Amend printed bill, page 2, after line 1, insert:	48 49
	"SECTION 1. Legislative declaration. It is the intent of general assembly that any increase in the appropriations for college opportunity fund stipends, as a result of the enactment of Senate Bill 10-064, enacted in 2010, shall be paid for by a decrease in the fee-for-service contract appropriations."	50 51 52 53 54 55
	Renumber succeeding sections accordingly.	56 57
	page 2, after line 23 insert:	58 59
	"SECTION 3. Appropriation - adjustments to the 2010 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of higher education, college opportunity fund program, for stipends for students attending state institutions, for the fiscal year beginning July 1, 2010, the sum of four hundred three thousand eight hundred sixty-eight dollars (\$403,868) for an estimated 217.1 eligible full-time equivalent students.	60 61 62 63 64 65 66 67 68
	(2) For the implementation of this act, appropriations made in the	69

annual general appropriation act for the fiscal year beginning July 1, 2010, to the department of higher education shall be adjusted as follows:

(a) The appropriation from the general fund for fee-for-service contracts with state institutions is decreased by the sum of four hundred three thousand eight hundred sixty-eight dollars (\$403,868).

(b) The appropriation for the governing boards, trustees of Adams state college, is decreased by the sum of one thousand six hundred twelve dollars (\$1,612). Said sum shall be from the students' share of tuition. In addition, the reappropriated funds from student stipend payments is increased by one thousand six hundred twelve dollars (\$1,612) and the reappropriated funds from fee-for-service contracts is decreased by one thousand six hundred twelve dollars (\$1,612).

(c) The appropriation for the governing boards, trustees of Mesa state college, is decreased by the sum of one thousand six hundred seventy-four dollars (\$1,674). Said sum shall be from the students' share of tuition. In addition, the reappropriated funds from student stipend payments is increased by one thousand six hundred seventy-four dollars (\$1,674) and the reappropriated funds from fee-for-service contracts is decreased by one thousand six hundred seventy-four dollars (\$1,674).

(d) The appropriation for the governing boards, trustees of Metropolitan state college of Denver, is decreased by the sum of two hundred eighteen thousand nine hundred twenty-two dollars (\$218,922). Said sum shall be from the students' share of tuition. In addition, the reappropriated funds from student stipend payments is increased by two hundred eighteen thousand nine hundred twenty-two dollars (\$218,922) and the reappropriated funds from fee-for-service contracts is decreased by two hundred eighteen thousand nine hundred twenty-two dollars (\$218,922).

(e) The appropriation for the governing boards, board of governors of the Colorado state university system, is decreased by the sum of one hundred seventy-seven thousand one hundred ninety-six dollars (\$177,196). Said sum shall be from the students' share of tuition. In addition, the reappropriated funds from student stipend payments is increased by one hundred seventy-seven thousand one hundred ninety-six dollars (\$177,196) and the reappropriated funds from fee-for-service contracts is decreased by one hundred seventy-seven thousand one hundred ninety-six dollars (\$177,196).

(f) The appropriation for the governing boards, trustees of Fort Lewis college, is decreased by the sum of four thousand four hundred sixty-four dollars (\$4,464). Said sum shall be from the students' share of tuition. In addition, the reappropriated funds from student stipend payments is increased by four thousand four hundred sixty-four dollars (\$4,464) and the reappropriated funds from fee-for-service contracts is decreased by four thousand four hundred sixty-four dollars (\$4,464).".

ReNUMBER succeeding section accordingly.

Page 1, line 103, strike "FUND." and substitute "FUND, AND MAKING AN APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the Committee recommends that **HB10-1161** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB10-1224** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 28, after line 18 insert:

"SECTION 26. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for the fiscal year beginning July 1, 2010, the sum of three thousand one hundred forty-nine dollars (\$3,149) cash funds, or so much thereof as may be necessary, for the implementation of this act.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2010, the sum of two thousand two hundred sixty-one dollars (\$2,261), or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section."

Renumber succeeding sections accordingly.

Page 1, line 102, strike "BOARD." and substitute "BOARD, AND MAKING AN APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the Committee recommends that **HB10-1228** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB10-167** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, after line 1, insert:

"SECTION 1. Legislative declaration. It is the intent of the general assembly that the implementation of this act shall result in significant reduction in the general fund expenditures for public medical benefits as is shown by the appropriations in the act and in the final general fund fiscal estimate for the act."

Renumber succeeding sections accordingly.

Page 46, before line 25, insert:

"SECTION 14. Accountability. Five years after this act becomes law and in accordance with section 2-2-1201, Colorado Revised Statutes, the legislative service agencies of the Colorado General Assembly shall conduct a post-enactment review of the implementation of this act utilizing the information contained in the legislative declaration set forth in section 1 of this act.

SECTION 15. Appropriation - adjustments to the 2010 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2010, to the department of health care policy and financing shall be adjusted as follows:

(a) The appropriation to the executive director's office is increased by one million three hundred twenty-eight thousand three hundred sixty-one dollars (\$1,328,361) and 7.0 FTE. Of said sum, five hundred three thousand seven hundred five dollars (\$503,705) shall be from the general fund and eight hundred twenty-four thousand six hundred fifty-six dollars (\$824,656) shall be from federal funds.

(b) The appropriation to the medical services premiums division is decreased by two million three hundred ninety thousand five hundred seventy dollars (\$2,390,570). Of said sum, nine hundred eighteen thousand two hundred eighteen dollars (\$918,218) shall be from the general fund and one million four hundred seventy-two thousand three hundred fifty-two dollars (\$1,472,352) shall be from federal funds."

Renumber succeeding section accordingly.

Page 1, line 104, strike "ACT"." and substitute, "ACT", **REQUIRING A POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF THIS ACT, AND MAKING AN APPROPRIATION.**".

Appropriations

After consideration on the merits, the Committee recommends that **HB10-1053** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Health and Human Services Committee Report, dated March 31, 2010, page 3, after line 30 insert:

"Page 11, line 1, strike "C.R.S.," and substitute "Colorado Revised Statutes,".

Page 11, line 10, strike "C.R.S." and substitute "Colorado Revised Statutes."."

Page 3 of the committee report, strike lines 31 through 34.

Appropriations

After consideration on the merits, the Committee recommends that **HB10-1333** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 22, after "COMMUNITY" insert "OR JUNIOR".

Page 4, line 10, after "COMMUNITY" insert "OR JUNIOR".

Page 9, after line 17 insert:

SECTION 2. Appropriation - adjustments to the 2010 long bill. (1) The general assembly anticipates that, for the fiscal year beginning July 1, 2010, the department of governor-lieutenant governor-state planning and budgeting, office of the governor, governor's energy office, will receive the sum of one hundred thousand dollars (\$100,000) in federal funds for the implementation of this act. Said sum shall be from funds received through the American Recovery and Reinvestment Act of 2009. Although these funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

(2) In addition to any other appropriation, there is hereby appropriated to the department of labor and employment, division of employment and training, employment and training programs, workforce investment act, for the fiscal year beginning July 1, 2010, the sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from reappropriated funds received from the department governor-lieutenant governor-state planning and budgeting of out of the appropriation made in subsection (1) of this section.

(3) For the implementation of this act, the federal funds appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2010, to the department of labor and employment, division of employment and training, employment and training programs, for workforce investment act, is increased by 1.4 FTE."

ReNUMBER succeeding section accordingly.

Page 1, line 105, strike "FUND." and substitute "FUND, AND MAKING AN APPROPRIATION."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64

MESSAGE FROM THE HOUSE

April 22, 2010

The House has adopted and returns herewith SJR10-032.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1398.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1022, amended as printed in House Journal, April 20, page 1337.

HB10-1146, amended as printed in House Journal, April 20, page 1338.

HB10-1172, amended as printed in House Journal, April 20, page 1339.

HB10-1264, amended as printed in House Journal, April 20, pages 1339-1340.

HB10-1268, amended as printed in House Journal, April 20, page 1340.

HB10-1284, amended as printed in House Journal, April 20, pages 1340-1346.

HB10-1394, amended as printed in House Journal, April 20, pages 1361-1365.

HB10-1287, amended as printed in House Journal, April 21, page 1360.

HB10-1338, amended as printed in House Journal, April 21, page 1360.

HB10-1364, amended as printed in House Journal, April 21, pages 1360-1361.

HB10-1370, amended as printed in House Journal, April 21, page 1361.

The House has voted not to concur in the Senate amendments to HJR10-1015 and requests that a conference committee be appointed. The resolution is transmitted herewith.

The Speaker has appointed Representatives Roberts, chairman, Labuda, and Ryden as House conferees on the First Conference Committee on HJR10-1015.

REPORT OF CONFERENCE COMMITTEES

FIRST REPORT OF SECOND CONFERENCE COMMITTEE ON SB10-109

***** THIS REPORT AMENDS THE REREVISED BILL *****

To the President of the Senate and the Speaker of the House of Representatives:

Your second conference committee appointed on SB10-109, concerning regulation of the physician-patient relationship for medical marijuana patients, and making appropriations in connection therewith, has met and reports that it has agreed upon the following:

1. That the Senate accede to the House amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 6, line 1, before "CONDITION" insert "MEDICAL".

Page 9, strike lines 5 through 27 and substitute:

"(2) (7) Fees - repeal. (a) The department STATE HEALTH AGENCY may collect fees from patients who, pursuant to section 14 of article XVIII of the state constitution, apply to the medical marijuana program established by such section for a marijuana registry identification CARD for the purpose of offsetting the department's STATE HEALTH AGENCY'S direct and indirect costs of administering the program. The amount of such THE fees shall be set by rule of the state board of

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69

health STATE HEALTH AGENCY. THE STATE HEALTH AGENCY SHALL ALSO PROMULGATE RULES THAT ALLOW A PATIENT TO CLAIM INDIGENCE AS IT RELATES TO PAYING THE FEE APPROVED PURSUANT TO THIS SUBSECTION (7). THE RULES SHALL ESTABLISH THE STANDARD FOR INDIGENCE, THE PROCESS THE STATE HEALTH AGENCY SHALL USE TO DETERMINE WHETHER A PATIENT WHO CLAIMS INDIGENCE MEETS THE STANDARD FOR INDIGENCE, AND THE PROCESS FOR GRANTING A WAIVER IF THE STATE HEALTH AGENCY DETERMINES THAT THE PATIENT MEETS THE STANDARD FOR INDIGENCE. All fees collected by the ~~department~~ STATE HEALTH AGENCY through the medical marijuana program shall be transferred to the state treasurer who shall credit the same to the medical marijuana program cash fund, which fund is hereby created.

(b) (I) THE FEES COLLECTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7) MAY BE USED FOR THE DIRECT AND INDIRECT COSTS TO THE STATE BOARD OF MEDICAL EXAMINERS ASSOCIATED WITH INVESTIGATING AND PROSECUTING UP TO FIVE OF THE REFERRALS OF PHYSICIANS RECEIVED PER YEAR FROM THE STATE HEALTH AGENCY IN RELATION TO THE MEDICAL MARIJUANA PROGRAM.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2012.

~~(8)~~ **Cash fund - repeal.** (a) The medical marijuana program cash fund shall be subject to annual appropriation by the general assembly to the ~~department~~ STATE HEALTH AGENCY for the purpose of establishing, operating, and maintaining the medical marijuana program. ~~established by section 14 of article XVIII of the state constitution.~~ All moneys credited to the medical marijuana program cash fund and all interest derived from the deposit of such moneys that are not expended during the fiscal year shall be retained in the fund for future use and shall not be credited or transferred to the general fund or any other fund.

(b) Notwithstanding any provision of paragraph (a) of this subsection ~~(8)~~ to the contrary, on April 20, 2009, the state treasurer shall deduct two hundred fifty-eight thousand seven hundred thirty-five dollars from the medical marijuana program cash fund and transfer such sum to the general fund.

(c) (I) THE STATE HEALTH AGENCY SHALL TRANSFER FROM THE MEDICAL MARIJUANA PROGRAM CASH FUND TO THE DEPARTMENT OF REGULATORY AGENCIES FOR ALLOCATION TO THE STATE BOARD OF MEDICAL EXAMINERS MONEYS TO COVER THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH INVESTIGATING AND PROSECUTING UP TO FIVE OF THE REFERRALS OF PHYSICIANS RECEIVED PER YEAR FROM THE STATE HEALTH AGENCY IN RELATION TO THE MEDICAL MARIJUANA PROGRAM.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2012."

Page 10, strike lines 1 and 2.

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 2, line 14, strike "A" and substitute "AN APPROPRIATE".

Page 10, after line 2, insert:

"(9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019."

Page 11, after line 14 insert:

"SECTION 5. 12-36-103 (6) (a), Colorado Revised Statutes, is amended to read:

12-36-103. State board of medical examiners - immunity - subject to termination - repeal of article. (6) (a) (I) The provisions of section 24-34-104, C.R.S., concerning the termination schedule for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

regulatory bodies of the state unless extended as provided in that section, are applicable to the Colorado state board of medical examiners created by this section.

(II) THE REVIEW REQUIRED BY THIS SUBSECTION (6) SHALL INCLUDE AN ANALYSIS OF PHYSICIAN RESPONSIBILITIES RELATED TO RECOMMENDATIONS FOR MEDICAL MARIJUANA AND THE PROVISIONS OF SECTION 25-1.5-106, C.R.S."

Renumber succeeding sections accordingly.

Page 12, after line 19, insert:

"SECTION 7. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable."

Renumber succeeding section accordingly.

Respectfully submitted,

Senate Committee:
(signed)
Chris Romer, Chairman
Nancy Spence
Pat Steadman

House Committee:
(signed)
Tom Massey, Chairman
Elizabeth McCann

MESSAGE FROM THE REVISOR OF STATUTES

April 22, 2010

We herewith transmit:

Without comment, HB10-1398.

Without comment, as amended, HB10-1022, 1146, 1172, 1264, 1268, 1284, 1287, 1338, 1364, 1370, and 1394.

INTRODUCTION OF RESOLUTIONS

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

SJR10-040 by Senator(s) Scheffel, Gibbs, Kopp; also Representative(s) Scanlan--Concerning the designation of a portion of State Highway 91 as the "Fallen Heroes Highway".

Laid over until Tuesday, April 27, retaining its place on the calendar.

SJR10-041 by Senator(s) Boyd, Hodge, Tochtrop; also Representative(s) Riesberg, Gagliardi, Priola--Concerning the designation of University of Colorado Hospital as a magnet hospital by the American Nurses Credentialing Center, which recognizes nursing excellence.

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

SJR10-042 by Senator(s) Penry; also Representative(s) King S., Bradford--Concerning the designation of a portion of Interstate Highway 70 as the "Wade Oglesby Citizen Hero Memorial Highway".

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

SJR10-043 by Senator(s) Williams; also Representative(s) Tyler, Gagliardi, Hullinghorst, Kefalas, Primavera, Priola, Schafer S., Swalm--Concerning 22q11.2 Deletion Syndrome Awareness Week.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

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

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".

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

SJR10-044 by Senator(s) Spence; --Concerning authorization of an interim study of taxi cab license plates.
Transportation

SCR10-005 by Senator(s) Renfroe, Schultheis, Kopp, King K., Penry, Harvey, Scheffel; also Representative(s) Waller, DelGrosso, Gardner B., King S., Lambert, McNulty, Murray, Nikkel, Stephens--Submitting to the registered electors of the state of Colorado an amendment to section 14 of article XVIII of the constitution of the state of Colorado, concerning a clarification of the affirmative defense for the provision of medical marijuana, and, in connection therewith, clarifying the definition of primary care-giver to ensure that the affirmative defense is available only to a primary care-giver who assists the patient with the daily necessities of life, and stating that section 14 of article XVIII does not authorize a retail medical marijuana operation or a commercial medical marijuana cultivation operation.
Judiciary

SCR10-006 by Senator(s) Lundberg; --Submitting to the registered electors of the state of Colorado an amendment to section 17 (1) of article IX of the constitution of the state of Colorado, concerning the rate of growth for public education funding when the rate of inflation is five percent or greater.
State, Veterans & Military Affairs

SCR10-007 by Senator(s) Lundberg; --Submitting to the registered electors of the state of Colorado an amendment to article X of the constitution of the state of Colorado, concerning the imposition of sales and use tax on tangible personal property, and, in connection therewith, voiding two acts enacted by the general assembly and signed into law in 2010, codifying the department of revenue's special regulation related to the sales or use tax attributable to sales of computer software, and specifying that there shall be no sales or use tax liability for any Colorado purchases made by a Colorado purchaser from a retailer that does not have a physical presence in the state of Colorado.
State, Veterans & Military Affairs

SCR10-008 by Senator(s) Brophy; also Representative(s) McNulty--Submitting to the registered electors of the state of Colorado an amendment to article X of the constitution of the state of Colorado, concerning the definition of terms related to the requirement that there be prior voter approval for certain tax changes, and, in connection therewith, defining the terms "tax" and "fee".
State, Veterans & Military Affairs

SCR10-009 by Senator(s) Schwartz and King K., Romer, Scheffel, Whitehead, Kopp, Schultheis, Spence, Foster, Gibbs, Harvey, Kester, Sandoval; also Representative(s) May and Scanlan, Balmer, Bradford, Curry, Gardner B., Gardner C., Gerou, Liston, Looper, Massey, Murray, Priola, Rice, Roberts, Sonnenberg, Summers, Swalm, Waller--Submitting to the registered electors of the state of Colorado an amendment to section 7 of article V of the constitution of the state of Colorado decreasing the maximum length of regular sessions of the general assembly from one hundred twenty calendar days to one hundred calendar days in a one-hundred-twenty-calendar-day period.
State, Veterans & Military Affairs

SJR10-045 by Senator(s) Lundberg, Brophy, Scheffel, Harvey, Kester, Renfroe, Schultheis; also Representative(s) Lambert--Concerning the state of Colorado's sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not granted to the federal government and not prohibited to the states.
State, Veterans & Military Affairs

INTRODUCTION OF BILLS -- FIRST READING

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

SB10-198 by Senator(s) Whitehead and Cadman; also Representative(s) McKinley--Concerning a reduction in the amount of the penalty for late vehicle registration for certain vehicles

	without motive power.	1
	State, Veterans & Military Affairs	2
		3
SB10-199	by Senator(s) Carroll M.; also Representative(s) Court--Concerning clarifying revisions to certain provisions of the Colorado probate code.	4
	Judiciary	5
		6
		7
SB10-200	by Senator(s) Schwartz; --Concerning amendments to the "Colorado Recovery and Reinvestment Finance Act of 2009" that are necessary to conform to amendments made to the federal "American Recovery and Reinvestment Act of 2009" by the federal "Hiring Incentives to Restore Employment Act".	8
	Finance	9
		10
		11
		12
		13
SB10-201	by Senator(s) Mitchell and Romer, Foster, Hodge, Kester, Kopp, Morse, Newell, Penry, Scheffel, Shaffer B., Tapia; also Representative(s) Soper and Balmer, Baumgardner, Bradford, Casso, DelGrosso, Hullinghorst, Kagan, Liston, Looper, McNulty, Merrifield, Priola, Rice, Scanlan, Sonnenberg, Stephens--Concerning enforcement of the motor vehicle franchise laws against certain types of licensees.	14
	Business, Labor and Technology	15
		16
		17
		18
		19
		20
HB10-1022	by Representative(s) Summers and Gagliardi, Kagan, Kefalas; also Senator(s) Boyd, Hudak--Concerning the administration of the supplemental nutrition assistance program.	21
	Health and Human Services	22
		23
		24
HB10-1146	by Representative(s) Hullinghorst, Gagliardi, Kefalas, Kerr J., Labuda, Miklosi, Pommer, Primavera; also Senator(s) Tochtrop, Newell, Steadman, Tapia--Concerning certain state-funded, community-based, long-term care assistance provided to recipients of certain public benefit programs, and making an appropriation therefor.	25
	Health and Human Services	26
		27
		28
		29
		30
HB10-1172	by Representative(s) Bradford, Nikkel, Sonnenberg, Tipton; also Senator(s) Cadman--Concerning the registration of mobile machinery in order to pay specific ownership tax, and making an appropriation therefor.	31
	Transportation	32
		33
		34
		35
HB10-1264	by Representative(s) Priola; also Senator(s) Heath--Concerning the establishment of an incentive process whereby state employees can submit suggestions for state agency improvements that result in cost savings.	36
	Finance	37
		38
		39
		40
HB10-1268	by Representative(s) King S.; also Senator(s) Harvey--Concerning establishment of a two-year registration for vehicles.	41
	Transportation	42
		43
		44
HB10-1284	by Representative(s) Massey and Summers, McCann, Rice; also Senator(s) Romer and Spence--Concerning regulation of medical marijuana, and making an appropriation therefor.	45
	Local Government and Energy	46
		47
		48
HB10-1287	by Representative(s) Lambert, Acree, Baumgardner, Bradford, DelGrosso, Ferrandino, Gardner C., Gerou, Kerr J., Looper, May, McNulty, Murray, Nikkel, Pommer, Priola, Sonnenberg, Stephens, Summers, Tipton; also Senator(s) Cadman, Renfro, Harvey, Mitchell, Keller, King K., Kopp, Lundberg, Schultheis, Spence, Tapia, White--Concerning the use of a state-owned motor vehicle for commuting purposes.	49
	Transportation	50
		51
		52
		53
		54
		55
HB10-1338	by Representative(s) McCann; also Senator(s) Steadman--Concerning the eligibility for probation of a person who has two or more felony convictions, and making appropriations in connection therewith.	56
	Judiciary	57
		58
		59
		60
HB10-1364	by Representative(s) Ryden; also Senator(s) Hudak--Concerning the sex offender management board, and, in connection therewith, continuing the sex offender management board, and making an appropriation.	61
	Judiciary	62
		63
		64
		65
HB10-1370	by Representative(s) Court, Apuan, Carroll T., Casso, Curry, Ferrandino, Fischer, Frangas, Gagliardi, Hullinghorst, Kagan, Kerr A., King S., Labuda, Levy, Looper, Massey, McCann, McFadyen, Merrifield, Middleton, Miklosi, Murray, Pace, Peniston, Pommer, Primavera, Rice, Roberts, Ryden, Scanlan, Schafer S., Solano, Soper, Todd, Tyler, Vaad, Vigil,	66
		67
		68
		69

Weissmann; also Senator(s) Steadman--Concerning certain disclosure requirements that apply to statewide ballot measures.
State, Veterans & Military Affairs

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

HB10-1398 by Representative(s) Fischer; also Senator(s) Whitehead--Concerning the species conservation trust fund, and, in connection therewith, approving the species conservation eligibility list.
Agriculture and Natural Resources

MESSAGE FROM THE GOVERNOR

Appointment Letters of designation and appointment from Governor Ritter were read and assigned to committees as follows:

April 12, 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, reappoint and submit to your consideration, the following:

**MEMBERS OF THE
PRIVATE OCCUPATIONAL SCHOOL BOARD**

for terms expiring July 1, 2014:

Winnifred S. Rovig of Glenwood Springs, Colorado, a representative of the general public, reappointed;

Lisa B. Noll of Breckenridge, Colorado, a representative of the general public, who is an owner or operator of a business within Colorado that employs students who are enrolled in schools that are subject to administration by the private occupational school division, reappointed;

Earl F. Douglass of Lakewood, Colorado, a representative of the general public who is employed by a lending institution located in Colorado and is familiar with the Colorado college access network, reappointed;

Thomas E. Narvaez of Denver, Colorado, a representative of the general public, who is an owner or operator of a business within Colorado that employs students who are enrolled in schools that are subject to administration by the private occupational school division, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 4/16/10
Cindi Markwell, Asst. Secretary

Committee on Education

April 15, 2010

To the Honorable
Colorado Senate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

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, reappoint and submit to your consideration, the following:

MEMBERS OF THE
STATE BOARD OF PAROLE

effective May 1, 2010 for a term expiring July 1, 2012:

John M. O'Dell of Loveland, Colorado, to fill the vacancy occasioned by the resignation of David L. Michaud of Pueblo West, Colorado, and to serve as a law enforcement representative, appointed;

for terms expiring July 1, 2013:

Michael E. Anderson of Denver, Colorado, to serve as a law enforcement representative, reappointed;

Rebecca L. Oakes of Denver, Colorado, to serve as a citizen representative, reappointed;

Becky R. Lucero of Pueblo, Colorado, to serve as a citizen representative, reappointed;

further, effective May 1, 2010 for a term expiring at the pleasure of the Governor:

Becky R. Lucero of Pueblo, Colorado, to serve as Chairperson of the State Board of Parole, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 4/16/10
Cindi Markwell, Asst. Secretary

Committee on Judiciary

April 12, 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:

MEMBER OF THE
JUVENILE PAROLE BOARD

for a term expiring at the pleasure of the Governor:

Michael A. Gallegos of Thornton, Colorado, to fill the vacancy occasioned by the resignation of Charles F. DeSaussure of Colorado Springs, Colorado, and to serve as a representative of the Colorado Department of Human Services, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

Rec'd: 4/16/10
Cindi Markwell, Asst. Secretary
Committee on Judiciary

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

SENATE SERVICES REPORT

Correctly Engrossed: SJR10-032.
Correctly Enrolled: SB10-020, 070, 073, 100, 117, 143 and 182; SJR10-026, 027 and 034.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB10-082 and 155.

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 Friday, April 23 was laid over until Monday, April 26, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB10-1362, HB10-1359.
Consideration of Resolutions: SJR10-033, SJR10-039.
Consideration of House Amendments to Senate Bills: SB10-071, SB10-110
Consideration of Conference Committee Reports: HB10-1171, HB10-1383, HB10-1388, HB10-1098.
Conference Committees to Report: HB10-1273, HB10-1252.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, April 26, 2010.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate