

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

---

83rd Legislative Day Monday, April 5, 2010

---

		1
		2
		3
		4
		5
		6
		7
		8
		9
Prayer	By the chaplain, Reverend Bill Calhoun, Retired, Montview Blvd. Presbyterian Church, Denver.	10
		11
		12
Call to Order	By the President at 10:00 a.m.	13
		14
		15
Pledge	By Senator Kopp.	16
		17
Roll Call	Present--32.	18
	Absent--1, Williams.	19
	Excused--2, Brophy, Kester.	20
	Present later--2, Brophy, Williams.	21
		22
Quorum	The President announced a quorum present.	23
		24
Reading of Journal	On motion of Senator Whitehead, reading of the Journal of Thursday, April 1, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.	25
		26
		27
		28
		29

---

**MESSAGE FROM THE HOUSE**

April 1, 2010

The House has adopted and returns herewith SJR10-010, amended as printed in House Journal, April 1.

The House has voted to concur in the Senate amendments to HB10-1004, 1114, 1183, 1222, 1225, 1232, 1240, 1128, 1166, 1168, 1180, 1197, 1201, 1249, 1076, 1104, 1116, 1178, and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB10-1171 and requests that a conference committee be appointed. The Speaker has appointed Representatives Benefield, chairman, Massey, and Solano as House conferees on the First Conference Committee on HB10-1171. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB10-1236 and requests that a conference committee be appointed. The Speaker has appointed Representatives Kerr, A., chairman, May, and Kagan as House conferees on the First Conference Committee on HB10-1236. The bill is transmitted herewith.

The House has adopted and transmits herewith HJR10-1016.

The House has adopted and transmits herewith HJR10-1017.

---

**INTRODUCTION OF RESOLUTIONS**

The following resolutions were read by title:

		55
		56
		57
		58
		59
		60
		61
<b>SJR10-026</b>	by Senator(s) Lundberg, Bacon, Cadman, King K., Gibbs, Keller, Heath, Romer, Johnston, Schultheis, Williams, Boyd, Brophy, Carroll M., Foster, Harvey, Hodge, Hudak, Kester, Kopp, Morse, Newell, Penry, Renfro, Sandoval, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tapia, Tochtrop, White, Whitehead; also Representative(s) Nikkel and Kefalas, Acree, Apuan, Balmer, Baumgardner, Bradford, Carroll T., Casso, Court, Curry, DelGrosso, Ferrandino, Fischer, Frangas, Gagliardi, Gardner C., Hullinghorst, Kagan, Kerr A., Kerr J.,	62
		63
		64
		65
		66
		67

Labuda, Liston, Looper, May, McFadyen, McKinley, Miklosi, Murray, Pace, Pommer, Rice, Ryden, Scanlan, Schafer S., Solano, Soper, Stephens, Summers, Tipton, Todd, Tyler, Vigil, Waller--Concerning the designation of a portion of state highway 56 as the "Staff Sergeant Justin Bauer Memorial Highway".

Laid over until Friday, April 16, retaining its place on the calendar.

**SJR10-027** by Senator(s) Bacon; also Representative(s) Primavera--Concerning the role of the Colorado developmental disabilities council in facilitating collaboration among stakeholders in the system for persons with developmental disabilities.

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

**COMMITTEE OF REFERENCE REPORTS**

Finance After consideration on the merits, the Committee recommends that **HB10-1042** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 22 through 27.

Page 4, strike lines 1 through 18 and substitute:

**"SECTION 3. Repeal.** 25-7-114.5 (14), Colorado Revised Statutes, is repealed as follows:

**25-7-114.5. Application review - public participation.**  
(14) ~~The commission shall designate a member of the air pollution".~~

Health & Human Services The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE  
HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD

for a term expiring May 15, 2012:

Randolph W. Safady of Parker, Colorado, an employee of a hospital in Colorado, appointed;

Health & Human Services After consideration on the merits, the Committee recommends that **SB10-183** be referred to the Committee of the Whole with favorable recommendation.

Health & Human Services After consideration on the merits, the Committee recommends that **HB10-1149** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 17, line 6, strike "LETTER" and substitute "LETTER, WITHIN THIRTY DAYS AFTER THE DATE OF THE INFORMAL CONFERENCE OR THE RECEIPT OF A WRITTEN RESPONSE, WHICHEVER IS LATER,".

Page 17, strike line 12 and substitute "PENALTY, THE DEPARTMENT SHALL CONSIDER THE FACTORS IN SUBPARAGRAPHS (I) THROUGH (X) OF THIS PARAGRAPH (c.3). THE FACTORS CONTAINED IN SUBPARAGRAPHS (VII), (VIII), AND (IX) OF THIS PARAGRAPH (c.3) ARE MITIGATING FACTORS AND MAY BE APPLIED, WITH OTHER FACTORS, TO REDUCE ANY ADMINISTRATIVE PENALTY. SUCH FACTORS ARE:".

Page 17, line 13, strike "(A)" and substitute "(I)".

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 17, line 14, strike "(B)" and substitute "(II)".

1  
2

Page 17, line 16, strike "(C)" and substitute "(III)".

3  
4

Page 17, line 18, strike "(D)" and substitute "(IV)".

5  
6

Page 17, line 20, strike "(E)" and substitute "(V)".

7  
8

Page 17, line 21, strike "(F)" and substitute "(VI)".

9  
10

Page 17, line 23, strike "(G)" and substitute "(VII)".

11  
12

Page 18, line 1, strike "(H)" and substitute "(VIII)".

13  
14

Page 18, line 6, strike "(I)" and substitute "(IX)".

15  
16

Page 18, line 11, strike "(J)" and substitute "(X)".

17  
18

Health &  
Human  
Services

After consideration on the merits, the Committee recommends that **HB10-1260** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

19  
20  
21  
22

Amend reengrossed bill, page 15, line 11, strike "~~four~~ FIVE" and substitute "four".

23  
24  
25

Page 25, line 15, after "12-36-107" insert "(4) and".

26  
27

Page 25, line 16, strike "is" and substitute "are".

28  
29

Page 27, strike lines 6 and 7 and substitute "Revised Statutes, are amended to read:".

30  
31  
32

Page 28, line 9, strike "BOARD;" and substitute "BOARD PURSUANT TO PARAGRAPH (e.5) OF THIS SUBSECTION (3.5);";

33  
34  
35

Page 28, strike lines 10 through 17 and substitute:

36  
37

**SECTION 24.** 12-36-123.5 (3.5) (e.5), Colorado Revised Statutes, as enacted by House Bill 10-1128, is amended to read:

38  
39  
40

(3.5) (e.5) The board ~~at its discretion~~, may collect the required annual payments payable to the administering entity for the benefit of the administering entity and shall transfer all such payments to the administering entity. All required annual payments collected BY or due to the board for each fiscal year ~~shall be deemed~~ ARE custodial funds that are not subject to appropriation by the general assembly, and ~~such funds shall~~ THE DISTRIBUTION OF THE PAYMENTS TO THE ADMINISTERING ENTITY OR EXPENDITURE OF THE PAYMENTS BY THE ADMINISTERING ENTITY DOES not constitute state fiscal year spending for purposes of section 20 of article X of the state constitution."

41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52

Renumber succeeding sections accordingly.

53  
54

Page 28, line 21, strike "amended" and substitute "amended, and the said 12-36-106 (3) is further amendment BY THE ADDITION A NEW PARAGRAPH,".

55  
56  
57

Page 30, after line 20 insert:

58  
59  
60

"(w) A PHYSICIAN LAWFULLY PRACTICING MEDICINE IN ANOTHER STATE OR TERRITORY PROVIDING MEDICAL SERVICES TO ATHLETES OR TEAM PERSONNEL REGISTERED TO TRAIN AT THE UNITED STATES OLYMPIC TRAINING CENTER AT COLORADO SPRINGS OR PROVIDING MEDICAL SERVICES AT AN EVENT IN THIS STATE SANCTIONED BY THE UNITED STATES OLYMPIC COMMITTEE. THE PHYSICIAN'S MEDICAL PRACTICE SHALL BE CONTINGENT UPON THE REQUIREMENTS AND APPROVALS OF THE UNITED STATES OLYMPIC COMMITTEE AND SHALL NOT EXCEED NINETY DAYS PER CALENDAR YEAR."

61  
62  
63  
64  
65  
66  
67  
68  
69

Page 31, after line 20 insert:

**"SECTION 26. Repeal.** 12-36-106 (3) (x), Colorado Revised Statutes, as enacted by House Bill 10-1128, is repealed as follows:

**12-36-106. Practice of medicine defined - exemptions from licensing requirements - unauthorized practice by physician assistants - penalties - repeal.** (3) Nothing in this section shall be construed to prohibit, or to require a license or a physician training license under this article with respect to, any of the following acts:

~~(x) A physician lawfully practicing medicine in another state or territory providing medical services relative to the evaluation and treatment of children in this state as potential patients, patients, or outpatients of Shriners hospitals for children. The physician must have been invited by the administrator of a Colorado hospital to provide such services on behalf of Shriners hospitals for children, and the physician shall be licensed without disciplinary sanction in any other state or territory. Such medical services shall not exceed ninety days per calendar year."~~

Renumber succeeding sections accordingly.

Page 34, line 16, strike "BOARD." and substitute "BOARD OR REGULATORY ENTITY."

Page 36, line 19, strike "ENGAGING IN" and substitute "SUBJECT TO DISCIPLINE FOR"

Page 46, line 7, strike "**provisions**" and substitute "**provision**".

Page 46, line 8, strike "(3) and (4)," and substitute "(3)," and strike "are" and substitute "is".

Page 48, strike lines 6 through 27.

Page 49, strike lines 1 through 12.

Page 63, line 22, strike "~~provide~~ PROVIDES" and substitute "provide".

Page 69, line 10, strike "12-36-107.3" and substitute "12-36-107.4".

Page 70, line 27, strike "12-36-107.3" and substitute "12-36-107.4".

Page 92, strike lines 4 and 5 and substitute:

**"SECTION 90. Effective date.** (1) Except as otherwise provided in subsections (2), (3), (4), and (5) of this section, this act shall take effect July 1, 2010.

(2) Section 40 of this act shall not take effect if Senate Bill 10-124 is enacted and becomes law.

(3) Section 56 of this act shall not take effect if House Bill 10-1224 is enacted and becomes law.

(4) Sections 60 and 61 of this act shall not take effect if House Bill 10-1128 is enacted and becomes law.

(5) Sections 24 and 26 of this act shall take effect only if House Bill 10-1128 is enacted and becomes law."

---

**INTRODUCTION OF MEMORIALS**

The following memorial was read by title:

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

**SJM10-003** by Senator(s) Kester; also Representative(s) Massey--Memorializing former Senator Harold L. McCormick.

Laid over until Tuesday, April 13, retaining its place on the calendar.

### INTRODUCTION OF BILLS -- FIRST READING

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

**HB10-1241** by Representative(s) Casso; also Senator(s) Tochtrop--Concerning required registration for persons who work on fire suppression systems, and making an appropriation therefor.  
Business, Labor and Technology

**HB10-1328** by Representative(s) Miklosi, Apuan, Benefield, Casso, Court, Curry, Ferrandino, Fischer, Frangas, Gagliardi, Hullinghorst, Kefalas, Kerr A., Labuda, Levy, McCann, McFadyen, Merrifield, Middleton, Peniston, Pommer, Primavera, Ryden, Scanlan, Solano, Todd, Tyler, Vigil, Weissmann; also Senator(s) Schwartz--Concerning the "New Energy Jobs Creation Act of 2010", and, in connection therewith, creating the Colorado new energy improvement district and authorizing the district to fund new energy improvements by issuing special assessment bonds payable from special assessments levied on eligible real property owned by persons who voluntarily join the district in order to have the district help them fund new energy improvements to the eligible real property.  
Local Government and Energy

**HB10-1355** by Representative(s) Gagliardi, Merrifield; also Senator(s) Kopp--Concerning the off-label use of a prescription drug for a specific type of cancer for which the drug is recognized for treatment in the reference compendia as identified by the secretary of the United States department of health and human services.  
Health and Human Services

**HB10-1362** by Representative(s) Vigil; also Senator(s) Schwartz--Concerning the inactive status of a special district.  
Local Government and Energy

**HB10-1376** by Representative(s) Pommer, Ferrandino, Lambert; also Senator(s) Keller, Tapia, White--Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2010, except as otherwise noted.  
Appropriations

**HB10-1377** by Representative(s) Lambert, Ferrandino, Pommer; also Senator(s) Tapia, Keller, White--Concerning the temporary funding of certain agriculture programs entirely with cash funds, and making appropriations therefor.  
Appropriations

**HB10-1378** by Representative(s) Ferrandino, Pommer, Lambert; also Senator(s) Keller, Tapia, White--Concerning moneys appropriated in the 2010-11 fiscal year for health clinics, and making appropriations therefor.  
Appropriations

**HB10-1379** by Representative(s) Ferrandino, Pommer, Lambert; also Senator(s) White, Keller, Tapia--Concerning a reduction in the general fund portion of the per diem rates paid to nursing facilities for the 2010-11 fiscal year, and making an appropriation in connection therewith.  
Appropriations

**HB10-1380** by Representative(s) Pommer, Ferrandino, Lambert; also Senator(s) White, Keller, Tapia--Concerning the use of moneys in the supplemental old age pension health and medical care fund to pay for services received by certain persons in the state medicaid program, and making an appropriation therefor.  
Appropriations

**HB10-1381** by Representative(s) Ferrandino, Pommer, Lambert; also Senator(s) White, Keller, Tapia--Concerning the use of tobacco revenues for health-related purposes during a state fiscal emergency, and making an appropriation therefor.  
Appropriations

- HB10-1382** by Representative(s) Ferrandino, Pommer, Lambert; also Senator(s) White, Keller, Tapia--  
Concerning the repeal of the delay of certain payments made under public medical  
assistance programs.  
Appropriations 1  
2  
3  
4  
5
- HB10-1383** by Representative(s) Pommer, Ferrandino, Lambert; also Senator(s) White, Keller, Tapia--  
Concerning funding for student financial aid for higher education, and making an  
appropriation therefor.  
Appropriations 6  
7  
8  
9  
10
- HB10-1384** by Representative(s) Lambert, Ferrandino, Pommer; also Senator(s) White, Keller, Tapia--  
Concerning the alignment of eligibility for the old age pension program with eligibility for  
other public benefit programs, and, in connection therewith, aligning the waiting period for  
the old age pension with the waiting period for other public benefit programs, enforcing  
financial responsibility requirements for relative sponsors of noncitizens, and making an  
appropriation.  
Appropriations 11  
12  
13  
14  
15  
16  
17  
18
- HB10-1385** by Representative(s) Lambert, Ferrandino, Pommer; also Senator(s) Tapia, Keller, White--  
Concerning fees collected by the division of insurance to fund insurance fraud cases  
pursued by the department of law, and making appropriations in connection therewith.  
Appropriations 19  
20  
21  
22  
23
- HB10-1386** by Representative(s) Ferrandino, Pommer, Lambert; also Senator(s) White, Keller, Tapia--  
Concerning the amounts of filing fees charged by the property tax administrator for  
purposes of exemption of property from general taxation, and making an appropriation  
therefor.  
Appropriations 24  
25  
26  
27  
28  
29
- HB10-1387** by Representative(s) Pommer, Ferrandino, Lambert; also Senator(s) White, Keller, Tapia--  
Concerning the financing of the division of motor vehicles in the department of revenue,  
and making appropriations therefor.  
Appropriations 30  
31  
32  
33  
34
- HB10-1388** by Representative(s) Ferrandino, Pommer, Lambert; also Senator(s) Tapia, Keller, White--  
Concerning the augmentation of the general fund through transfers of certain moneys.  
Appropriations 35  
36  
37  
38
- HB10-1389** by Representative(s) Ferrandino, Pommer, Lambert; also Senator(s) Tapia, Keller, White--  
Concerning transfers of moneys relating to capital construction.  
Appropriations 39  
40  
41  
42

---

**SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS**

**The President has signed:** SB10-080, 118, 123, 129, 148, 149, 150 and 151; SJM10-001;  
SJR10-017, 019, 020, 022, 023 and 024.

---

**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:

- HB10-1117** by Representative(s) Benefield, Primavera, Solano; also Senator(s) Johnston, Hudak,  
Newell, Tochtrop--Concerning certain procedures regarding the levying of taxes by county  
officers, and, in connection therewith, raising the amount of abatement or refund that may  
be approved by a board of county commissioners and allowing for the electronic  
transmission of notices of valuation sent by the county assessor and tax statements sent by  
the county treasurer. 56  
57  
58  
59  
60  
61

The question being "Shall the bill pass?", the roll call was taken with the following result: 62  
63

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	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	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.

**HB10-1083** by Representative(s) Gardner B.; also Senator(s) Steadman--Concerning the authority of the state to enter into lease-purchase agreements for a day surgery center.

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

YES	33	NO	1	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	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	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Newell and Williams.

**HB10-1265** by Representative(s) Vigil; also Senator(s) Newell--Concerning a court's authority to waive certain charges levied against indigent defendants.

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

YES	32	NO	2	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	N	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	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Hudak and Steadman.

**HB10-1218** by Representative(s) Waller, Bradford, Liston, Looper, Nikkel, Priola; also Senator(s) Newell--Concerning information in the central registry of protection orders.

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

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	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	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, Hudak and Williams.

**HB10-1340** by Representative(s) Vigil; also Senator(s) Newell--Concerning the notice sent by a law enforcement agency when a vehicle has been towed from public property.

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

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	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	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: Williams

**HB10-1259** by Representative(s) Nikkel; also Senator(s) Lundberg--Concerning amendments to the "Municipal Annexation Act of 1965" in order to conform the act to provisions of the state constitution.

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

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	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	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.

**HB10-1020** by Representative(s) Weissmann; also Senator(s) Morse--Concerning contracts of the legislative department, and making an appropriation therefor.

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



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	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	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 Newell.

**HB10-1101** by Representative(s) Baumgardner; also Senator(s) Harvey--Concerning the registration of a vehicle used for agricultural production.

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

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	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	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: Hodge, Kopp, Schwartz and Whitehead.

### 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:

**SB10-133** by Senator(s) Heath and Romer; also Representative(s) Rice--Concerning the creation of an income tax credit to incentivize Colorado businesses to rehire laid-off workers sooner.

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

YES	17	NO	17	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	N	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	N	Renfroe	N	Tochtrop	Y
Carroll M.	N	Kester	E	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	N		

Less than a majority of all members elected to the Senate having voted in the affirmative, the bill was lost.

### IMMEDIATE RECONSIDERATION OF SB10-133

Having voted on the prevailing side, Senator Schwartz moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB10-133.

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

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

**SB10-133** by Senator(s) Heath and Romer; also Representative(s) Rice--Concerning the creation of an income tax credit to incentivize Colorado businesses to rehire laid-off workers sooner.

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	N	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	N	Renfroe	N	Tochtrop	Y
Carroll M.	N	Kester	E	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Foster, Newell, Shaffer B. and Williams.

**HB10-1017** by Representative(s) Kagan, Gagliardi; also Senator(s) Boyd--Concerning authorization for certain public entities to enter into voluntary agreements affecting rent on private residential property.

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

YES	21	NO	12	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	Y
Carroll M.	Y	Kester	E	Romer	Y	White	Y
Foster	*	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

\* Abstaining from voting under Senate Rule 17(c) -- Senator Foster.

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

Co-sponsors added: Carroll M., Hudak, Sandoval, Schwartz, Shaffer B. and Steadman.

**HB10-1213** by Representative(s) Acree, Roberts; also Senator(s) Keller--Concerning the elimination of an individualized plan for a person with developmental disabilities who is on the waiting list for services.

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

YES	33	NO	1	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	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	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Boyd, Foster, Gibbs, Heath, Hudak, Newell, Schwartz, Shaffer B., Steadman, Tochtrop and Williams.

**HB10-1182** by Representative(s) Solano, Benefield, Casso, Fischer, Frangas, Hulinghorst, Kerr A., Looper, McFadyen, Merrifield, Pace, Primavera, Todd, Tyler; also Senator(s) Schwartz, Steadman--Concerning a limited expansion of the powers of the Colorado clean energy development authority to finance electric transmission facilities, and, in connection therewith, allowing the authority to make commercial loans only for electric power interconnection projects connecting clean energy resources to the transmission grid.

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
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	E	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Boyd, Foster, Heath, Romer, Shaffer B., Whitehead and Williams.

**HB10-1275** by Representative(s) Baumgardner; also Senator(s) Newell--Concerning a requirement that the location of a private burial be recorded.

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

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	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	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: Tochtrop

**HB10-1098** by Representative(s) Levy; also Senator(s) Hodge--Concerning increased transparency in the governance of cooperative electric associations.

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

YES	22	NO	11	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	Y
Carroll M.	Y	Kester	E	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	*	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

\* Abstaining from voting under Senate Rule 17(c) -- Senator Kopp.

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

Co-sponsors added: Schwartz

**HB10-1276** by Representative(s) Levy; also Senator(s) Mitchell--Concerning the sale by a railroad company of its right-of-way for the operation of a public passenger rail service.

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

YES	30	NO	4	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	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	E	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	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: Boyd, Foster and Williams.

**HB10-1029** by Representative(s) Acree, Looper, Primavera, Todd; also Senator(s) Keller, Steadman--Concerning agreements for the purchase of medical goods.

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

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	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	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, Foster, Hudak, Mitchell, Newell, Spence, Tochtrop, Whitehead and Williams.

**HB10-1164** by Representative(s) Kerr A., Ferrandino, Scanlan, Solano; also Senator(s) Tochtrop, Romer--Concerning service of process in actions concerning incidents that may be covered by a motor vehicle insurance policy.

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

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	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	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: Carroll M., Heath, Hudak, Shaffer B., Steadman and Williams.

**SB10-171** by Senator(s) Newell, Bacon, Boyd, Heath, Hodge, Hudak, Keller, Kester, Lundberg, Morse, Penry, Romer, Shaffer B., Spence, Steadman, Williams; also Representative(s) Gagliardi, Acree, Casso, DelGrosso, Ferrandino, Frangas, Hullinghorst, Kefalas, Kerr J., Labuda, Levy, McNulty, Middleton, Nikkel, Primavera, Rice, Ryden, Scanlan, Todd, Tyler--Concerning the creation of a child protection ombudsman program.

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

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	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	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: Carroll M., Foster, Sandoval, Schwartz, Tochtrop and Whitehead.

**SB10-153** by Senator(s) Boyd; also Representative(s) Frangas --Concerning behavioral health transformation.

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

YES	21	NO	13	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	Y
Carroll M.	Y	Kester	E	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Hudak, Keller, Morse, Newell, Romer, Steadman and Williams.

**SB10-182** by Senator(s) Schwartz, Foster, Kester, Newell; also Representative(s) Peniston--Concerning the implementation of certain recommendations of the county elected officials' salary commission.

The question being "Shall the bill 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	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	E	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	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.

**SENATE SERVICES REPORT**

**Correctly Engrossed:** SB10-153, 171 and 182; SJR10-010.

**Correctly Revised:** HB10-1017, 1020, 1029, 1083, 1098, 1101, 1117, 1164, 1182, 1213, 1218, 1259, 1265, 1275, 1276 and 1340.

**Correctly Rerevised:** HB10-1367, 1369 and 1372

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Monday, April 5 was laid over until Tuesday, April 6, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB10-1220, SB10-181.

General Orders -- Second Reading of Bills: HB10-1208, HB10-1138, HB10-1271, SB10-156, HB10-1293.

Consideration of Resolutions: HJR10-1015, SJR10-025.

Consideration of Memorials: SJM10-002.

Consideration of House Amendments to Senate Bills: SB10-047, SB10-071, SB10-038, SB10-099, SB10-098.

Consideration of House Adherence: HB10-1211.

Consideration of Governor's Appointments:

Members of the Water Quality Control Commission

Members of the State Board for Community Colleges and Occupational Education

Member of the Board of Trustees for Fort Lewis College

Members of the Colorado Educational and Cultural Facilities Authority Board of Directors

Member of the State Housing Board

Members of the Solid and Hazardous Waste Commission

Members of the CoverColorado Board of Directors

Members of the Hospital Provider Fee Oversight and Advisory Board

Member of the Colorado Commission on the Aging

Member of the Special Funds Board for Workers' Compensation Self Insurers

Members of the Board of Trustees for Western State College of Colorado

Members of the Board of Trustees for Mesa State College

Members of the Hospital Provider Fee Oversight and Advisory Board

Member of the Medical Services Board

Member of the Colorado Traumatic Brain Injury Board

Members of the State Board of the Great Outdoors Colorado Trust Fund

Member of the State Board of Stock Inspection Commissioners

Members of the Colorado Water Conservation Board

Members of the Colorado Tourism Office Board of Directors

Members of the Colorado Aeronautical Board

Consideration of Conference Committee Reports: HB10-1099.

Conference Committees to Report: SB10-109, HB10-1021.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Tuesday, April 6, 2010.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate