SENATE JOURNAL

Sixty-seventh General Assembly STATE OF COLORADO

Second Regular Session

86th Legislative Day

Thursday, April 8, 2010

Prayer

By the chaplain, Reverend Paul Kottke, University Park United Methodist Church,

Denver.

Call to Order

By the President at 9:00 a.m.

Pledge

By Senator Kopp.

Roll Call

Present--33.

Absent--1, Romer. Excused--1, Mitchell.

Present later--2, Mitchell, Romer.

Quorum

The President announced a quorum present.

Reading of Journal

On motion of Senator Whitehead, reading of the Journal of Wednesday, April 7, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR10-028

by Senator(s) Romer and Boyd; also Representative(s) McCann and Riesberg--Concerning recognition of National Jewish Health and the opening of its Lung Cancer Center.

On motion of Senators Boyd and Romer, the resolution was read at length and **adopted** by the following roll call vote:

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

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

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

Committee of the Whole

On motion of Senator Newell, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Newell was called to the chair to act as Chairman.

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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:

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative HB10-1208, HB10-1138, HB10-1271, SB10-156, HB10-1293, HB10-1038, HB10-1009, SB10-012, SB10-011, HB10-1252, HB10-1042, SB10-183, HB10-1273, HB10-1147 of Thursday, April 8, were laid over to the end of the General Orders Second Reading of Bills Calendar of Thursday, April 8.

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.

Amendment No. 1(J.040), by Senator Keller.

Amend reengrossed bill, page 48, strike lines 8 through 15 and substitute:

"4b Department of Corrections, Institutions, Mental Health Subprogram – It is the intent of the General Assembly that the Department of Corrections work with the Mentally Ill Task Force to develop a plan for the implementation and ongoing evaluation of the mental health unit at Colorado State Penitentiary (CSP). It is further the intent of the General Assembly that the Department of Corrections submit a report to the House Judiciary Committee and the Senate Judiciary Committee by January 31, 2011, detailing the progress related to the mental health unit at CSP."

Amendment No. 2(J.043), by Senators Boyd and Penry.

Amend reengrossed bill, page 101, line 14 strike "**PREMIUMS**8" and substitute "**PREMIUMS**8,8a".

Page 118, after line 12 insert:

"8a Department of Health Care Policy and Financing, Medical Services Premiums -- The appropriation assumes savings of \$1,057,450 total funds from expanding the number of drugs included in the State Maximum Allowable Cost (SMAC) pricing methodology. It is the intent of the General Assembly that the Department only include the number of drugs in the SMAC pricing necessary to achieve the savings included in the Long Bill calculations."

Amendment No. 3(J.048), by Senator Steadman.

Amend reengrossed bill, page 114, line 3, in the ITEM & SUBTOTAL column strike "14,218,063" and substitute "14,363,146", in the GENERAL FUND column strike "5,461,158(M)" and substitute "5,516,885(M)", and in the FEDERAL FUNDS column strike "8,756,905" and substitute "8,846,261".

Adjust affected totals accordingly.

Page 156, line 15, in the ITEM & SUBTOTAL column strike "338,008,114°" and substitute "341,325,694°", in the GENERAL FUND column strike "156,940,714" and substitute "158,854,181", in the CASH FUNDS column strike "64,149,526(L)°" and substitute "64,813,042(L)°", in the REAPPROPRIATED FUNDS column strike "14,218,063°" and substitute "14,363,146°, and in the FEDERAL FUNDS column strike "102,699,811 $^{\rm ft}$ " and substitute "103,295,325 $^{\rm ft}$ ".

Page 157, line 4, in the ITEM & SUBTOTAL column strike "44,776,053" and substitute "45,232,952", in the GENERAL FUND

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column strike "28,132,328" and substitute "28,507,899", in the CASH FUNDS column strike "5,113,437(L)°" and substitute "5,163,696(L)°", and in the FEDERAL FUNDS column strike "11,530,288 $^{\rm f}$ " and substitute "11,561,357 $^{\rm f}$ ".

Adjust affected totals and affected (L) notation totals accordingly.

Page 158, line 11, strike "\$333,403,103" and substitute "\$336,720,683" and strike "\$255,035,514" and substitute "\$257,544,495".

Page 158, line 12, strike "\$64,149,526" and substitute "\$64,813,042".

Page 158, line 13, strike "\$14,218,063" and substitute "\$14,363,146".

Page 159, line 1, strike "\$67,120,237" and substitute "\$67,746,820".

Amendment No. 4(J.044), by Senators Spence, Harvey, Kopp, Williams, Heath, and Boyd.

Amend reengrossed bill, page 189, line 4, strike "Homes^{25a}" and substitute "Homes".

Page 202, strike lines 5 through 9.

Amendment No. 5(J.055), by Senator Tochtrop.

Amend reengrossed bill, page 281, line 4, in the ITEM & SUBTOTAL column strike "394,376" and substitute "532,000" and in the CASH FUNDS column strike "394,376°" and substitute "532,000°".

Page 281, line 7, in the ITEM & SUBTOTAL column strike "3,000,000" and substitute "4,000,000" and in the CASH FUNDS column strike "3,000,000°" and substitute "4,000,000°".

Adjust affected totals accordingly.

Amendment No. 6(J.035), by Senator Williams.

Amend reengrossed bill, page 615, after line 11 insert:

"**SECTION 25.** Section 2 of chapter 395, Session Laws of Colorado 2009, is amended to read:

Section 2. **Appropriation.** In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, executive director's office, for general administration, for the fiscal year beginning July 1, 2009, the sum of fifty-three thousand four hundred eighty dollars (\$53,480) and 0.8 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, twenty-six thousand seven hundred forty dollars (\$26,740) shall be cash funds from the department of health care policy and financing cash fund created in section 25-5-1-109, Colorado Revised Statutes, and twenty-six thousand seven hundred forty dollars (\$26,740) shall be from federal funds. THE APPROPRIATIONS MADE IN THIS SECTION, IF NOT EXPENDED BY JUNE 30, 2010, MAY BE ROLLED FORWARD FOR EXPENDITURE IN FISCAL YEAR 2010-11."

Renumber succeeding sections accordingly.

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

(For further action, see amendments to the report of the Committee of the Whole.)

HB10-1389 by Representative(s) Ferrandino, Pommer, Lambert; also Senator(s) Tapia, Keller, White-Concerning transfers of moneys relating to capital construction.

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

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.

Amendment No. 1(L.002), by Senator Tapia.

Amend reengrossed bill, page 3, after line 26 insert:

"**SECTION 5.** 43-4-402, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

- **43-4-402. Source of revenues allocation of moneys.** (4) (a) Notwithstanding any provision of this section to the contrary, on June 30, 2011, the state treasurer shall transfer the balance of moneys in the fund to the general fund.
- (b) Notwithstanding any provision of this section to the contrary, on June 30, 2012, the state treasurer shall transfer the balance of moneys in the fund to the general fund.".

Renumber succeeding section according.

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

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.

Amendment No. 1, Appropriations Committee Amendment. (Printed in Senate Journal, April 6, page 787 and placed in members' bill files.)

Amendment No. 2(L.006), by Senator White.

Amend the Senate Appropriations Committee Report, dated April 6, 2010, page 1, line 13, strike "Pub. L. 111-48," and substitute "Pub.L. 111-148,".

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

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.

Amendment No, 1(L.004), by Senators Romer and Carroll.

Severed section 1-- Page 3, line 2 and lines 5-19.

Page 3, line 6, strike "ON JULY 1, 2010,".

Page 3, line 12, strike "Fund." and substitute "Fund if the Revenue Estimate Prepared in June of 2010 in accordance with section 24-75-201.3 (2), C.R.S., indicates for the fiscal year commencing July 1,2010, that general fund expenditures for that fiscal year based on appropriations enacted by Law will result in the use of more than three-eighths of the reserve required by section 24-75-201.1 (1) (d), C.R.S., or if the revenue estimate prepared in September or December of 2010 or in March or June of 2011 in accordance with section 24-75-201.3 (2). C.R.S., indicates for the fiscal year commencing July 1, 2010, that general fund expenditures for that fiscal year based on appropriations then in effect will result in the use of more than three-eighths of the reserve required by section 24-75-201.1 (1) (d), C.R.S.; however, said amount shall be deducted and transferred by the state treasurer only once pursuant to this subparagraph (I).".

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

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passage.

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.

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

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.

<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, April 6, page 788 and placed in members' bill files.)

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

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.

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

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.

Amendment No. 1(L.003), by Senator White.

Amend reengrossed bill, page 2, line 7, strike "aggregate statewide average" and substitute "aggregate statewide average".

Page 2, line 8, strike "net of patient payment" and substitute "net of patient payment".

Page 2, line 11, strike "AGGREGATE".

Page 2, line 12, strike "STATEWIDE AVERAGE", and strike "NET OF PATIENT PAYMENT".

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

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.

<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, April 6, page 788 and placed in members' bill files.)

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

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.

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

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.

Amendment No. 1, Appropriations Committee Amendment. (Printed in Senate Journal, April 6, pages 788-789 and placed in members' bill files.)

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

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.

<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, April 6, page 789 and placed in members' bill files.)

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

by Senator(s) Boyd; also Representative(s) Riesberg--Concerning authority for moneys in the hospital provider fee cash fund generated by an enhanced federal match through the 2010-11 fiscal year to be used to offset general fund expenditures in the medicaid program.

<u>Amendment No. 1, Health & Human Services Committee Amendment.</u> (Printed in Senate Journal, March 4, page 422 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment. (Printed in Senate Journal, April 6, pages 789-793 and placed in members' bill files.)

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

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (HB10-1387, HB10-1208, HB10-1138, HB10-1271, SB10-156, HB10-1293, HB10-1038, HB10-1009, SB10-012, SB10-011, HB10-1252, HB10-1042, SB10-183, HB10-1273, HB10-1147) of Thursday, April 8, were laid over until Friday, April 9, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

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.

Senator Schultheis moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 10-1376 did pass.

Amend corrected reengrossed bill, page 3, line 6, strike "and".

Page 3, strike lines 7 through 10 and substitute:

- "(III) The general fund, created in section 24-75-201 (1), Colorado Revised Statutes, up to a maximum of \$55,700,000; and
- (IV) Up to \$15,000,000 of state properties as designated by the Governor. The Governor shall designate specific state properties equaling \$15,000,000 and shall submit the list of specifically designated state properties to the General Assembly by May 31, 2010. The designated state properties shall not include prisons."

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

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EXCUSED 12 NO YES Spe Ste Bacon Hodge Morse N N Boyd Hudak N Newell **Brophy** E Johnston N Penry Y Tar Cadman Keller Renfroe To Wh Carroll M. Kester Romer Foster N King K. Y Sandoval E Wh Kopp Lundberg Gibbs Scheffel Williams N Y President Harvey Schultheis Heath Mitchell` Schwartz

Senator Lundberg moved to amend the Report of the Committee of the Whole to show that the following Lundberg floor amendment, (Amendment 4 - J.060) to HB 10-1376, did pass.

Amend reengrossed bill, page 23, line 15 strike "INSTITUTIONS" and substitute "INSTITUTIONS 4c ".

Page 48, after line 15 insert:

Department of Corrections, Institutions -- It is the intent of the General Assembly that the Department of Corrections discontinue the accelerated transition pilot program. It is further the intent of the General Assembly that the Department of Corrections use the funding associated with eliminating the Capitol security improvements to make up for the lost savings associated with the accelerated transition pilot program."

Page 368, line 11, in the ITEM & SUBTOTAL column strike "3,638,228" and substitute "2,798,228" and in the GENERAL FUND column strike "2,426,435" and substitute "1,586,435".

Page 368, line 12, in the GENERAL FUND column strike "(37.5 FTE)" and substitute "(23.5 FTE)".

Adjust affected totals accordingly.

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

YES	15	NO	18	EXCUSED	2	ABSENT	0
Bacon	N	Hodge	N	Morse		N Spence	Y
Boyd	N	Hudak	N	Newell		N Steadman	N
Brophy	Е	Johnston	N	Penry		Y Tapia	N
Cadman	Y	Keller	N	Renfroe		Y Tochtrop	N
Carroll M.	N	Kester	Y	Romer		Y White	N
Foster	N	King K.	Y	Sandoval		E Whitehead	Y
Gibbs		Kopp	Y	Scheffel		Y Williams	N
Harvey		Lundberg	Y	Schultheis		Y President	N
Heath	N	Mitchell	Y	Schwartz		Y	

Senator White moved to amend the Report of the Committee of the Whole to show that the following Steadman floor amendment, (Amendment 9 - J.048) to HB 10-1376, did not pass.

Amend reengrossed bill, page 114, line 3, in the ITEM & SUBTOTAL column strike "14,218,063" and substitute "14,363,146", in the GENERAL FUND column strike "5,461,158(M)" and substitute "5,516,885(M)", and in the FEDERAL FUNDS column strike "8,756,905" and substitute "8,846,261".

Adjust affected totals accordingly.

Page 156, line 15, in the ITEM & SUBTOTAL column strike "338,008,114e" and substitute "341,325,694e", in the GENERAL FUND column strike "156,940,714" and substitute "158,854,181", in the CASH FUNDS column strike "64,149,526(L)c" and substitute "64,813,042(L)c", in the REAPPROPRIATED FUNDS column strike "14,218,063a" and substitute "14,363,146a, and in the EEDER AL ELINDS column strike "102,600,811f" and substitute "102,205,225f". FEDERAL FUNDS column strike "102,699,811f" and substitute "103,295,325f"

Page 157, line 4, in the ITEM & SUBTOTAL column strike "44,776,053" and

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substitute "45,232,952", in the GENERAL FUND column strike "28,132,328" and substitute "28,507,899", in the CASH FUNDS column strike "5,113,437(L)c" and substitute "5,163,696(L)c", and in the FEDERAL FUNDS column strike "11,530,288f" and substitute "11,561,357f".

Adjust affected totals and affected (L) notation totals accordingly.

Page 158, line 11, strike "\$333,403,103" and substitute "\$336,720,683" and strike "\$255,035,514" and substitute "\$257,544,495".

Page 158, line 12, strike "\$64,149,526" and substitute "\$64,813,042".

Page 158, line 13, strike "\$14,218,063" and substitute "\$14,363,146".

Page 159, line 1, strike "\$67,120,237" and substitute "\$67,746,820".

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

YES	18	NO	15	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	N	Morse		N Spence	Y
Boyd	N	Hudak	N	Newell		N Steadman	N
Brophy	Ε	Johnston	N	Penry		Y Tapia	Y
Cadman	Y	Keller	Y	Renfroe		Y Tochtrop	N
Carroll M.	N	Kester	Y	Romer		Y White	Y
Foster	N	King K.	N	Sandoval		E Whitehead	N
Gibbs		Kopp	Y	Scheffel		Y Williams	N
Harvey		Lundberg	Y	Schultheis		Y President	N
Heath		Mitchell	Y	Schwartz		N	

Senator Schultheis moved to amend the Report of the Committee of the Whole to show that the following Schultheis floor amendment, (Amendment 11 - J.042) to HB 10-1376, did pass.

Amend reengrossed bill, page 140, line 9, strike "**EDUCATION**)" and substitute "**EDUCATION**) 17a ".

Page 142, after line 14 insert:

Department of Higher Education, Totals -- It is the intent of the "<u>17a</u> General Assembly that any educational institution that receives state funds shall not provide discounted tuition to any person not legally present in the United States.".

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

YES	13	NO	20	EXCUSED	2	ABSENT	0
Bacon	N	Hodge	N	Morse	N	N Spence	Y
Boyd	N	Hudak	N	Newell	N	N Steadman	Y
Brophy	E	Johnston	N	Penry	<u> </u>	7 Tapia	N
Cadman	Y	Keller	N	Renfroe		7 Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	N White	N
Foster	N	King K.	Y	Sandoval	F	E Whitehead	N
Gibbs		Kopp	Y	Scheffel		Williams (N
Harvey		Lundberg	Y	Schultheis		7 President	N
Heath	N	Mitchell	Y	Schwartz	N	J	

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the following Kopp floor amendment, (Amendment 18 - J.051) to HB 10-1376, did pass.

Amend reengrossed bill, page 369, strike line 4.

Adjust affected totals accordingly.

Page 386, line 12, strike "\$96,889,092" and substitute "\$95,806,112".

Page 434, line 12, in the CASH FUNDS column strike "561,337,707^a" and substitute "562,420,687a" and in the REAPPROPRIATED FUNDS column strike

"3,015,804^b" and substitute "1,932,824^b".

Adjust affected totals accordingly.

Page 435, line 5, after "Section 43-4-811 (2), C.R.S.;" insert "\$1,082,980 shall be from the Law Enforcement Assistance Fund pursuant to Section 43-4-402 (2) (a), C.R.S.;".

Page 435, strike lines 9 and 10 and substitute "purposes only. This amount shall be funded internally by various reappropriated funds sources in the Department.".

Page 443, line 11, strike "\$105,548,809" and substitute "\$104,465,829".

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

YES	12	NO	21	EXCUSED	2.	ABSENT	0
Bacon		Hodge		Morse		N Spence	Y
Boyd		Hudak		Newell		N Steadman	N
Brophy		Johnston		Penry		Y Tapia	N
Cadman		Keller		Renfroe		Y Tochtrop	N
Carroll M.	N	Kester	Y	Romer		N White	N
Foster		King K.	Y	Sandoval		E Whitehead	N
Gibbs		Kopp	Y	Scheffel		Y Williams	N
Harvey		Lundberg	Y	Schultheis		Y President	N
Heath		Mitchell	Y	Schwartz		N	

Senator King K. moved to amend the Report of the Committee of the Whole to show that the following King K. floor amendment, (Amendment 19 - J.059) to HB 10-1376, did pass.

Amend reengrossed bill, page 421, line 7, strike "Division" and substitute "Division 45a".

Page 427, after line 13 insert:

"**FOOTNOTES** -- The following statement is referenced to the numbered footnotes throughout section 2.

Department of Revenue, Enforcement Business Group, Limited Gaming Division -- It is the intent of the General Assembly that the Department of Revenue shall not spend more than 5.0 percent of Amendment 50 revenues for administrative expenses of the Limited Gaming Division."

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

YES	21	NO	12	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	N	Morse		N Spence	Y
Boyd	N	Hudak	N	Newell	,	Y Steadman	N
Brophy	E	Johnston	Y	Penry	,	Y Tapia	Y
Cadman	Y	Keller	N	Renfroe	•	Y Tochtrop	N
Carroll M.	N	Kester	Y	Romer	•	Y White	N
Foster	Y	King K.	Y	Sandoval]	E Whitehead	N
Gibbs		Kopp	Y	Scheffel	,	Y Williams	N
Harvey		Lundberg	Y	Schultheis	,	Y President	Y
Heath		Mitchell	Y	Schwartz	,	Y	

Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following Renfroe floor amendment, (Amendment 17 - J.061) to HB 10-1376, did pass.

Amend reengrossed bill, page 362, line 8, in the ITEM & SUBTOTAL column strike "8,115,578" and substitute "8,002,158" and in the GENERAL FUND column strike "1,479,710" and substitute "1,366,290".

Page 362, line 9, in the ITEM & SUBTOTAL column strike "120,356" and substitute "119,105" and in the GENERAL FUND column strike "22,148" and substitute "20,897".

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Page 362, line 11, in the ITEM & SUBTOTAL column strike "1,858,596" and substitute "1,841,742" and in the GENERAL FUND column strike "337,973" and substitute "321,119".

Page 362, line 14, in the ITEM & SUBTOTAL column strike "1,352,519" and substitute "1,342,168" and in the GENERAL FUND column strike "243,731" and substitute "233,380".

Page 362, line 15, in the ITEM & SUBTOTAL column strike "239,481" and substitute "232,422" and in the GENERAL FUND column strike "36,399" and substitute "29,340".

Adjust affected totals accordingly.

Page 385, strike lines 14 and 15.

Page 386, strike lines 1 through 3.

Adjust affected totals accordingly.

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

YES	15	NO	18	EXCUSED	2	ABSENT	0
Bacon	N	Hodge	N	Morse		N Spence	Y
Boyd	N	Hudak	N	Newell		N Steadman	N
Brophy	E	Johnston	N	Penry		Y Tapia	N
Cadman	Y	Keller		Renfroe		Y Tochtrop	N
Carroll M.	N	Kester	Y	Romer		N White	N
Foster	N	King K.	Y	Sandoval		E Whitehead	Y
Gibbs		Kopp	Y	Scheffel		Y Williams	Y
Harvey		Lundberg	Y	Schultheis		Y President	N
Heath	N	Mitchell	Y	Schwartz		Y	

RECONSIDERATION OF AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

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.

> Having voted on the prevailing side, Senator Romer moved for reconsideration of the last Senate action, reconsideration of committee of the whole amendment SC1376COW.004, on HB10-1376.

YES	29	NO	4	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	N	Morse	7	Spence	Y
Boyd	Y	Hudak	Y	Newell	<u> </u>	Y Steadman	Y
Brophy	Е	Johnston	Y	Penry	Y	Y Tapia	N
Cadman	Y	Keller	N	Renfroe	<u> </u>	Y Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	7	Y White	N
Foster	Y	King K.	Y	Sandoval	I	E Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	7	Y Williams	Y
Harvey		Lundberg	Y	Schultheis	7	Y President	Y
Heath		Mitchell	Y	Schwartz	7	ľ	

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

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.

> Senator White moved to amend the Report of the Committee of the Whole to show that the following Steadman floor amendment, (Amendment 9 - J.048) to HB 10-1376, did not pass.

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Amend reengrossed bill, page 114, line 3, in the ITEM & SUBTOTAL column strike "14,218,063" and substitute "14,363,146", in the GENERAL FUND column strike "5,461,158(M)" and substitute "5,516,885(M)", and in the FEDERAL FUNDS column strike "8,756,905" and substitute "8,846,261".

Adjust affected totals accordingly.

Page 156, line 15, in the ITEM & SUBTOTAL column strike "338,008,114e" and substitute "341,325,694e", in the GENERAL FUND column strike "156,940,714" and substitute "158,854,181", in the CASH FUNDS column strike "64,149,526(L)e" and substitute "64,813,042(L)e", in the REAPPROPRIATED FUNDS column strike "14,218,063a" and substitute "14,363,146a, and in the FEDERAL FUNDS column strike "102,699,811f" and substitute "103,295,325f".

Page 157, line 4, in the ITEM & SUBTOTAL column strike "44,776,053" and substitute "45,232,952", in the GENERAL FUND column strike "28,132,328" and substitute "28,507,899", in the CASH FUNDS column strike "5,113,437(L) $^{\rm c}$ " and substitute "5,163,696(L) $^{\rm c}$ ", and in the FEDERAL FUNDS column strike "11,530,288 $^{\rm f}$ " and substitute "11,561,357 $^{\rm f}$ ".

Adjust affected totals and affected (L) notation totals accordingly.

Page 158, line 11, strike "\$333,403,103" and substitute "\$336,720,683" and strike "\$255,035,514" and substitute "\$257,544,495".

Page 158, line 12, strike "\$64,149,526" and substitute "\$64,813,042".

Page 158, line 13, strike "\$14,218,063" and substitute "\$14,363,146".

Page 159, line 1, strike "\$67,120,237" and substitute "\$67,746,820".

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

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

Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following Brophy floor amendment, (Amendment 23 - J.065) to HB 10-1376, did pass.

Amend reengrossed bill, page 443, line 8, strike "BUDGETS" and substitute "BUDGETS 45a ".

Page 443, after line 11 insert:

"**FOOTNOTES** -- The following statement is referenced to the numbered footnotes throughout section 2.

45a Grand Totals -- Operating Budgets -- It is the intent of the General Assembly that departments reduce their General Fund and cash fund appropriations by 3.0 percent. Departments may utilize, but are not limited to, the following options: (1) implementing hiring freezes; (2) eliminating FTE positions and associated costs; (3) reducing employee total compensation; (4) enacting permanent pay cuts; or (5) reducing program expenditures. The total statewide General Fund and cash funds savings are anticipated to be \$396,796,860. Of this amount, \$226,013,122 is General Fund and \$170,783,738 is from various cash funds. Reducing the General Fund appropriation for these purposes will increase the General Fund reserve by \$226,013,122."

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

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call vote:

YES	13	NO	20	EXCUSED	2	ABSENT	0
Bacon	N	Hodge	N	Morse		Y Spence	Y
Boyd	N	Hudak	N	Newell		N Steadman	N
Brophy	E	Johnston	N	Penry		Y Tapia	N
Cadman	Y	Keller		Renfroe		Y Tochtrop	N
Carroll M.	N	Kester	Y	Romer		N White	N
Foster	N	King K.	Y	Sandoval		E Whitehead	N
Gibbs		Kopp	Y	Scheffel		Y Williams	N
Harvey		Lundberg	Y	Schultheis		Y President	N
Heath	N	Mitchell	Y	Schwartz		N	

Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following Renfroe floor amendment, (Amendment 24 - J.063) to HB 10-1376, did pass.

Amend reengrossed bill, page 443, line 8 strike "BUDGETS" and substitute "BUDGETS^{45a}".

Page 443, after line 11 insert:

"**FOOTNOTES** -- The following statement is referenced to the numbered footnotes throughout section 2.

45a Grand Totals -- Operating Budgets -- It is the intent of the General Assembly to eliminate short-term disability insurance and dental insurance benefits for state employees. This will result in a total savings of \$10,255,634, which includes \$6,128,797 General Fund, \$2,088,482 cash funds, \$1,063,287 reappropriated funds, and \$975,068 federal funds."

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

YES	13 NO	20	EXCUSED	2	ABSENT	0
Bacon	N Hodge	N	Morse	N	Spence	Y
Boyd	N Hudak	N	Newell	N	Steadman	N
Brophy	E Johnston	Y	Penry	Y	Tapia	N
Cadman	Y Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N Kester	Y	Romer	N	White	N
Foster	N King K.	Y	Sandoval		Whitehead	N
Gibbs	N Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y Lundberg	\mathbf{Y}	Schultheis	Y	President	N
Heath	N Mitchell		Schwartz	N		

Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following Renfroe floor amendment, (Amendment 10 - J.057) to HB 10-1376, did pass.

Amend reengrossed bill, page 127, line 3, in the ITEM & SUBTOTAL column strike "267,819,476" and substitute "267,419,476" and in the GENERAL FUND column strike "166,552,809" and substitute "166,152,809".

Adjust affected totals accordingly.

Page 130, line 7, in the ITEM & SUBTOTAL column strike "396,739,749" and substitute "396,539,749" and in the REAPPROPRIATED FUNDS column strike "113,790,028 $^{\rm b}$ " and substitute "113,590,028 $^{\rm b}$ ".

Page 130, line 12, strike "\$74,632,568" and substitute "\$74,432,568".

Page 132, line 2, in the ITEM & SUBTOTAL column strike "907,910,972" and substitute "907,710,972" and in the REAPPROPRIATED FUNDS column strike "159,761,513 $^{\rm bm}$ " and substitute "159,561,513 $^{\rm bm}$ ".

Page 132, line 8, strike "\$103,757,822" and substitute \$103,557,822".

Adjust affected totals accordingly.

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

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69 70

71

call vote:

YES	12	NO	21	EXCUSED	2	ABSENT	0
Bacon	N	Hodge	N	Morse		N Spence	Y
Boyd	N	Hudak	N	Newell		N Steadman	N
Brophy	Ε	Johnston	N	Penry		Y Tapia	N
Cadman	Y	Keller		Renfroe		Y Tochtrop	N
Carroll M.	N	Kester	Y	Romer		N White	N
Foster	N	King K.	Y	Sandoval		E Whitehead	N
Gibbs		Kopp	Y	Scheffel		Y Williams	N
Harvey		Lundberg	Y	Schultheis		Y President	N
Heath	N	Mitchell	Y	Schwartz		N	

Senator Scheffel moved to amend the Report of the Committee of the Whole to show that the following Scheffel floor amendment, (Amendment 14a - J.068) to HB 10-1376, did pass.

Amend reengrossed bill, page 204, line 15, strike "**Technology**" and substitute "**Technology**^{27a}".

Page 205, line 1, in the ITEM & SUBTOTAL column strike "15,994,421" and substitute "14,278,583" and in the CASH FUNDS column strike "1,825,845 $^{\rm a}$ " and substitute "110,007 $^{\rm a}$ ".

Page 205, line 2, in the CASH FUNDS column strike "(19.0 FTE)".

Page 205, line 4, in the ITEM & SUBTOTAL column strike "4,269,146" and substitute "3,061,486" and in the CASH FUNDS column strike "3,866,052°" and substitute "2,658,392°".

Adjust affected totals accordingly.

Page 205, strike lines 11 and 12 and substitute "a This amount shall be from various sources of cash funds.".

Page 220, after line 10 insert:

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

YES	13	NO	20	EXCUSED	2	ABSENT	0
Bacon	N	Hodge	N	Morse	1	N Spence	Y
Boyd	N	Hudak	N	Newell	1	N Steadman	N
Brophy	E	Johnston	N	Penry	•	Y Tapia	N
Cadman	Y	Keller	N	Renfroe	•	Y Tochtrop	N
Carroll M.	N	Kester	Y	Romer	1	N White	N
Foster	Y	King K.	Y	Sandoval	I	E Whitehead	N
Gibbs	N	Kopp	Y	Scheffel	•	Y Williams	N
Harvey	Y	Lundberg	Y	Schultheis	•	Y President	N
Heath	N	Mitchell	Y	Schwartz	1	V	

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Newell, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse		Y Spence	Y
Boyd		Hudak	Y	Newell		Y Steadman	Y
Brophy	Ε	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		E Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel		Y Williams	Y
Harvey		Lundberg	Y	Schultheis		Y President	Y
Heath		Mitchell	Y	Schwartz		Y	

The Committee of the Whole took the following action:

Passed on second reading: SB10-169 as amended, HB10-1376 as amended, HB10-1389,

HB10-1388 as amended, HB10-1384 as amended, HB10-1383 as amended, HB10-138	32,
HB10-1381 as amended, HB10-1380, HB10-1379 as amended, HB10-1378 as amende	ed,
HB10-1377, HB10-1386 as amended, HB10-1385 as amended.	
Laid over until Friday, April 9: HB10-1387, HB10-1208, HB10-1138, HB10-1271, SE	
156, HB10-1293, HB10-1038, HB10-1009, SB10-012, SB10-011, HB10-1252, HB10-	-
1042, SB10-183, HB10-1273, HB10-1147.	

MESSAGE FROM THE HOUSE

April 7, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1209, amended as printed in House Journal, April 1, page 1060.

The House has voted to concur in the Senate amendments to HB10-1017, 1029, 1164, 1213, 1276 and has repassed the bills as so amended.

April 8, 2010

The House has passed on Third Reading and returns herewith SB10-060

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The House has voted not to concur in the Senate amendments to HB10-1098 and requests that a conference committee be appointed. The Speaker has appointed Representatives Levy, chairman, Priola, and Fischer as House conferees on the First Conference Committee on HB10-1098. The bill is transmitted herewith.

The House has adopted and returns herewith SJR10-028.

MESSAGE FROM THE REVISOR OF STATUTES

April 7, 2010

We herewith transmit:

Without comment, as amended, HB10-1209.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

HJR10-1016 by Representative(s) Weissmann; also Senator(s) Morse--Concerning the convening date for the 2011 First Regular Session of the Sixty-eighth General Assembly.

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

HJR10-1017 by Representative(s) Weissmann; also Senator(s) Spence--Concerning amendments to the Joint Rules of the Senate and the House of Representatives regarding certain rules of procedure during a declared disaster emergency.

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

INTRODUCTION OF BILLS -- FIRST READING

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

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 43 property tax years.

Appropriations

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB10-009, 027, 032, 063, 081, 083, 102, 115, 119 and 130; HB10-1024, 1025, 1030, 1034, 1044, 1054, 1057, 1085, 1115, 1123, 1132, 1140, 1227, 1320, 1327, 1339, 1367, 1010, 1020, 1026, 1052, 1104, 1135, 1137, 1143, 1167, 1212, 1216, 1226, 1233, 1255, 1256, 1346, 1011, 1043, 1107, 1108, 1165, 1202, 1215, 1245, 1365; HJR10-1018.

SENATE SERVICES REPORT

Correctly Enrolled: SB10-007, 008, 016, 025, 041, 042, 043, 055, 068, 072, 079, 088, 101, 138, 140, 147 and 154.

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 Thursday, April 8 was laid over until Friday, April 9, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB10-1220, SB10-181, 72

HB10-1205, HB10-1229.	1
Consideration of Resolutions: HJR10-1015, SJR10-025, SJR10-027. Consideration of Memorials: SJM10-002.	1 2 3 4 5 6 7 8 9
Consideration of Memorials. SJM10-002. Consideration of House Amendments to Senate Bills: SB10-047, SB10-071, SB10-038,	3 1
SB10-099, SB10-098, SB10-155, SB10-062, SB10-066, SB10-075, SB10-152, SB10-	5
111, SB10-143.	6
Consideration of House Amendments to Senate Resolutions: SJR10-010.	7
Consideration of House Adherence: HB10-1211.	8
Consideration of Governor's Appointments:	9
Members of the Water Quality Control Commission	10
Members of the State Board for Community Colleges and Occupational Education	11
Member of the Board of Trustees for Fort Lewis College	12
Members of the Colorado Educational and Cultural Facilities Authority Board of	13
Directors	14
Member of the State Housing Board	15
Members of the Solid and Hazardous Waste Commission	16
Members of the CoverColorado Board of Directors	17
Members of the Hospital Provider Fee Oversight and Advisory Board	18
Member of the Colorado Commission on the Aging	19
Member of the Special Funds Board for Workers' Compensation Self Insurers	20
Members of the Board of Trustees for Western State College of Colorado	21
Members of the Board of Trustees for Mesa State College	22 23
Members of the Hospital Provider Fee Oversight and Advisory Board	23
Member of the Medical Services Board	24
Member of the Colorado Traumatic Brain Injury Board	25
Members of the State Board of the Great Outdoors Colorado Trust Fund	26
Member of the State Board of Stock Inspection Commissioners	27
Members of the Colorado Water Conservation Board Members of the Colorado Tourism Office Board of Directors	28 29
Members of the Colorado Aeronautical Board Members of the Colorado Aeronautical Board	30
Member of the Hospital Provider Fee Oversight and Advisory Board	31
Members of the Board of Trustees for Adams State College	32
Members of the Board of Trustees for the University of Northern Colorado	33
Consideration of Conference Committee Reports: HB10-1099.	34
Conference Committees to Report: SB10-109, HB10-1021.	35
Requests for Conference Committees: HB10-1171, HB10-1369.	36
requests for complete committees. The formal field the field to the field th	37
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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, April 9, 2010.	41
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Approved:	43
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Brandon C. Shaffer	46
President of the Senate	47
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Attest:	50
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V C - 1 - 1	52
Karen Goldman	53
Secretary of the Senate	54 55
	55 56
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