

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

1st Legislative Day

Wednesday, January 12, 2011

Prayer By the chaplain, Rabbi Steven Foster, Congregation Temple Emmanuel, Denver.

Call to Order By the President at 10:00 a.m.

Presentation of Colors
&
Pledge of Allegiance

Musical Presentation By Longmont High School Choir, director Jackie Laughlin.

Recitation of David Mason, Poet Laureate of the State of Colorado.
Poetry

Call to Order The hour of 10:00 a.m. having arrived, the Senate of the 68th General Assembly of the State of Colorado, pursuant to law, was called to order by Senator Brandon C. Shaffer, President of the Senate of the 67th General Assembly, State of Colorado.

Roll Call The roll call of the holdover Senators was called with the following result:
Present -- Bacon, Boyd, Cadman, Carroll, Foster, Heath, Hodge, Hudak, King K. Mitchell,
Newell, Scheffel, Spence, Williams S., and President.

LETTER OF RESIGNATION

May 5, 2010

President Brandon Shaffer
Colorado State Capitol
202 E. Colfax
Denver, CO 80203

Dear President Shaffer,

It has been an honor and a pleasure to serve the State of Colorado and its citizens for the past eight years as the Senator from district. I hope I have made a difference in the lives of Colorado's citizens. I will always treasure my time as a member of the Colorado State Senate and General Assembly. I will greatly miss my colleagues and have made some life-long friendships while in this Chamber. I am very excited about the challenges I will face in my new position and the ability to continue serving the residents of Denver. Regrettably, I must resign my seat before the end of my term to accept my new position representing the citizens of Northwest Denver as their Councilmember. I am resigning my position in the State Senate effective May 12th at midnight so that I may finish out the session before being sworn in as the new Denver City Councilmember for district 1. Thank you for the privilege of serving with you.

Sincerely,
(signed)
Senator Paula E. Sandoval

COMMUNICATIONS FROM THE SECRETARY OF STATE

State of Colorado
Department of
State

United States of America, ss. Certificate
State of Colorado

I, Bernie Buescher, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Designation of Nomination by Vacancy Committee as filed in this office on the seventeenth day of May, 2010, by the Democratic 34th Senate District Vacancy Committee, designating the appointment of Lucia Guzman to fill the vacancy in the office of the Colorado State Senate, District 34, for the Sixty-seventh General Assembly of the State of Colorado, caused by the resignation of the Honorable Paula Sandoval.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this twentieth day of May, 2010.

(signed)
Bernie Buescher
Secretary of State

State of Colorado
Department of
State

United States of America, ss. Certificate
State of Colorado

I, Bernie Buescher, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Acceptance of Designation by Vacancy Committee as filed in this office on the seventeenth day of May, 2010, by Lucia Guzman, accepting the appointment of the Democratic 34th Senate District Vacancy Committee, to fill the vacancy in the office of Colorado State Senate, District 34, for the Sixty-seventh General Assembly of the State of Colorado, caused by the resignation of the Honorable Paula Sandoval.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this twentieth day of May, 2010.

(signed)
Bernie Buescher
Secretary of State

(NOTE: On May 21, at 11:00 a.m., Lucia Guzman of Denver was sworn in to the Sixty-seventh General Assembly as Senator for Senate District 34 to fill the vacancy created by the resignation of Senator Paula Sandoval. Justice Martinez administered the oath of office in the Chamber of the Senate.)

LETTER OF RESIGNATION

July 21, 2010

Karen Goldman
Secretary of the Senate
State Capitol Building
Room 250
Denver, CO 80204

Reference: Resignation from Senate District 3, Pueblo Colorado

Dear Karen;

It is with a degree of sadness, relief and gratitude that I am resigning my elected position that I presently hold, effective July 30, 2010 at 11:59 pm.

I have been offered and have accepted a position with the State of Colorado as the Director of the Colorado Lottery, headquarter in Pueblo Colorado. This is a very exciting and challenging position that I believe will utilize my years of experience in the business sector as well as my legislative knowledge. This position will begin on August 1, 2010 and with the offer, the condition was that I resign my position as a state Legislator as per state policies.

I cannot express the degree of honor and privilege that I have been granted to server the people of the State of Colorado, and to work with my colleges and staff which have been the utmost joy to work alongside. That experience is one that I will cherish for the rest of my life.

Sincerely yours,
(signed)
Abel J. Tapia

cc: Brandon C Shaffer, President of the Senate
Terry Hart, Chairman of the Pueblo Democratic Party

COMMUNICATIONS FROM THE SECRETARY OF STATE

State of Colorado
Department of
State

United States of America, ss. Certificate
State of Colorado

I, Bernie Buescher, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Designation of Nomination by Vacancy Committee as filed in this office on the sixth day of August, 2010, by the Democratic 3rd Senate District Vacancy Committee, designating the appointment of Angela Giron to fill the vacancy in the office of the Colorado State Senate, District 3, for the Sixty-seventh General Assembly of the State of Colorado, caused by the resignation of the Honorable Abel Tapia.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this eleventh day of August, 2010.

(signed)
Bernie Buescher
Secretary of State

State of Colorado
Department of
State

United States of America, ss. Certificate
State of Colorado

I, Bernie Buescher, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Acceptance of Designation by Vacancy Committee as filed in this office on the eleventh day of August, 2010, by Angela Giron, accepting the appointment of the Democratic 3rd Senate District Vacancy Committee, to fill the vacancy in the office of Colorado State Senate, District 3, for the Sixty-seventh General Assembly of the State of Colorado, caused by the resignation of the Honorable Abel Tapia.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this eleventh day of August, 2010.

(signed)
Bernie Buescher
Secretary of State

(NOTE: On August 12, 2010, at 11:00 a.m., Angela Giron of Pueblo was sworn in to the Sixty-seventh General Assembly as Senator for Senate District 3 to fill the vacancy created by the resignation of Senator Abel J. Tapia. Justice Mullarkey administered the oath of office in the Chamber of the Senate.)

LETTER OF RESIGNATION

Cindi Markwell
Secretary of the Senate
200 East Colfax
Denver, CO 80203

November 30, 2010

Mrs. Markwell:

I write to notify you of my intention to resign my seat in the Colorado Senate effective December 31, 2010. I have been honored to represent the people of Senate District 32 for the past four years at the Capitol and am proud of what we've been able to accomplish for Colorado.

This was a difficult decision but after much thought and discussion with my family, constituents and senate leadership, I believe that resigning my seat to run for mayor of Denver is necessary.

Do not hesitate to contact me with questions. I wish you and all my colleagues the best of luck in the 2011 session.

Sincerely,
(signed)
Chris Romer
Senate District 32
chris@chrisromer.org

COMMUNICATIONS FROM THE SECRETARY OF STATE

State of Colorado
Department of
State

United States of America, ss. Certificate
State of Colorado

I, Bernie Buescher, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Designation of Nomination by Vacancy Committee as filed in this office on the fourteenth day of December, 2010, by the Democratic 32nd Senate District Vacancy Committee, designating the appointment of Irene Aguilar to fill the vacancy in the office of the Colorado State Senate, District 32, for the Sixty-eighth General Assembly of the State of Colorado, caused by the resignation of the Honorable Chris Romer.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this third day of January, 2011.

(signed)
Bernie Buescher
Secretary of State

State of Colorado
Department of
State

United States of America, ss. Certificate
State of Colorado

I, Bernie Buescher, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Acceptance of Designation by Vacancy Committee as filed in this office on the fourteenth day of December, 2010, by Irene Aguilar, accepting the appointment of the Democratic 32nd Senate District Vacancy Committee, to fill the vacancy in the office of Colorado State Senate, District 32, for the Sixty-eighth General Assembly of the State of Colorado, caused by the resignation of the Honorable Chris Romer.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this third day of January, 2011.

(signed)
Bernie Buescher
Secretary of State

LETTER OF RESIGNATION

12/21/10

Cindi Markwell
Secretary of the Senate
200 E. Colfax
Denver, CO. 80203

Dear Cindi:

Pursuant to the provisions of CRS 1-12-203(4), I am hereby notifying you of my resignation from my Senate District 8 seat. My resignation will be effective on January 1, 2011.

Sincerely,
(signed)
Al White

COMMUNICATIONS FROM THE SECRETARY OF STATE

State of Colorado
Department of
State

United States of America, ss. Certificate
State of Colorado

I, Bernie Buescher, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Designation of Nomination by Vacancy Committee as filed in this office on the fourth day of January, 2011, by the Republican 8th Senate District Vacancy Committee, designating the appointment of Jean Kaye White to fill the vacancy in the office of the Colorado State Senate, District 8, for the Sixty-eighth General Assembly of the State of Colorado, caused by the resignation of the Honorable Al White.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this seventh day of January, 2011.

(signed)
Bernie Buescher
Secretary of State

State of Colorado
Department of
State

United States of America, ss. Certificate
State of Colorado

I, Bernie Buescher, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Acceptance of Designation by Vacancy Committee as filed in this office on the fourth day of January, 2011, by Jean Kaye White, accepting the appointment of the Republican 8th Senate District Vacancy Committee, to fill the vacancy in the office of Colorado State Senate, District 8, for the Sixty-eighth General Assembly of the State of Colorado, caused by the resignation of the Honorable Al White.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this seventh day of January, 2011.

(signed)
Bernie Buescher
Secretary of State

COMMUNICATIONS FROM THE SECRETARY OF STATE

State of Colorado
Department of
State

United States of America, ss. Certificate
State of Colorado

I, Bernie Buescher, Secretary of State of the State of Colorado, do hereby certify that I have canvassed the "Abstract of Votes" submitted in the State of Colorado, and do state that, to the best of my knowledge and belief, the persons listed on the attached list were duly elected to the office of Colorado State Senate by the qualified electors of the state of Colorado in the November 2, 2010 General Election.

In Testimony Whereof I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City of Denver this 15th day of December, 2010.

(signed)
Bernie Buescher
Secretary of State

COLORADO GENERAL ELECTION RESULTS - November 2, 2010

Colorado State Senate, District 1
Counties: Cheyenne, Elbert, Kiowa, Kit Carson, Lincoln, Logan, Morgan, Phillips, Prowers, Sedgwick, Washington, Yuma

Candidate	Vote Totals	Percentage
Greg Brophy (REP)	34,632	77.46%
Michael Bowman (DEM)	10,080	22.54%

Colorado State Senate, District 2
Counties: Baca, Bent, Crowley, Custer, Fremont, Huerfano, Las Animas, Otero, Pueblo

Candidate	Vote Totals	Percentage
Gloria Stultz (DEM)	18,581	41.77%
Kevin J. Grantham (REP)	25,902	58.23%

Colorado State Senate, District 3
Counties: Pueblo

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Vera Ortegon (REP)	20,313	45.00%
Angela Giron (DEM)	24,827	55.00%

Colorado State Senate, District 5Counties: Alamosa, Chaffee, Conejos, Costilla, Delta, Gunnison, Hinsdale, Mineral, Pitkin, Rio Grande, Saguache

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Bob Rankin (REP)	25,269	48.95%
Gail Schwartz (DEM)	26,355	51.05%

Colorado State Senate, District 6Counties: Archuleta, Dolores, La Plata, Montezuma, Montrose, Ouray, San Juan, San Miguel

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Bruce Whitehead (DEM)	22,559	39.49%
Ellen Roberts (REP)	34,574	60.51%

Colorado State Senate, District 7Counties: Garfield, Mesa

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Steve King (REP)	37,533	67.38%
Claudette J. Konola (DEM)	15,980	28.69%
Gilbert R. Fuller (LIB)	2,190	3.93%

Colorado State Senate, District 9Counties: El Paso

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Kent Lambert (REP)	42,316	100.00%

Colorado State Senate, District 11Counties: El Paso

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Owen Hill (REP)	13,526	47.11%
John P. Morse (DEM)	13,866	48.29%
Randall (LIB)	1,320	4.60%

Colorado State Senate, District 13Counties: Weld

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Ken Storck (DEM)	15,866	34.46%
Scott W. Renfroe (REP)	30,182	65.54%

Colorado State Senate, District 15Counties: Larimer

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Richard Ball (DEM)	27,135	40.39%
Kevin Lundberg (REP)	40,040	59.61%

Colorado State Senate, District 16Counties: Boulder, Clear Creek, Gilpin, Grand, Jefferson, Summit

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Tim Leonard (REP)	30,224	49.46%
Jeanne Nicholson (DEM)	30,882	50.54%

Colorado State Senate, District 20Counties: Jefferson

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
John Odom (REP)	21,412	47.96%
Cheri Jahn (DEM)	23,238	52.04%

Colorado State Senate, District 22Counties: Jefferson

Candidate	Vote Totals	Percentage
Mike Kopp (REP)	35,155	62.77%
Mike Daniels (DEM)	20,851	37.23%
Colorado State Senate, District 24		
Counties: Adams		
Candidate	Vote Totals	Percentage
Lois Tochtrop (DEM)	20,750	54.84%
Luis Alvarez (REP)	17,055	45.07%
G. Robert Stevens (DEM) (Write-In)	33	0.09%
Colorado State Senate, District 30		
Counties: Douglas		
Candidate	Vote Totals	Percentage
Katherine E. Facchinello (DEM)	22,636	32.85%
Ted Harvey (REP)	46,261	67.15%
Colorado State Senate, District 31		
Counties: Adams, Denver		
Candidate	Vote Totals	Percentage
Doug Smith (REP)	9,127	27.30%
M. Patrick Steadman (DEM)	22,608	67.62%
Clifton Powell (ACP)	1,697	5.08%
Colorado State Senate, District 32		
Counties: Denver, Jefferson		
Candidate	Vote Totals	Percentage
Chris Romer (DEM)	29,772	65.60%
Tyler Kolden (REP)	15,610	34.40%
Colorado State Senate, District 33		
Counties: Denver		
Candidate	Vote Totals	Percentage
Mike Johnston (DEM)	33,634	82.19%
Lisa Ringle (REP)	7,276	17.78%
Renee Blanchard (DEM) (Write-In)	14	0.03%
Colorado State Senate, District 34		
Counties: Denver		
Candidate	Vote Totals	Percentage
Lucia Guzman (DEM)	21,273	77.66%
Derec C. Shuler (REP)	6,121	22.34%

State of Colorado

Department of

State

United States of America,

State of Colorado

ss. Certificate

I, Bernie Buescher, Secretary of state of the State of Colorado, do hereby certify that I have canvassed the "Abstract of Votes" submitted in the State of Colorado, and do state that, to the best of my knowledge and belief, the attached list represents the total votes cast for the members of the Colorado State Senate for the Sixty-eighth General Assembly by the qualified electors of the state of Colorado in the November 2, 2010 General Election.

In Testimony Whereof I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City of Denver this 15th day of December, 2010.

COLORADO GENERAL ELECTION RESULTS - November 2, 2010

Colorado State Senate, District 1

Counties: Cheyenne, Elbert, Kiowa, Kit Carson, Lincoln, Logan, Morgan, Phillips, Prowers, Sedgwick, Washington, Yuma

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Greg Brophy (REP)	34,632	77.46%
320 East 6th St.		
Wray CO 80758		

Colorado State Senate, District 2

Counties: Baca, Bent, Crowley, Custer, Fremont, Huerfano, Las Animas, Otero, Pueblo

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Kevin J. Grantham (REP)	25,902	58.23%
318 W. Circle Dr.		
Canon City CO 81212		

Colorado State Senate, District 3

Counties: Pueblo

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Angela Giron (DEM)	24,827	55.00%
1910 Court St.		
Pueblo CO 81003		

Colorado State Senate, District 5

Counties: Alamosa, Chaffee, Conejos, Costilla, Delta, Gunnison, Hinsdale, Mineral, Pitkin, Rio Grande, Saguache

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Gail Schwartz (DEM)	26,355	51.05%
236 Lemond Pl.		
Snowmass Village CO 81615		

Colorado State Senate, District 6

Counties: Archuleta, Dolores, La Plata, Montezuma, Montrose, Ouray, San Juan, San Miguel

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Ellen Roberts (REP)	34,574	60.51%
817 Nusbaum Road		
Durango CO 81301		

Colorado State Senate, District 7

Counties: Garfield, Mesa

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Steve King (REP)	37,533	67.38%
2415 Broadway		
Grand Junction CO 81507		

Colorado State Senate, District 9

Counties: El Paso

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Kent Lambert (REP)	42,316	100.00%
990 Point of the Pines Dr.		
Colorado Springs CO 80919		

Colorado State Senate, District 11

Counties: El Paso

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
John P. Morse (DEM)	13,866	48.29%
411 Lakewood Cir C-507		
Colorado Springs CO 80910		

Colorado State Senate, District 13
Counties: Weld

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Scott W. Renfroe (REP)	30,182	65.54%
3201 Grandview Dr		
Greeley CO 80631		

Colorado State Senate, District 15
Counties: Larimer

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Kevin Lundberg (REP)	40,040	59.61%
2525 WCR 8		
Berthoud CO 80513		

Colorado State Senate, District 16
Counties: Boulder, Clear Creek, Gilpin, Grand, Jefferson, Summit

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Jeanne Nicholson (DEM)	30,882	50.54%
2400 Golden Gate Canyon Road		
Black Hawk CO 80422		

Colorado State Senate, District 20
Counties: Jefferson

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Cheri Jahn (DEM)	23,238	52.04%
3580 High Ct.		
Wheat Ridge CO 80033		

Colorado State Senate, District 22
Counties: Jefferson

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Mike Kopp (REP)	35,155	62.77%
10589 W. Raspberry Mtn.		
Littleton CO 80127		

Colorado State Senate, District 24
Counties: Adams

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Lois Tochtrop (DEM)	20,750	54.84%
9984 Appletree Place		
Thornton CO 80260		

Colorado State Senate, District 30
Counties: Douglas

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Ted Harvey (REP)	46,261	67.15%
3010 Wyecliff Ln.		
Highlands Ranch CO 80126		

Colorado State Senate, District 31
Counties: Adams, Denver

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
M. Patrick Steadman (DEM)	22,608	67.62%
1257 Corona St.		
Denver CO 80218		

Colorado State Senate, District 32
Counties: Denver, Jefferson

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Chris Romer (DEM)	29,772	65.60%
840 Detroit St.		
Denver CO 80206		

Colorado State Senate, District 33
Counties: Denver

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Mike Johnston (DEM)	33,634	82.19%
2538 Akron St.		
Denver CO 80238		

Colorado State Senate, District 34
Counties: Denver

<u>Candidate</u>	<u>Vote Totals</u>	<u>Percentage</u>
Lucia Guzman (DEM)	21,273	77.66%
2090 Hooker Street		
Denver CO 80211		

Credentials
Committee

On motion of Senator Morse, and with unanimous consent of the Senate, a committee of three was appointed by the President as the Committee on Credentials. The President appointed Senators Newell, Chair, Steadman, and Renfroe as members of the Committee.

The President announced that the Senate would be in recess so that the Committee on Credentials could meet and prepare its report.

Senate in recess. Senate reconvened.

REPORT OF THE COMMITTEE ON CREDENTIALS

January 12, 2011

Your Committee on Credentials, to which was referred the list of members of the Senate for the Sixty-eighth General Assembly of the State of Colorado, transmitted by the Secretary of State, begs leave to report that the persons named therein constitute a true and correct list of the members as shown by the election certificates and records in the office of the Secretary of State, and your committee recommends that the list so furnished and read be adopted as the temporary roll call of the Senate of the Sixty-eighth General Assembly of the state of Colorado.

Your Committee on Credentials, to which were referred the documents regarding the vacancy of Senator Chris Romer and the subsequent election of a successor by a vacancy committee, as transmitted by the Secretary of State, begs leave to report that we have made examination and find that the certificate of the Democratic Vacancy Committee for the 32nd Senate District, State of Colorado, naming Irene Aguilar certified by the State of Colorado, is a true, complete, and authentic certificate. Irene Aguilar is entitled to membership in this body pursuant to law in such case made and provided.

Your Committee on Credentials, to which were referred the documents regarding the vacancy of Senator Al White and the subsequent election of a successor by a vacancy committee, as transmitted by the Secretary of State, begs leave to report that we have made examination and find that the certificate of the Republican Vacancy Committee for the 8th Senate District, State of Colorado, naming Jean White, certified by the State of Colorado, is a true, complete, and authentic certificate. Jean White is entitled to membership in this body pursuant to law in such case made and provided.

(signed)
Senator Newell, Chair
Senator Steadman
Senator Renfroe

On motion of Senator Morse, the report of the Committee on Credentials was read and adopted by unanimous consent of the Senate.

	On motion of Senator Morse, and with the unanimous consent of the Senate, the President appointed a committee composed of Senators Johnston, Jahn, and Mitchell to wait upon Chief Justice Michael L. Bender of the Colorado Supreme Court and request him to administer the oath of office to the Senators-elect.	1 2 3 4 5 6
	The President announced that the Senate would be in recess until the return of the Committee with the Chief Justice Bender.	7 8 9
	<div>Senate in recess.Senate reconvened.</div>	10 11 12 13 14 15
	Chief Sergeant-at-Arms Philip Brown announced the arrival of the Committee and Chief Justice Bender.	16 17
Oath of Office	The Chief Justice administered the Oath of Office to the Senators-elect.	18 19 20 21
Roll Call	The roll call of the Senators-elect was called with the following result: Present: -- Aguilar, Brophy, Giron, Grantham, Guzman, Harvey, Jahn, Johnston, King S., Kopp, Lambert, Lundberg, Morse, Nicholson, Renfroe, Roberts, Schwartz, Steadman, Tochtrop, White.	22 23 24 25 26 27
Quorum	The President announced a Senate membership of 35 present, 0 absent, and 0 excused and that a quorum was present.	28 29 30 31 32
	<div>Senate in recess.Senate reconvened.</div>	33 34 35 36 37
	On motion of Senator Morse, and with the unanimous consent of the Senate, the temporary roll call of the Senate was made the permanent roll call of the Senate.	38 39 40
Election of President	On motion of Senator Morse and seconded by Senator Kopp, Senator Brandon C. Shaffer was nominated as President of the Senate.	41 42 43
	Senator Morse moved that the nominations for President of the Senate be closed and that a unanimous vote be cast for Senator Brandon C. Shaffer. The motion was adopted by a unanimous vote.	44 45 46 47 48 49 50
Election of President pro tem	On motion of Senator Morse and seconded by Senator Kopp, Senator Betty Boyd was nominated as President <i>pro tem</i> of the Senate.	51 52 53
	Senator Morse moved that the nominations for President <i>pro tem</i> of the Senate be closed and that a unanimous vote be cast for Senator Betty Boyd. The motion was adopted by a unanimous vote.	54 55 56 57 58 59 60
	INTRODUCTION AND CONSIDERATION OF RESOLUTIONS	61
SR11-001	by Senator Morse; also Representative (None)--Concerning the temporary Rules of the Senate.	62 63 64 65
	On motion of Senator Morse, the resolution was adopted by the following roll call vote:	66 67 68 69

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

SJR11-001 by Senator Morse; also Representative Stephens--Concerning the adoption of the Joint Rules as the temporary Joint Rules of the Sixty-eighth General Assembly.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Election of Secretary On motion of Senator Morse, Cindi Markwell was nominated to serve as Secretary of the Senate during the First Regular Session of the Sixty-eighth General Assembly. The motion was adopted by a unanimous vote.

Oath of Office The President administered the oath of office to Cindi Markwell as Secretary of the Senate.

On motion of Senator Morse, and with the unanimous consent of the Senate, the President appointed Senators Aguilar, Guzman, and White as members of the committee to notify the House of Representatives that the Senate was organized and ready for business.

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

On motion of Senator Morse, and with the unanimous consent of the Senate, the President appointed Senators Giron, Nicholson, and Roberts as members of the committee to notify the Governor that the Senate was organized and ready for business.

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

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

January 12, 2011

Mr. President:

The House has adopted and transmits herewith HJR11-1001, as printed in House Journal, January 12.

The House has adopted and returns herewith SJR11-001

The House has adopted and transmits herewith HJR11-1002, as printed in House Journal, January 12.

Pursuant to the resolution, the Speaker has appointed Representatives Looper, chairman, Ramirez, and D. Williams.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR11-1001 by Representative Stephens; also Senator Morse--Concerning a Joint Session of the House of Representatives and the Senate of the Sixty-eighth General Assembly for the purpose of canvassing the votes for certain officials at the election held November 7, 2010.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

HJR11-1002 by Representative Stephens; also Senator Morse--Concerning a Joint Session of the House of Representatives and the Senate for the purpose of hearing a message from His Excellency, Governor John Hickenlooper, and appointing a committee to escort the Governor.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The President appointed Senators Giron, Nicholson, and Roberts to serve on the committee to escort the Governor to the State of the State address.

COMMITTEE APPOINTMENTS

January 10, 2011

The Honorable Brandon Shaffer

President of the Senate
Colorado State Capitol
200 E. Colfax Ave Room 257
Denver, CO 80203

Dear President Shaffer,

After further reflection, I make the following appointments concerning majority members, chairs and vice-chairs:

State Affairs

Heath - Chair
Bacon - Vice Chair
Boyd

Educaton

Bacon - Chair
Hudak - Vice Chair
Heath
Johnston
Nicholson

Finance

Johnston - Chair
Giron - Vice Chair
Jahn
Guzman

BLT

Tochtrop - Chair
Aguilar - Vice Chair
Williams
Jahn

HHS

Boyd - Chair
Newell - Vice Chair
Carroll
Aguilar
Foster

Local Gov't

Foster - Chair
Nicholson - Vice Chair
Aguilar

Judiciary

Carroll - Chair
Guzman - Vice Chair
Nicholson
Giron
Newell

Agriculture

Schwartz - Chair
Jahn - Vice Chair
Guzman
Giron

Transportation

Hudak - Chair
Williams - Vice Chair
Schwartz
Tochtrop

Appropriations

Steadman - Chair
Hodge - Vice Chair
Bacon
Heath
Giron
Nicholson

JBC

Hodge
Steadman

I am happy to answer any questions you may have. I am, as always,

Sincerely yours,
(signed)
John P. Morse
Senate Majority Leader

cc: The Honorable Mike Kopp, Senate Minority Leader
Dan Cartin, Director of Legislative Legal Services
Mike Mauer, Executive Director of Legislative Council
Cindi Markwell, Interim Secretary of the Senate

January 7, 2011

The Honorable Brandon Shaffer
President of the Senate
State Capitol
Denver, CO

Dear Mr. President:

There are a few committee changes due to the resignation of Senator Al White and our new incoming member, Senator-elect Jean White.

I am pleased to appoint the following senators and senators-elect to serve on **Senate Committees of Reference**:

Agriculture and Natural Resources	Brophy, Grantham, Harvey
Business Affairs, Labor & Technology	Harvey, Mitchell, White
Education	King, K., Renfroe, Spence
Finance	Brophy, King, K., Scheffel
Health and Human Services	Lundberg, Mitchell, Roberts, White
Judiciary	King, S., Lundberg, Roberts, Scheffel
Local Government & Energy	Cadman, Roberts
State, Veterans, & Military Affairs	Cadman, Grantham
Transportation	King, S., Renfroe, Spence
Appropriations	Grantham, Harvey, King, K., Lambert

Sincerely,
(signed)
Mike Kopp
Senate Minority Leader

APPOINTMENTS BY THE PRESIDENT

Legislative Council Pursuant to Section 2-3-301, C.R.S., the President appointed Senators Shaffer, Boyd, Cadman, Hodge, Kopp, Morse, Nicholson, Renfroe, and Scheffel as members of the Legislative Council Committee.

On motion of Senator Morse, the appointments were confirmed by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Legal Services Pursuant to Section 2-3-502, C.R.S., the President appointed Senators Carroll, Morse, Schwartz, Roberts, and Brophy as members of the Committee on Legal Services.

On motion of Senator Morse, the appointments were confirmed by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Legislative Audit Pursuant to Section 2-3-101, C.R.S., the President appointed Senators Carroll, Tochtrop, King S., and Renfroe as members of the Legislative Audit Committee.

On motion of Senator Morse, the appointments were confirmed by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Capital Development The President appointed Senators Bacon, Schwartz, and Renfroe as members of the Capital Development Committee.

On motion of Senator Morse, the appointments were confirmed by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Morse, and with the unanimous consent of those elected to the Senate, the Senate stood in recess to hear the opening day remarks of Senate President Brandon C. Shaffer and Minority Leader Mike Kopp. The text of their remarks follows.

Senate in recess.

Remarks of President Shaffer:

Good morning. Welcome to the opening session of the sixty-eighth General Assembly of Colorado.

From my vantage here on the podium I see a Senate which is a remarkable collection of human diversity and talent.

We serve in a Senate of women and men in nearly equal numbers. Women chair seven of the eleven standing committees. We are privileged to have three Latina members - the largest number ever to serve at the same time in the Colorado Senate. And we have the honor of two members of the LGBT community. While this diversity would have been unimaginable to our parents, it is both natural and unremarkable to our children. I am proud to serve with all of you. Today, we need your talent and energy more than ever.

The challenges we face cannot be overstated.

In 2001, the size of our General Fund budget was about \$6.6 billion. Nine years later, in 2010, the size of the General Fund budget was again about \$6.6 billion.

It's not that the General Fund didn't increase over the past 9 years. It did. But as the state has experienced declining revenues caused by the recession, we closed budget shortfalls of over \$4.2 billion – back to 2001 levels.

During the same 9-year period, we saw significant growth in our state's population. The recent census report shows that we grew by almost 17% - the ninth fastest in the nation.

We have over 700,000 new Coloradans: including about 70,000 new students in our K-12 public schools, 35,000 new students in our institutions of higher education, 150,000 new people on our Medicaid roles, and 2,500 new inmates in our prisons. Indeed, we are challenged to do more with less.

Colorado's economy has fared better than some. Our unemployment rate is 8.6%, almost a full point below the national average of 9.4%.

However, these numbers have little meaning to the 229,900 people in our state who are looking for jobs, but are still without work.

And that's why this Legislature will make the tough choices necessary to put Coloradans back to work, create jobs and expand our economy.

During each of the past three years, Democrats and Republicans alike have emphasized economic development and job growth as the cornerstone of their legislative agendas. We have both brought forward proposals that have helped in this regard. For example:

In 2008 we assessed the needs for statewide broadband access laying the foundation for a \$100 million federal grant to create an affordable, statewide broadband network that will provide under-served schools, libraries, colleges and communities with high-speed Internet access.

In 2009 we created the Job Growth Incentive Fund to provide a credit on payroll taxes for businesses that create new jobs in Colorado; since then, companies like DaVita, RePower USA, and the Sierra Nevada Corp. have located their businesses here, bringing hundreds of new jobs with them.

And in 2010 we put the capstone on the New Energy Economy by increasing the state's renewable energy standard and passing the Clean Air Clean Jobs Act; further emphasizing our commitment to technology and innovation, and creating an atmosphere where public-private partnerships - such as the one between NASA and the Colorado Association for Manufacturing and Technology - can thrive.

Because of these proposals and others like them, Colorado is currently rated by Forbes.com as the fourth best state for fostering economic growth; CNBC ranked Colorado the third best state for business; and the American Legislative Exchange Council says Colorado's economic outlook is second best of all 50 states.

While these are encouraging signs, everyone is frustrated by how slowly the economy is turning around. It can be compared to turning an aircraft carrier – it's a big ship and it takes a while to maneuver.

As a former Surface Warfare Officer, I can attest to that. It can take miles to turn a slow moving aircraft carrier. But that only tells part of the story: before you start the turn, you must first secure each aircraft aboard. A modern carrier may carry 80 planes, and just one F/A-18 Super Hornet costs taxpayers \$57 million, so you better get it right. The time, care and preparation taken before throwing the rudder over is more important, more difficult and more time consuming than the actual maneuver itself.

The same is true of our economy. Our recovery will take time, and will require advance care and preparation.

It's here that we have an opportunity. The quality of our work today will determine how fast we recover and the direction for our state for the next century.

And the area where we have the greatest potential for growth - both in human and economic capital - is in our education system.

Kelly Brough, President and CEO of the Denver Metro Chamber of Commerce recently said, "We rely on our university system to grow our future work force. They are the lifblood of Colorado's knowledge-based economy."

In a recent Denver Post op-ed she also observed that over 60% of Denver's future jobs will require more than a high school diploma, and that a 1% increase in college graduation rates will return approximately \$1.8 billion to Denver's economy.

A recent analysis of the University of Colorado's economic impact on our state concluded that:

1. For every \$1 of unrestricted state general fund support, CU returns \$40 to the Colorado economy;

2. CU contributes \$6.3 billion to the state's economy annually through its demand for goods and services; and

3. CU is Colorado's fourth-largest employer, with some 26,000 employees, and is responsible for another 30,000 jobs related to the university's endeavors.

Similar statistics and projections hold true for each region of our state and each institution of higher education. For example on the Western Slope, Mesa State College has an estimated impact of \$125.3 million on the regional economy. When both direct and indirect spending is taken into account, the estimate expands to \$225.6 million worth of economic activity.

And in Northern Colorado, Colorado State University, Front Range Community College, University of Northern Colorado, and Aims Community College, together employ more than 9,700 workers and provide an annual payroll in excess of \$400 million.

There is no question, there is no argument and there is no doubt: education equals jobs. An educated workforce attracts business and a healthy business climate is the foundation for a high quality-of-life for every Coloradan.

Colorado is quickly moving from a "New Energy Economy" to a "Knowledge-Based Economy" where a strong educational system is an economic imperative.

As we head into a session where we are staring down the barrel of millions of dollars of cuts to our K-12 and higher education systems, we must consciously prioritize education first as we consider every bill that comes before the legislature.

Today I designate the Knowledge-Based Economy Fund as Senate Bill 1. Senator Bob Bacon will be its prime sponsor and it will create an account to set funds aside throughout this session and dedicate them specifically to education funding.

I challenge each of you to view this session through the Knowledge-Based Economy lens. If your goal is to shrink the size of government - to eliminate programs and root out wasteful government spending - let me help you. Let me help you identify those programs that don't make sense, those functions of government that can be done more efficiently and less expensively, and let me help you redirect the funds currently being wasted to a higher cause: our Knowledge-Based Economy.

If your objective is to ensure Colorado's government is an effective partner with the private sector; a partner that empowers the private sector; a partner that creates an environment where private industry flourishes and thrives; a partner that encourages businesses to locate and relocate here, creating jobs and opportunities for the future; then, again, let me help you. Let's do it together by finding resources in our budget to reduce cuts to our Knowledge-Based Economy.

In an economic climate where we will face enormous challenges, we must fuel the Knowledge-Based Economy with human capital that will help us turn this ship of state toward more prosperous times.

I'm often asked how we will move forward, especially in light of recent changes in the balance of power here at the Capitol. My standard response is, "The more things change, the more they stay the same."

Last session the General Assembly considered 649 bills and passed 458 of them to the Governor. Of those that passed, 36% had both Democratic and Republican "prime" sponsors; 79% had bipartisan "co-sponsors."

We demonstrated that we know how to work together and that's exactly what the people of Colorado want us to do.

This session, we have an opportunity to do more of the same. We have already established the bipartisan Joint Select Committee on Redistricting.

We also have opportunities to tackle health care reform as we consider health insurance exchanges – a requirement of the federal health care legislation, but also a recommendation that came out of the 208 Commission on health care reform appointed by Republican Governor Bill Owens.

We can also make bipartisan progress on Constitutional reform – ending ballot initiative warfare while protecting the rights of Coloradans to petition their government.

And cost recovery audits – Ensuring we get what we inspect, not just what we expect from government agencies is yet another area where we can work together.

We can continue our progress on reforming our child welfare system to ensure the most vulnerable among us are safe from abuse and exploitation.

These are just a few areas that are ripe for bipartisan cooperation and success. There are many, many others and it is our responsibility to focus our attention on these areas of common ground to get things done during this session.

It won't be easy and we will make many tough decisions. But, the human spirit can power over adversity.

As Margaret Mead said, "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has."

By acting collectively we will triumph over formidable odds. This is no time to resist an answer because we don't like the messenger. This is no time to reject solutions because they come with a liberal or conservative label. It is no time for the personal prerogatives of partisan politics.

It is time to restore confidence of the people of Colorado that we can govern. It is time to embrace solutions tested by intellectual rigor and common sense, solutions crafted in compromise, solutions that benefit the well-being of our people.

It is my hope this General Assembly can act to make Colorado a better community for every section and sector of this great state, for every community of interest and for every political philosophy.

This is the hope of the people of Colorado, this is their direction and these are their needs. We must do no less on their behalf.

President Shaffer recognized Minority Leader Senator Mike Kopp to address the Senate.

Remarks of Minority Leader Kopp:

Mr. President, Mr. Majority Leader, Senate Colleagues, honored guests, thank you for allowing me the honor of taking a few moments to express my thoughts about the momentous legislative session before us – and more broadly, to try and express a few of the sentiments of the Republican caucus.

It is heartwarming as always to see the family members and special friends who have given so graciously of their time to mark this first legislative day with us. To you, a special thank you.

I'd like to also welcome the new senators. Democrat Senators Irene Aguilar, Angela Giron, Lucia Guzman, and Jeanne Nicholson. And joining the Republican team this year, we have Senators Kevin Grantham and Kent Lambert from southern Colorado, and representing our west slope delegation, we welcome Senators Steve King, Ellen Roberts and Jean White. Congratulations to all of you.

And finally, if you will allow me a small indulgence: to my kids who are here, Meghan, Ethan and Allie-Grace, you are the reason I am here, and I'm glad you could pry yourselves away from school to come. And Soren, if you're watching, I'll see you soon little buddy. But mostly, I want to say to my beautiful wife, Kimberly, it means the world to have you here today. To me, your courage, grace and dignity shine like heaven's brightest.

First things first, we elected a Democrat, again, to be our Senate President. You know, President Shaffer, if you really wanted to be bipartisan, you could pass the gavel to one of the Republicans in the chamber for the session. I'd do the same for you.

But in all seriousness, Mr. President, you have been re-elected to preside over the senate. This speaks highly of you and your abilities. I congratulate you, as do the Republican senators seated in this room. Together, we will take on some remarkable challenges. So I'd like to publicly commend you for working to open a productive dialogue between us. Being both constructive and good-humored when we reach impasse will insure that we live up to the obligations of the office of senator.

Speaking of those obligations, I must confess, I did think – briefly – of moving a motion to

publicly read the Colorado Constitution at the start of the session, but then decided we could not afford to go into the special session that would be required to finish our business if we did that. Although, a veteran lawmaker once taught me that senators should make time each session, to sit at their desks in this chamber, and read through it as often as possible. It's a good challenge for all of us to become conversant in our state's highest law.

Now, what about the 120 days ahead of us? When it comes to predicting what the 68th General Assembly will look like, most people recognize the steepness of the mountains we must climb if we are going to do right by our charge and the people of the state who have placed their trust in us. But that's okay. In a state with 53 "14ers", it seems fitting to think of our challenges in this way.

And isn't it challenge after all, that draws the best out of leaders? I like John F. Kennedy's words on the subject: "The problems of the world cannot possibly be solved by skeptics or cynics whose horizons are limited by the obvious realities. We need men who can dream of things that never were."

So what mountains must we climb, and how do Senate Republicans propose to do it?

First, we must reignite economic growth in Colorado.

Republicans are interested in taking bold and constructive leadership in rebuilding and supercharging our state's economy. We must create an atmosphere where businesses of all kind, not just a favored few, are made welcome by government at all levels.

For Republicans, this means above all, that Colorado's government must build a low tax policy framework. Getting there will require some teamwork from both sides of the aisle. We ask for you and your caucus, Mr. President, to join us in a conversation about ways that we can begin the reinstating the critical tax incentives that were eliminated just last year. These have cost jobs and caused companies to leave the state, and we ask for your help in reversing this trend.

And we ask our Democratic colleagues to re-engage our shared interest in eliminating the onerous business personal property tax. Let's move from interest to action in this legislative session. And let's go a step further still by considering other ways that we might promote a low tax and fee policy.

Finally, on the subject of taxation, I would make a final request in most direct terms. Please join us in keeping whole the taxpayer protections in the Constitution. Colorado citizens rightly demand that they have the right to vote on tax increases. We must end the marginalization of this right. And practically, we should recognize that the restraint that the Taxpayer Bill of Rights has brought to government spending has served to forestall even more serious budgeting problems.

I believe that taking these bold steps would send a clear signal to that Colorado businessman or woman out there, that making that capital investment, and hiring that additional employee, just might make sense again.

Let us also join forces to reform our regulatory systems. Let us lead the state in achieving focused and far-reaching reform of any outdated, overly complicated and costly business regulations and rules. Let's commit to abolishing any incentive that regulators may have to exact heavy penalties. For Republicans, we have set the goal of achieving a 15% reduction in the compliance costs borne by regulated businesses in our state.

Members of the Republican caucus have already been working directly with regulated businesses across the state. We ask Senate Democrats as well as Governor Hickenlooper to do this economy-stimulating work with us. There is more than enough to go around. The work we have done, can become the senate's work, not just the Republicans. Let's do this together and next year at this time, we can celebrate our shared successes, measured in Colorado job growth.

And let us also commit to the job creators in Colorado that we aim to not just build, but to sustain a lean, predictable, and stable regulatory environment. Let ours become the envy of the nation and a ray of opportunity even in difficult times.

Our next great challenge, of course, concerns the state budget.

I believe that the times demand that we reduce the cost, size and complexity of Colorado's government. We must fundamentally re-envision the way we deliver on the critical services of a well-functioning government. This work can no longer be put off. It has been thrust upon us by a slow economy.

Let's jointly design a budget architecture that reflects clear priorities for spending.

· In this way we will insure that our children are educated and taught in safe classrooms and innovative schools where the achievement gap is finally made a thing of the past.

· We will be able to envision a way to make real mobility improvements on the I-70 corridor and on the rest of the transportation grid.

· We can make needed improvements in public safety programs like increasing wildfire mitigation efforts on the West Slope and Front Range, and broadening Peter Groff's program in the state patrol that clamps down on illegal immigration,

· And we will be certain that we'll be able to provide a cost-contained, accountable, and basic safety net for the most vulnerable among us.

And as we endeavor to do this, let us join together in demonstrating a surprising new regard for spending discipline. Also, let us no longer rely upon the excesses of a spendthrift federal government to get us through the next tough time.

And as we do these things, let's not forget about the family. It won't surprise you that I think Ronald Reagan had it right when he observed that "All great change in America begins at the dinner table." It's good to remind ourselves from time to time, that strong families make great neighborhoods, churches, synagogues, and in turn, great local communities.

In these places, lending a hand in times of need, pointing to great hopes on distant horizons, practicing and modeling compassion, loving children and showing them the way that they should walk – these are all just parts of everyday life. And, while Colorado's political leaders want the best for its citizens, it's healthy and appropriate to acknowledge the shortcomings of any government, and that the real promise for a brighter tomorrow is carried about in the hearts of our families.

Together, we can answer the call of the people of Colorado and accomplish these objectives if we are willing to build bridges of partnership.

Building such bridges seems to be unnatural in politics. It requires civility, more than a little humor, and a willingness to be constructive even while maintaining one's own closely held principles.

Beyond that, it requires that our only non-negotiables become those of the people of Colorado, and not our political parties.

So, borrowing a line from Dick Morris, I'd like to say to the citizens in our state who are suspicious that something must be in the water here in the capitol that makes us think and behave the way we do. I therefore pledge to boil all drinking water in this building in order to kill the bugs of bad judgment. And, Mr. President, since I'm providing the boiled water, I might as well give you a teabag to put in it. And don't worry, it's not from Boston, it's from Boulder. Celestial Seasonings. I got you the Tension Tamer.

In closing, I'd like to say to the citizens of Colorado, thank you again for entrusting your government to our leadership and judgment. May God bless you and bless our efforts here on your behalf.

Senate reconvened.

On motion of Senator Morse, and with the unanimous consent of those elected to the Senate, the remarks of President Shaffer and Minority Leader Kopp were ordered spread upon the pages of the journal.

Senate in recess. Senate reconvened.

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-001

by Senator(s) Bacon, Shaffer B.; also Representative(s) Kerr A.--Concerning funding for public education, and, in connection therewith, creating the knowledge-based economy

	fund.	1
	Education	2
		3
SB11-002	by Senator(s) Carroll, Mitchell, Tochtrop; also Representative(s) Kerr J., Miklosi--	4
	Concerning the low-income telephone assistance program.	5
	Business, Labor and Technology	6
		7
SB11-003	by Senator(s) Spence; --Concerning the creation of a special license plate for Craig hospital.	8
	Transportation	9
		10
SB11-004	by Senator(s) Guzman, Steadman; also Representative(s) Pabon--Concerning crimes against	11
	homeless persons, and making an appropriation therefor.	12
	Judiciary	13
		14
SB11-005	by Senator(s) Bacon; also Representative(s) Massey--Concerning benefit corporations.	15
	Business, Labor and Technology	16
		17
SB11-006	by Senator(s) Lundberg; --Concerning the development of an alternative medical assistance	18
	program for the elderly.	19
	Health and Human Services	20
		21
SB11-007	by Senator(s) Grantham; also Representative(s) Becker--Concerning the responsibility for	22
	the prosecution of a person who is charged with failure to register as a sex offender.	23
	Judiciary	24
		25
SB11-008	by Senator(s) Boyd; also Representative(s) Gerou--Concerning aligning medicaid eligibility	26
	for children.	27
	Health and Human Services	28
		29
SB11-009	by Senator(s) Steadman, Guzman; also Representative(s) Fischer--Concerning procedural	30
	requirements for payment of costs related to impounded animals.	31
	Judiciary	32
		33
SB11-010	by Senator(s) Tochtrop; --Concerning the trade readjustment allowance program.	34
	Business, Labor and Technology	35
		36
SB11-011	by Senator(s) Giron; also Representative(s) Fischer--Concerning the granting of voting	37
	rights to nonvoting members of the board of governors of the Colorado state university	38
	system.	39
	Education	40
		41
SB11-012	by Senator(s) Brophy; --Concerning a public school student's authority to possess	42
	prescription medications at school.	43
	Education	44
		45
SB11-013	by Senator(s) Newell; also Representative(s) Lee--Concerning the use of alternative dispute	46
	resolution practices.	47
	Judiciary	48
		49
SB11-014	by Senator(s) Jahn; --Concerning the use of a video display while driving a motor vehicle.	50
	Transportation	51
		52
SB11-015	by Senator(s) Foster; also Representative(s) Miklosi--Concerning the requirements for a	53
	homeowner's insurance company to take adverse action on existing insurance coverage for a	54
	home based on claims experience.	55
	Local Government and Energy	56
		57
SB11-016	by Senator(s) Grantham; --Concerning increases in the amounts allocated to certain family	58
	members during the administration of a decedent's estate.	59
	Judiciary	60
		61
SB11-017	by Senator(s) Tochtrop, Carroll, Mitchell; also Representative(s) Miklosi, McNulty--	62
	Concerning a requirement that certain incidents involving anhydrous ammonia used as	63
	agricultural fertilizer be reported to the department of agriculture.	64
	Agriculture and Natural Resources	65
		66
SB11-018	by Senator(s) Harvey; also Representative(s) Holbert--Concerning a requirement to provide	67
	proof of citizenship to register to vote.	68
	State, Veterans & Military Affairs	69
		70
SB11-019	by Senator(s) King K.; also Representative(s) Stephens--Concerning payment of the costs of	71
	health insurance coverage to employees of small employers.	72

	Health and Human Services	1
		2
SB11-020	by Senator(s) Morse; --Concerning the authorization of certain employees of the department of law as peace officers.	3
	Judiciary	4
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SB11-021	by Senator(s) Nicholson; also Representative(s) Looper--Concerning the removal of term limits for members of the water and wastewater facility operators certification board.	7
	Agriculture and Natural Resources	8
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SB11-022	by Senator(s) Brophy; --Concerning daylight saving time as the standard year-round time within the state.	11
	Agriculture and Natural Resources	12
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		14
SB11-023	by Senator(s) Lambert, Cadman, Harvey, Hodge, King K., Kopp, Lundberg, Renfroe, Steadman; also Representative(s) Priola, Acree, Baumgardner, Becker, Ferrandino, Gardner B., Holbert, Joshi, Kerr J., Looper, Sonnenberg, Szabo--Concerning the use of a state-owned motor vehicle for commuting.	15
	Transportation	16
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		20
SB11-024	by Senator(s) King K.; also Representative(s) Looper--Concerning free state parks admission for veterans, and, in connection therewith, establishing free admission on a specified day each year for veterans and free state parks admission for members of the United States armed services wounded warrior programs who have sustained severe combat-related injuries while serving in post-September 11, 2001, overseas contingency operations.	21
	State, Veterans & Military Affairs	22
		23
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		28
SB11-025	by Senator(s) Carroll; also Representative(s) Ferrandino--Concerning accountability for state procurement, and, in connection therewith, enacting the "Colorado Taxpayer Empowerment Act of 2011".	29
	Finance	30
		31
		32
		33
SB11-026	by Senator(s) Scheffel; also Representative(s) Holbert--Concerning a property tax exemption for business personal property first used in a business in a future property tax year.	34
	Finance	35
		36
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		38
SB11-027	by Senator(s) King S.; --Concerning the Colorado economic stability fund, and, in connection therewith, creating the fund and specifying the conditions under which moneys must be transferred to and may be expended from the fund.	39
	State, Veterans & Military Affairs	40
		41
		42
		43
SB11-028	by Senator(s) Schwartz; also Representative(s) Coram--Concerning the number of judges in certain judicial districts.	44
	Judiciary	45
		46
		47
SB11-029	by Senator(s) Hudak; also Representative(s) Summers--Concerning certain annual reports of the state board of land commissioners.	48
	Education	49
		50
		51
SB11-030	by Senator(s) Renfroe; also Representative(s) DelGrosso--Concerning a requirement that energy utilities disclose costs associated with customers' utility bills.	52
	Agriculture and Natural Resources	53
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		55
SB11-031	by Senator(s) Cadman; also Representative(s) Looper--Concerning motor vehicles valued as collector's items for historical reasons.	56
	Transportation	57
		58
		59
SB11-032	by Senator(s) Johnston; --Concerning a requirement that the public utilities commission promulgate rules to establish an on-bill financing program for clean energy improvements to real property.	60
	Agriculture and Natural Resources	61
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SB11-033	by Senator(s) Kopp; also Representative(s) Kerr J.--Concerning the honor and remember flag.	65
	State, Veterans & Military Affairs	66
		67
		68
SB11-034	by Senator(s) Nicholson; also Representative(s) Summers--Concerning requiring an educator who provides services through the women, infants, and children program to report child abuse or neglect.	69
	Health and Human Services	70
		71
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- SB11-035** by Senator(s) Roberts, Grantham, King S.; also Representative(s) Coram, Brown--
Concerning a prohibition on transfers to the state general fund from cash funds that have
revenue related to the severance of minerals in the state.
State, Veterans & Military Affairs
- SB11-037** by Senator(s) Heath; --Concerning the creation of a world war II special license plate.
State, Veterans & Military Affairs
- SB11-038** by Senator(s) Mitchell; --Concerning the prohibition of official state recognition of certain
activities of employee organizations for the benefit of state employees.
State, Veterans & Military Affairs

**MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadlines:

Early introduction deadline for House bills:

The Monday, January 17 deadline (the 6th legislative day) for the introduction of the two remaining House bills requested prior to the December 1 bill request deadline is extended until Tuesday, January 18, 2011 (the 7th legislative day).

Last bill request deadline for the House and Senate:

The Monday, January 17 deadline (the 6th legislative day) for all remaining bill requests to the Office of Legislative Legal Services is extended until Tuesday, January 18, 2011 (the 7th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(signed)
Representative McNulty
Speaker of the House of Representatives

(signed)
Senator Shaffer
President of the Senate

(signed)
Representative Stephens
House Majority Leader

(signed)
Senator Morse
Senate Majority Leader

(signed)
Representative Pace
House Minority Leader

(signed)
Senator Kopp
Senate Minority Leader

TRIBUTES

Honoring:

Kathy Williams -- By Senator Hudak.
The Durango High School Aerospace Design Team -- By Senator Whitehead.
T. J. Trump -- By Senator Whitehead.
Jared W. Lee -- By Senator Schultheis.
Leo M. Slade -- By Senator Tochtrop.
Mayor Bill Stirling -- By Senator Schwartz.
Kristi Ekern -- By Senator Shaffer.
Scott Brungardt -- By Senator Shaffer.
Patricia Loeblein -- By Senator Shaffer.
Erin Mayer -- By Senator Shaffer.
Amelia Hankla -- By Senator Shaffer.

Austin Lin -- By Senator Shaffer.	1
Colorado Bike Week -- By Senator Gibbs.	2
Nancy Morehead -- By Senator Boyd and Representatives Ferrandino and Carroll T.	3
Colin Michael Patterson -- By Senator Carroll.	4
The Colorado Aloha Festival -- By Senator Kester.	5
The Honorable Terry Ruckriegle -- By Senator Gibbs.	6
Bradford Intermediate School -- By Senator Kopp.	7
Conifer High School -- By Senator Kopp.	8
Montessori Peaks Academy Homeschool -- By Senator Kopp.	9
Marsha Roman -- By Senator Kopp.	10
Harrison Smith -- By Senator Kopp.	11
Cody Arnold -- By Senator Penry.	12
Hulstrom Options K-8 -- By Senator Tochtrop.	13
Christian A. Stout -- By Senator Bacon.	14
Brian Joseph Bush -- By Senator Kopp.	15
Andrew Marie Bird & John Van Ta -- By Senator Carroll.	16
Brant Crossan -- By Senator White.	17
Andy Potts -- By Senator Shaffer.	18
Timothy DeBoom -- By Senator Shaffer.	19
Chris McDonald -- By Senator Shaffer.	20
Michael Lovato -- By Senator Shaffer.	21
Ben Hoffman -- By Senator Shaffer.	22
Tim Hola -- By Senator Shaffer.	23
Curt Chesney -- By Senator Shaffer.	24
Justin Daerr -- By Senator Shaffer.	25
Steve Johnson -- By Senator Shaffer.	26
Robert Killian -- By Senator Kopp.	27
Douglas MacLean -- By Senator Shaffer.	28
Steve Richard -- By Senator Shaffer.	29
William Poteet -- By Senator Shaffer.	30
Jeff Smith -- By Senator Shaffer.	31
Eric Sullivan -- By Senator Shaffer.	32
Eric Reid -- By Senator Shaffer.	33
Scott Jones -- By Senator Shaffer.	34
Neal Oseland -- By Senator Shaffer.	35
Adam Weaver -- By Senator Shaffer.	36
Brett Sublett -- By Senator Shaffer.	37
Glenn Mengerling -- By Senator Shaffer.	38
Whitney Henderson -- By Senator Shaffer.	39
David Clark -- By Senator Shaffer.	40
Terry Nugent -- By Senator Shaffer.	41
Diana Hassel -- By Senator Shaffer.	42
Sonja Wieck -- By Senator Shaffer.	43
Manuel Sanchez -- By Senator Shaffer.	44
Max Lawler -- By Senator Shaffer.	45
Kevin Konczak -- By Senator Shaffer.	46
Ellen Hart -- By Senator Shaffer.	47
Kendra Lee -- By Senator Shaffer.	48
Kelly Lear-Kaul -- By Senator Shaffer.	49
Scott Binder -- By Senator Shaffer.	50
Teresa Rider -- By Senator Shaffer.	51
Sydney Cornell -- By Senator Shaffer.	52
Kerrie Wlad -- By Senator Shaffer.	53
Wendy Mader -- By Senator Shaffer.	54
Julie Olsen -- By Senator Shaffer.	55
Susan Langley -- By Senator Shaffer.	56
Kathy Alfino -- By Senator Shaffer.	57
Lauren Rinck -- By Senator Shaffer.	58
Erik Werner -- By Senator Shaffer.	59
Rachel Van Sloun -- By Senator Shaffer.	60
Amy Lichon -- By Senator Shaffer.	61
Sandy Cranny -- By Senator Shaffer.	62
Will Flanagan -- By Senator Shaffer.	63
Julian Rossi -- By Senator Shaffer.	64
Temple Hayles -- By Senator Shaffer.	65
Kathleen Allen -- By Senator Shaffer.	66
Diane Soucheray -- By Senator Shaffer.	67
Marc Gillotti -- By Senator Shaffer.	68
Diane Ridgway -- By Senator Shaffer.	69
Barry Sliff -- By Senator Shaffer.	70
Rob Ladewig -- By Senator Shaffer.	71
Gregory Berryman -- By Senator Shaffer.	72

David Miller -- By Senator Shaffer.	1
Paul Toner -- By Senator Shaffer.	2
Theresa Gusman -- By Senator Shaffer.	3
Pam Schuckies -- By Senator Shaffer.	4
Ottie Taulman -- By Senator Shaffer.	5
Doug Killeen -- By Senator Shaffer.	6
Richard Mayer -- By Senator Shaffer.	7
Kirk MacDonald -- By Senator Shaffer.	8
Alexandra Osias -- By Senator Shaffer.	9
Tyler Butterfield -- By Senator Shaffer.	10
Julie Dibens -- By Senator Shaffer.	11
Tricia Downing -- By Senator Shaffer.	12
Taylor Dudley -- By Senator Shaffer.	13
Kevin Koch -- By Senator Shaffer.	14
John Lloyd -- By Senator Shaffer.	15
Brock Prime -- By Senator Shaffer.	16
Brian Schaning -- By Senator Shaffer.	17
Michael Weiss -- By Senator Shaffer.	18
Chrissie Wellington -- By Senator Shaffer.	19
Samson Gideon Morales -- By Senator Hodge.	20
John Ahern -- By Senator Kopp.	21
James Dean Beatty -- By The Colorado State Senate.	22
Anne Jacobs -- By Senator Williams.	23
Joaquin Gallegos -- By Senator Williams.	24
Sarah Hernandez -- By Senator Williams.	25
Raelene Whiteshield -- By Senator Williams.	26
Madeline Anna -- By Senator Williams.	27
Ursula Running Bear -- By Senator Williams.	28
Raymond Foxworth -- By Senator Williams.	29
Amanda Campbell -- By Senator Williams.	30
Courtney Woolsey -- By Senator Williams.	31
Darryl Becenti -- By Senator Williams.	32
Kalee Voegtle -- By Senator Williams.	33
Richard Lawson Meyer -- By Senator Scheffel.	34
Lucero Avilez -- By Senator Williams.	35
Briana Demerjian -- By Senator Williams.	36
Thalia Hall -- By Senator Williams.	37
Jasmine Jefferson -- By Senator Williams.	38
Alexa Leonard -- By Senator Williams.	39
April Robinson -- By Senator Williams.	40
Amanda Saint -- By Senator Williams.	41
Shetera Sheard -- By Senator Williams.	42
Jessica Smiley -- By Senator Williams.	43
Harmonie Taylor -- By Senator Williams.	44
Brittney Toy -- By Senator Williams.	45
Kayla Wooley -- By Senator Williams.	46
Mike Bandera -- By Senator Grantham.	47

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Thursday, January 13, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

2nd Legislative Day Thursday, January 13, 2011

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

Call to Order By the President at 10:00 a.m.

Pledge By Senator Jahn.

Roll Call Present--35
Absent--0
Excused--0

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Roberts, reading of the Journal of Wednesday, January 13, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

January 13, 2011

Mr. President:

The House has adopted and transmits herewith HJR11-1003, as printed in House Journal, January 12, page 44.

Pursuant to the resolution, the Speaker has appointed Representatives B. Gardner, chairman, Barker, and Ryden.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR11-002 by Senator(s) Morse, Shaffer B., Kopp; also Representative(s) Massey, Vaad, Court, Williams A.--Concerning the officers and employees of the First Regular Session of the Sixty-eighth General Assembly.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

SR11-002by Senator(s) Morse, Shaffer B., Kopp; --Concerning the appointment of Officers and Employees for the Senate of the Sixty-eighth General Assembly.

123

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

456

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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Senate in recess.

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Swearing in of Senate StaffThe staff of the Senate of the First Regular Session of the Sixty-eighth General Assembly was sworn in by President Shaffer.

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Senate reconvened.

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INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

424344

SJR11-003by Senator(s) Shaffer B.; also Representative(s) McNulty--Concerning the appointment of members of the Colorado Commission on Uniform State Laws.

454647

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

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YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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HJR11-1003 by Representative(s) Stephens, McNulty, Pace; also Senator(s) Morse, Shaffer B., Kopp--
Concerning a joint session of the House of Representatives and the Senate for the purpose
of hearing a message from the Chief Justice of the Supreme Court, and appointing a
committee to escort the Chief Justice.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The President appointed Senators Jahn, Johnston, and Mitchell to escort the Chief Justice
to the State of the Judiciary Address.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

January 13, 2011

Mr. President:

The House has adopted and returns herewith SJR11-002, 003.

SENATE SERVICES REPORT

Correctly Printed: SB11-001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013,
014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031,
032, 033, 034, 035, 037, and 038; SJR11-001; SR11-001.
Correctly Engrossed: SJR11-001; SR11-001.
Correctly Revised: HJR11-1001 and 1002.

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-036	by Senator(s) Brophy; also Representative(s) Kerr A.--Concerning the limitation of civil liability for injuries resulting from the inherent risks of mountain bicycling. Judiciary	1	
		2	
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SB11-039	by Senator(s) Tochtrop; also Representative(s) Massey--Concerning the consequences of default in payments due for storage of personal property in a self-storage facility. Business, Labor and Technology	5	
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SB11-040	by Senator(s) Spence and Newell; also Representative(s) Summers and Todd--Concerning the requirement that a coach of an organized youth athletic activity follow concussion guidelines, and, in connection therewith, creating the "Jake Snakenberg Youth Concussion Act". Health and Human Services	9	
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<hr/>		17	
On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Friday, January 14, 2011.		18	
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Approved:		21	
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Brandon C. Shaffer		25	
President of the Senate		26	
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Attest:		28	
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Cindi Markwell		32	
Secretary of the Senate		33	

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

3rd Legislative Day Friday, January 14, 2011

Prayer By Senator Guzman.

Call to Order By the President at 10:00 a.m.

Pledge By Senator Jahn.

Roll Call Present--32
Absent--0
Excused--Hudak, Johnston, Mitchell.
Present later---Hudak, Johnston, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Roberts, reading of the Journal of Thursday, January 13, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

INTRODUCTION OF RESOLUTIONS

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

SJR11-004 by Senator(s) Hudak; also Representative(s) Summers--Concerning the inclusion of the state board of land commissioners in the department of natural resources in the oversight responsibilities of the education committees of the general assembly.
Education

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-041 by Senator(s) Kopp; --Concerning the creation of efficiencies in state executive departments.
Finance

SB11-042 by Senator(s) Guzman; also Representative(s) Pabon--Concerning presumed consent for organ and tissue donation.
Health and Human Services

SENATE SERVICES REPORT

Correctly Printed: SB11-036, 039 and 40; SJR11-002 and 003; SR11-002.
Correctly Engrossed: SJR11-002 and 003; SR11-002.
Correctly Revised: HJR11-1003.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Tuesday, January 18, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

7th Legislative Day	Tuesday, January 18, 2011
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Prayer	By the chaplain, Pastor Curtis Miller, The Worship Center of Brighton.
Call to Order	By the President at 10:00 a.m.
Pledge	By Senator King S.
Roll Call	Present--34. Excused--1, Mitchell. Present later--1, Mitchell.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Giron, reading of the Journal of Friday, January 14, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Correctly Printed: SB11-041 and 042; SJR11-004.
Correctly Enrolled: SJR11-001, 002 and 003; SR11-001 and 002.

Senate in recess.	Senate reconvened.
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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, January 19, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

8th Legislative Day

Wednesday, January 19, 2011

Prayer By Senator Lundberg.

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

Pledge By Senator King S.

Roll Call Present--32
 Absent--0
 Excused-- 3, Harvey, Lambert, Mitchell.
 Present later--2, Harvey, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal	On motion of Senator Giron, reading of the Journal of Tuesday, January 18, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.
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INTRODUCTION OF RESOLUTIONS

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

SJR11-005 by Senator(s) Roberts, Grantham, King S.; also Representative(s) Gerou--Concerning a prohibition on mandates to state and local governments without adequate funding.
State, Veterans & Military Affairs

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-043 by Senator(s) Steadman; --Concerning a requirement that pharmaceutical manufacturers develop plans for the safe disposal of sharps intended for home use.
Health and Human Services

SB11-044 by Senator(s) Steadman; --Concerning the collateral consequences of a conviction.
Judiciary

SB11-045 by Senator(s) Johnston; also Representative(s) Levy--Concerning a streamlined process for securing governmental approval for the siting of electric transmission facilities.

Agriculture and Natural Resources

SB11-046 by Senator(s) King S.; --Concerning the mandatory post-enactment review by legislative service agencies of the implementation of enacted bills.
State, Veterans & Military Affairs

SB11-047 by Senator(s) Heath; also Representative(s) Gerou and Riesberg--Concerning funding to support innovative industries, and, in connection therewith, creating the "Colorado Bioscience and Clean Technology Innovation Reinvestment Act".
Business, Labor and Technology

SB11-048	by Senator(s) King K., Brophy, Cadman, Scheffel; also Representative(s) Swalm and Joshi-- Concerning exempting psychiatric hospitals from payment of the hospital provider fee. State, Veterans & Military Affairs	1 2 3 4 5
SB11-049	by Senator(s) Williams S.; also Representative(s) Ryden--Concerning the use of restraints on persons. Judiciary	6 7 8 9
SB11-050	by Senator(s) Roberts; also Representative(s) Gerou--Concerning a requirement that a condemning authority pay fair market value for land subject to a conservation easement. Agriculture and Natural Resources	10 11 12 13
SB11-051	by Senator(s) Giron; also Representative(s) Swerdfeger--Concerning an intercept of a person's winnings for the purpose of paying an unpaid debt due to the state. Finance	14 15 16 17
SB11-052	by Senator(s) Heath, Bacon, King K.; also Representative(s) Massey, Ferrandino-- Concerning expectations for higher education institutions in Colorado. Education	18 19 20 21
SB11-053	by Senator(s) Renfroe, Harvey, Brophy, Lambert, Grantham, Kopp, Lundberg, Mitchell, Scheffel; also Representative(s) Sonnenberg, Szabo, Holbert--Concerning the governor's authority to restrict the distribution of firearms during a state of disaster emergency. State, Veterans & Military Affairs	22 23 24 25 26
SB11-054	by Senator(s) Lambert, Lundberg, Harvey, Grantham, Scheffel, Mitchell, Cadman, Kopp, Renfroe, King K., Brophy, King S., Spence; also Representative(s) Balmer, Acree, Barker, Baumgardner, Brown, Conti, Holbert, Joshi, Kerr J., Nikkel, Swalm, Waller--Concerning the authority of law enforcement officers to arrest unlawfully present aliens. State, Veterans & Military Affairs	27 28 29 30 31 32
SB11-055	by Senator(s) Lundberg, Lambert, Kopp, Renfroe; also Representative(s) Joshi, Holbert, Nikkel, Scott--Concerning notices required prior to the use of security scanning systems in the state. Judiciary	33 34 35 36 37
SB11-056	by Senator(s) Lundberg, Lambert, King K., Kopp, Renfroe; also Representative(s) Balmer, Holbert, Joshi, Scott--Concerning a use tax exemption for purchases of tangible personal property made by Colorado purchasers from out-of-state retailers that do not collect Colorado sales tax. State, Veterans & Military Affairs	38 39 40 41 42 43
SB11-057	by Senator(s) Harvey; also Representative(s) McNulty--Concerning the designation of which eligible electors residing in a metropolitan district must automatically receive mail-in ballots from the designated election official for a metropolitan district mail ballot election. State, Veterans & Military Affairs	44 45 46 47 48
SB11-058	by Senator(s) Renfroe, Harvey, Lambert, Lundberg; --Concerning a requirement that electric utilities employ least-cost planning for new resource acquisitions. State, Veterans & Military Affairs Agriculture and Natural Resources	49 50 51 52 53
SB11-059	by Senator(s) Cadman, Kopp, Brophy; --Concerning a prohibition on the expenditure of state moneys to disseminate information in the mass media that features specified elected state officials. State, Veterans & Military Affairs	54 55 56 57 58
SB11-060	by Senator(s) Boyd and White; also Representative(s) Gardner B. and Kerr A.--Concerning the alcohol content of alcohol beverages that are available for consumption on a licensed premises. Local Government and Energy	59 60 61 62 63 64 65 66 67 68 69 70 71 72

INTRODUCTION OF BILLS -- FIRST READING

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

- SB11-062** by Senator(s) Cadman; also Representative(s) Murray--Concerning the administrative duties of the office of information technology.
Business, Labor and Technology
- SB11-063** by Senator(s) Giron and Newell; --Concerning the promotion of health care accessibility by encouraging local governments to consider the health care needs of their communities in the composition of their master land use plans.
Local Government and Energy
- SB11-064** by Senator(s) Grantham; --Concerning a requirement that the appropriate local authority concur in writing in any department of transportation decision to require a property owner to pay the costs of improving a state highway before obtaining an access permit for the construction of a driveway that provides vehicular access from the property to the state highway.
Transportation
- SB11-065** by Senator(s) Harvey; also Representative(s) Kagan--Concerning the issuance of a certificate of authority to provide taxicab service.
Business, Labor and Technology
- SB11-066** by Senator(s) Jahn; --Concerning the issuance of special event permits to serve alcohol beverages.
Local Government and Energy
- SB11-067** by Senator(s) Jahn; also Representative(s) Massey--Concerning registered interior designers.
Business, Labor and Technology
- SB11-068** by Senator(s) Carroll; also Representative(s) Solano--Concerning an increase in consumer protection under the "Colorado Consumer Protection Act".
Judiciary
- SB11-069** by Senator(s) Hudak, Bacon, Guzman; --Concerning educational management organizations.
Education
- SB11-070** by Senator(s) Hudak, Bacon, Williams S.; --Concerning providing postsecondary opportunities to students with special needs.
Education
- SB11-071** by Senator(s) Mitchell; --Concerning measures to reduce energy costs for Colorado consumers.
State, Veterans & Military Affairs
- SB11-072** by Senator(s) Carroll, Bacon, Boyd, Giron, Hodge, Hudak, Morse, Steadman, Tochtrop, Aguilar, Guzman, Johnston; also Representative(s) Levy, Court, Fields, Tyler--Concerning the creation of remedies in employment discrimination cases brought under state law.
Judiciary
- SB11-073** by Senator(s) Mitchell; --Concerning the modification of policies that result in increased payments to the state.
State, Veterans & Military Affairs
- SB11-074** by Senator(s) Lambert; also Representative(s) Kerr J.--Concerning the authority for employers in certain divisions of the public employees' retirement association to make optional modifications to the contribution rates to the association.
State, Veterans & Military Affairs
- SB11-075** by Senator(s) Guzman; --Concerning the regulation of inflatable play structures as part of the current regulation of amusement rides by the division of oil and public safety in the department of labor and employment.
Business, Labor and Technology

MESSAGE FROM THE GOVERNOR

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

January 12, 2011

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

Ladies and Gentlemen:

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

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF CORRECTIONS

effective January 24, 2011, for a term expiring at the pleasure of the Governor:

Tom Clements, of Columbia, Missouri.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/18/11
Cindi Markwell, Secretary of the Senate

Committee on Judiciary

January 12, 2011

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

Ladies and Gentlemen:

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

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF PUBLIC SAFETY

effective February 1, 2011, for a term expiring at the pleasure of the Governor:

James Davis, of Westminster, Colorado.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/18/11
Cindi Markwell, Secretary of the Senate

Committee on Judiciary

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January 12, 2011

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

Ladies and Gentlemen:

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

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF LOCAL AFFAIRS

effective February 1, 2011, for a term expiring at the pleasure of the Governor:

Reeves Brown, of Grand Junction, Colorado.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd
1/18/11
Cindi Markwell, Secretary of the Senate

Committee on Local Government & Energy

January 12, 2011

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

Ladies and Gentlemen:

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

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
HEALTH CARE POLICY AND FINANCING

effective January 18, 2011, for a term expiring at the pleasure of the Governor:

Susan E. Birch, of Steamboat Springs, Colorado.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/18/11
Cindi Markwell, Secretary of the Senate

Committee on Health & Human Services

January 12, 2011

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

Ladies and Gentlemen:

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

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF HUMAN SERVICES

effective January 24, 2011, for a term expiring at the pleasure of the Governor.

Reginald L. Bicha of Janesville, Wisconsin.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/18/11
Cindi Markwell, Secretary of the Senate

Committee on Health & Human Services

January 12, 2011

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

Ladies and Gentlemen:

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

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF NATURAL RESOURCES

for a term expiring at the pleasure of the Governor:

Michael E. King, of Parker, Colorado.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/18/11
Cindi Markwell, Secretary of the Senate

Committee on Agriculture & Natural Resources

January 12, 2011

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

Ladies and Gentlemen:

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

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF REGULATORY AGENCIES

for a term expiring at the pleasure of the Governor:

Barbara J. Kelley, of Denver, Colorado.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/18/11
Cindi Markwell, Secretary of the Senate

Committee on Local Government & Energy

January 12, 2011

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

Ladies and Gentlemen:

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

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF TRANSPORTATION

effective February 14, 2011, for a term expiring at the pleasure of the Governor:

Don Hunt, of Denver, Colorado.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/18/11
Cindi Markwell, Secretary of the Senate

Committee on Transportation

January 12, 2011

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

Ladies and Gentlemen:

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

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF LABOR AND EMPLOYMENT

effective January 24, 2011, for a term expiring at the pleasure of the Governor:

Ellen Golombek, of Denver, Colorado.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/18/11
Cindi Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

January 12, 2011

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

Ladies and Gentlemen:

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

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

for a term expiring at the pleasure of the Governor:

Joseph Garcia, of Colorado Springs, Colorado.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/18/11
Cindi Markwell, Secretary of the Senate

Committee on Education

January 12, 2011

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

Ladies and Gentlemen:

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

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
MILITARY AND VETERANS AFFAIRS

for a term expiring at the pleasure of the Governor:

Howard Michael Edwards, of Parker, Colorado.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/18/11
Cindi Markwell, Secretary of the Senate

Committee on State, Veterans, & Military Affairs

January 12, 2011

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

Ladies and Gentlemen:

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

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
PERSONNEL AND ADMINISTRATION

effective January 25, 2011, for a term expiring at the pleasure of the Governor:

Kathryn Nesbitt, of Highlands Ranch, Colorado.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/18/11
Cindi Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

January 12, 2011

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:

COMMISSIONER OF AGRICULTURE

for a term expiring at the pleasure of the Governor:

John T. Salazar, of Manassa, Colorado.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/18/11
Cindi Markwell, Secretary of the Senate

Committee on Agriculture

January 12, 2011

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

Ladies and Gentlemen:

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

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
PUBLIC HEALTH AND THE ENVIRONMENT
AND CHIEF MEDICAL OFFICER

effective January 31, 2011, for a term expiring at the pleasure of the Governor:

Chris Urbina, of Denver, Colorado.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/18/11
Cindi Markwell, Secretary of the Senate

Committee on Health & Human Services

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, January 20, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

9th Legislative Day Thursday, January 20, 2011

Prayer By the chaplain, Rabbi Mitch Delcau, Congregation Temple Emanuel, Denver.

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

Pledge By Senator King S.

Roll Call Present--35
Absent--0
Excused--0

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Giron, reading of the Journal of Wednesday, January 19, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Correctly Printed: SB11-043, 044, 045 ,046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074 and 075; SJR11-005.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **SB11-020** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary After consideration on the merits, the Committee recommends that **SB11-028** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 2, strike lines 6 through 9 and substitute:

"(b) Subject to available appropriations, effective July 1, 2004, the number of judges for the first judicial district shall be twelve.

(c) Subject to available appropriations, effective July 1, 2008, the number of judges for the first judicial district shall be thirteen."

Page 2, strike lines 20 and 21 and substitute:

"(b) Subject to available appropriations, effective July 1, 2003, the number of judges for the seventh judicial district shall be four."

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, January 21, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

10th Legislative Day	Friday, January 21, 2011
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Prayer	By the chaplain, Dr. Gene Selander, Crystal Clear Ministries, Denver.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator King S.
Roll Call	Present--31 Absent--0 Excused--4, Carroll, Jahn, Mitchell, Scheffel. Present later--1, Mitchell.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Giron, reading of the Journal of Thursday, January 20, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR11-001, 002 and 003; SR11-001 and 002.

COMMITTEE OF REFERENCE REPORTS

Education	After consideration on the merits, the Committee recommends that SJR11-004 be referred to the Senate for final action.
Education	After consideration on the merits, the Committee recommends that SB11-029 be referred to the Committee of the Whole with favorable recommendation.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, January 24, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

13th Legislative Day	Monday, January 24, 2011
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Prayer	By the chaplain, Father Eustace Sequeira, St. Ignatius Loyola Catholic Church, Denver.
Call to Order	By the President at 10:00 a.m.
Pledge	By Senator Aguilar.
Roll Call	Present--32 Absent--0 Excused--3, Carroll, Kopp, Scheffel.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Grantham, reading of the Journal of Friday, January 21, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

Senate in recess.	Senate reconvened.
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MESSAGE FROM THE HOUSE

January 24, 2011

Mr. President:

The House has adopted and transmits herewith HJR11-1004, HJR11-1005, HJR11-1006 as printed in House Journal.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

HJR11-1004	by Representative(s) Todd and Waller, Kerr J., Ryden; also Senator(s) Heath, Cadman-- Concerning recognition of Military, Veterans, and MIA/POW Appreciation Day.
	Laid over one day under Senate Rule 30(e).
HJR11-1005	by Representative(s) Pace and Swerdfeger, Massey, McKinley, Vigil; also Senator(s) Giron, Grantham--Concerning the U.S.S. Pueblo.
	Laid over one day under Senate Rule 30(e).

HJR11-1006

by Representative(s) Barker and Lee, Gardner B., Joshi, Liston, Looper; also Senator(s) Morse--Concerning recognition of military personnel from Colorado who are serving in Operation Iraqi Freedom, Operation New Dawn, and Operation Enduring Freedom and honoring those who have died while serving their country in Iraq and Afghanistan.

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

INTRODUCTION OF BILLS -- FIRST READING

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

- SB11-076

by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Becker, Gerou, Ferrandino--Concerning the continuation of a temporary modification to the contribution rates for certain divisions of the public employees' retirement association.

Finance
- SB11-077

by Senator(s) Grantham; also Representative(s) Becker--Concerning the use of deadly physical force against a person who makes an illegal entry into a place of business.

State, Veterans & Military Affairs
- SB11-078

by Senator(s) Morse, Carroll, Roberts, Schwartz; also Representative(s) Gardner B., Labuda, Levy, Murray, Waller--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

Legal Services

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, January 24 was laid over until Tuesday, January 25, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB11-020, SB11-028.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, January 25, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

14th Legislative Day Tuesday, January 25, 2011

Prayer	By the chaplain, Pastor Larry Kidwell, Galilee Baptist Church, Loveland.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator Aguilar.
Roll Call	Present--33 Absent--0 Excused--2, Boyd, Kopp. Present later--2, Boyd, Kopp.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Grantham, reading of the Journal of Monday, January 24, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology	The Committee on <u>Business Labor and Technology</u> has had under consideration and has had a hearing on the following appointment and refers the appointment to the full Senate:
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EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF LABOR AND EMPLOYMENT

effective January 24, 2011, for a term expiring at the pleasure of the Governor:
Ellen Golombek, of Denver, Colorado.

Business, Labor, & Technology	The Committee on <u>Business Labor and Technology</u> has had under consideration and has had a hearing on the following appointment and refers the appointment to the full Senate:
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EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
PERSONNEL AND ADMINISTRATION

effective January 25, 2011, for a term expiring at the pleasure of the Governor:
Kathryn Nesbitt, of Highlands Ranch, Colorado.

Judiciary	After consideration on the merits, the Committee recommends that SB11-009 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.
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Amend printed bill, page 4, strike lines 2 and 3 and substitute "DISTRICT ATTORNEY OF HIS OR HER REQUEST FOR A HEARING. IF THE OWNER OR CUSTODIAN OF AN IMPOUNDED ANIMAL".

	Reletter succeeding paragraphs accordingly.	1
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	Page 4, line 19, strike "PARAGRAPHS (b) AND (d)" and substitute "PARAGRAPH (c)".	3
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	Page 6, line 15, strike "(h)" and substitute "(g)".	6
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	Page 6, line 21, strike "or" and substitute "or".	8
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	Page 6, strike line 22.	10
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	Page 7, line 4, strike "(h);" and substitute "(g);".	12
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	Page 7, line 6, strike "or" and substitute "or".	14
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	Page 7, strike line 7 and substitute "RELEASE OF AN".	16
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	Page 7, line 15, strike "(h)," and substitute "(g),".	18
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-037 be amended as follows, and as so amended, be referred to the Committee on <u>Finance</u> with favorable recommendation.	21
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	Amend printed bill, page 3, strike lines 1 and 2 and substitute "THE UNITED STATES ARMED SERVICES BETWEEN SEPTEMBER 16, 1940, AND JULY 25, 1947.".	25
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-024 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	30
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	Amend printed bill, page 4, line 3, after the period add "ANY SUCH RULES MUST ALSO ALLOW FOR FREE ADMISSION OF PERSONS ACCOMPANYING THE WOUNDED WARRIOR PROGRAM PARTICIPANT IN THE SAME VEHICLE.".	34
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Appointment	A letter of designation and appointment from Governor John Hickenlooper was read and assigned to a committee as follows:	44
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	January 12, 2011	48
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	To the Honorable	51
	Colorado Senate	52
	Colorado General Assembly	53
	State Capitol Building	54
	Denver, CO 80203	55
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	Ladies and Gentlemen:	58
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	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:	60
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EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF REGULATORY AGENCIES

for a term expiring at the pleasure of the Governor:

Barbara J. Kelley, of Denver, Colorado.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/18/11
Cindi Markwell

Committee on Business, Labor, & Technology

(Appointment originally referred to the Committee on Local Government & Energy on January 19, 2011 [see Senate Journal, p. 31], but reassigned to Committee on Business, Labor, & Technology.)

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-079 by Senator(s) Spence, King K., Renfro; also Representative(s) Massey, Holbert--
Concerning the outsourcing of noninstructional support services in school districts.
State, Veterans & Military Affairs

SENATE SERVICES REPORT

Correctly Printed: SB11-076, 077 and 078.

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

SJR11-004 by Senator(s) Hudak; also Representative(s) Summers--Concerning the inclusion of the state
board of land commissioners in the department of natural resources in the oversight
responsibilities of the education committees of the general assembly.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	E	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

HJR11-1004 by Representative(s) Todd and Waller, Kerr J., Ryden; also Senator(s) Heath, Cadman--Concerning recognition of Military, Veterans, and MIA/POW Appreciation Day.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

HJR11-1005 by Representative(s) Pace and Swerdfeger, Massey, McKinley, Vigil; also Senator(s) Giron, Grantham--Concerning the U.S.S. Pueblo.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

HJR11-1006 by Representative(s) Barker and Lee, Gardner B., Joshi, Liston, Looper; also Senator(s) Morse--Concerning recognition of military personnel from Colorado who are serving in

Operation Iraqi Freedom, Operation New Dawn, and Operation Enduring Freedom and honoring those who have died while serving their country in Iraq and Afghanistan.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, January 25 was laid over until Wednesday, January 26, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB11-020, SB11-028.
General Orders -- Second Reading of Bills: SB11-029.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, January 26, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

15th Legislative DayWednesday, January 26, 2011

Prayer By Senator Newell.

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

Pledge By Senator Aguilar.

Roll Call Present--33
Excused--2, Mitchell, Shaffer B.
Present later--2, Mitchell, Shaffer B.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Grantham, reading of the Journal of Tuesday, January 25, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

January 25, 2011

Mr. President:

The House has adopted and transmits herewith HJR11-1007, as amended as printed in House Journal, January 25.

INTRODUCTION OF RESOLUTIONS

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

HJR11-1007 by Representative(s) DelGrosso; also Senator(s) Johnston--Concerning the certification by the general assembly of its estimate of state general fund revenues and allowable state general fund appropriations for the 2011-12 fiscal year.
Finance

SENATE SERVICES REPORT

Correctly Printed: SB11-079.
Correctly Engrossed: SJR11-004.
Correctly Revised: HJR11-1004, 1005, and 1006.

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 Governor's appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Tochtrop, the following Governor's appointment was confirmed by a roll call vote:

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF LABOR AND EMPLOYMENT

effective January 24, 2011, for a term expiring at the pleasure of the Governor:

Ellen Golombek, of Denver, Colorado.

YES	21	NO	14	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

COMMITTEE OF REFERENCE REPORTS

Trans- After consideration on the merits, the Committee recommends that **SB11-003** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 2, line 6, strike "2011," and substitute "2012,".

Trans- After consideration on the merits, the Committee recommends that **SB11-014** be postponed indefinitely.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, January 26 was laid over until Thursday, January 27, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB11-020, SB11-028.
General Orders -- Second Reading of Bills: SB11-029.
Consideration of Governor's Appointments:
Executive Director of the Department of Personnel and Administration.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, January 27, 2011.

Approved:

Betty Boyd
President *pro tem* of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

16th Legislative Day Thursday, January 27, 2011

Prayer	By the chaplain, Rev. Paul Kottke, University Park United Methodist Church, Denver.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator Morse.
Roll Call	Present--31 Absent--1, Mitchell. Excused--3, Aguilar, Boyd, Shaffer B. Present later--2, Mitchell, Shaffer B.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Grantham, reading of the Journal of Wednesday, January 26, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Agriculture & Natural Resources	The Committee on <u>Agriculture and Natural Resources</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:
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COMMISSIONER OF AGRICULTURE

for a term expiring at the pleasure of the Governor:

John T. Salazar, of Manassa, Colorado.

Business, Labor, & Technology	The Committee on <u>Business Labor and Technology</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:
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EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF REGULATORY AGENCIES

for a term expiring at the pleasure of the Governor:

Barbara J. Kelley, of Denver, Colorado.

Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB11-002 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
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Health & Human Services	<p>The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:</p> <p style="text-align: center;"><u>EXECUTIVE DIRECTOR OF THE</u> <u>DEPARTMENT OF HUMAN SERVICES</u></p> <p>effective January 24, 2011, for a term expiring at the pleasure of the Governor.</p> <p>Reginald L. Bicha of Janesville, Wisconsin.</p>	1 2 3 4 5 6 7 8 9 10 11 12 13
State, Veterans, & Military Affairs	<p>After consideration on the merits, the Committee recommends that SB11-033 be postponed indefinitely.</p>	14 15 16 17 18 19
State, Veterans, & Military Affairs	<p>After consideration on the merits, the Committee recommends that SB11-018 be postponed indefinitely.</p>	20 21 22 23 24 25
Judiciary	<p>After consideration on the merits, the Committee recommends that SB11-013 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.</p> <p>Amend printed bill, page 2, after line 14 insert:</p> <p style="padding-left: 40px;">"(2) The general assembly encourages and supports the use of all forms of dispute resolution and mediation."</p> <p>Page 2, strike line 17 and substitute "ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:".</p> <p>Page 2, line 26, strike "VOLUNTARY," and substitute "VOLUNTARY PROCESS,".</p> <p>Page 3, line 1, strike "PROCESS BY" and substitute "BY A TRAINED INDIVIDUAL, THROUGH".</p> <p>Page 3, after line 12 insert:</p> <p style="padding-left: 40px;">"(94.1) "RESTORATIVE JUSTICE" MEANS THOSE PRACTICES THAT EMPHASIZE REPAIRING THE HARM TO THE VICTIM AND THE COMMUNITY CAUSED BY CRIMINAL ACTS. RESTORATIVE JUSTICE PRACTICES MAY INCLUDE VICTIM-OFFENDER CONFERENCES ATTENDED VOLUNTARILY BY THE VICTIM, A VICTIM ADVOCATE, THE OFFENDER, COMMUNITY MEMBERS, AND SUPPORTERS OF THE VICTIM OR THE OFFENDER THAT PROVIDE AN OPPORTUNITY FOR THE OFFENDER TO ACCEPT RESPONSIBILITY FOR THE HARM CAUSED TO THOSE AFFECTED BY THE CRIME AND TO PARTICIPATE IN SETTING CONSEQUENCES TO REPAIR THE HARM. CONSEQUENCES RECOMMENDED BY THE PARTICIPANTS MAY INCLUDE, BUT NEED NOT BE LIMITED TO, APOLOGIES, COMMUNITY SERVICE, RESTORATION, AND COUNSELING. THE SELECTED CONSEQUENCES ARE INCORPORATED INTO AN AGREEMENT THAT SETS TIME LIMITS FOR COMPLETION OF THE CONSEQUENCES AND IS SIGNED BY ALL PARTICIPANTS.</p> <p>SECTION 3. 13-22-307 (4), Colorado Revised Statutes, is amended to read:</p> <p>13-22-307. Confidentiality. (4) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), nothing in this section shall prevent the discovery or admissibility of any evidence that is otherwise discoverable, merely because the evidence was presented in the course of a mediation service proceeding or dispute resolution proceeding.</p> <p>(b) IN ANY CIVIL ACTION OR ARBITRATION PROCEEDING BROUGHT BY OR ON BEHALF OF A PARTY TO THE MEDIATION, ANY STATEMENT, AFFIRMATION, GESTURE, OR CONDUCT THAT EXPRESSES FAULT, APOLOGY, SYMPATHY, COMMISERATION, CONDOLENCE, COMPASSION, OR A GENERAL SENSE OF BENEVOLENCE AND THAT IS MADE BY A PARTY TO THE MEDIATION OR THE</p>	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

PARTY'S REPRESENTATIVE SHALL BE INADMISSIBLE AS EVIDENCE OF AN
ADMISSION OF LIABILITY OR AS EVIDENCE OF AN ADMISSION AGAINST INTEREST
IN THE CIVIL ACTION OR ARBITRATION PROCEEDING."

Renumber succeeding sections accordingly.

Page 4, line 1, after "resolution." insert "PRIOR TO THE DETERMINATION OF
RESPONSIBILITY IN A CASE, THE COURT SHALL NOT REFER A CASE TO A
RESTORATIVE JUSTICE OR RESTORATIVE MEDIATION PROCESS WITHOUT THE
WRITTEN, INFORMED CONSENT OF ALL PARTIES."

Page 4, line 7, strike "relief" and substitute "relief,".

Page 4, line 8, strike "and" and substitute "and", and strike "successful." and
substitute "successful, OR THE COURT HAS REFERRED THE CASE TO A
RESTORATIVE JUSTICE OR RESTORATIVE MEDIATION PROCESS AND ANY PARTY
IS UNWILLING TO PARTICIPATE IN THE PROCESS."

Page 4, after line 19 insert:

"SECTION 6. Part 3 of article 22 of title 13 is amended BY THE
ADDITION OF A NEW SECTION to read:

**13-22-314. Participation in restorative justice and restorative
mediation.** PARTICIPATION IN A RESTORATIVE JUSTICE OR RESTORATIVE
MEDIATION PROCESS SHALL BE VOLUNTARY. IF, PRIOR TO A DETERMINATION OF
RESPONSIBILITY IN A CASE, THE COURT REFERS THE CASE TO A RESTORATIVE
JUSTICE OR RESTORATIVE MEDIATION PROCESS, THE PROCESS SHALL NOT TAKE
PLACE WITHOUT THE WRITTEN, INFORMED CONSENT OF ALL PARTIES. IF A PARTY
IS REPRESENTED BY AN ATTORNEY, PRIOR TO GIVING WRITTEN CONSENT, THE
PARTY SHALL BE GIVEN THE OPPORTUNITY TO DISCUSS WITH HIS OR HER
ATTORNEY WHETHER IT IS ADVISABLE FOR THE PARTY TO PARTICIPATE IN A
RESTORATIVE JUSTICE OR RESTORATIVE MEDIATION PROCESS."

Renumber succeeding section accordingly.

Finance After consideration on the merits, the Committee recommends that **HJR11-1007** be
referred to the Senate for final action.

MESSAGE FROM THE HOUSE

January 26, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB11-1011, 1009, 1018.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB11-1015, amended as printed in House Journal, January 25, page 95.
HB11-1023, amended as printed in House Journal, January 25, page 95.
HB11-1006, amended as printed in House Journal, January 25, pages 95-96.
HB11-1022, amended as printed in House Journal, January 25, page 96.

MESSAGE FROM THE REVISOR OF STATUTES

January 26, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, HB11-1009, 1011, and 1018.
Without comment, as amended, HB11-1006, 1015, 1022, and 1023.

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-080 by Senator(s) Hudak, Bacon, Giron, Guzman, Morse, Newell, Nicholson, Steadman; also
Representative(s) Todd, Lee--Concerning expanding strategies for school turnaround plans.
Education

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, January 26 was laid over
until Friday, January 27, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB11-020, SB11-028.
General Orders -- Second Reading of Bills: SB11-029, SB11-009, SB11-024.
Consideration of Governor's Appointments:
Executive Director of the Department of Personnel and Administration.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, January 28,
2011.

Approved:

Bob Bacon
Senior Senator

Attest:

Cindi Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

17th Legislative Day Friday, January 28, 2011

Prayer By the chaplain, Pastor Charles Johnson, Heart of Worship Ministries, Colorado Springs.

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

Pledge By Senator Morse.

Roll Call Present--33
Excused--2, Aguilar, Boyd.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Grantham, reading of the Journal of Thursday, January 27, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

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

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF NATURAL RESOURCES

for a term expiring at the pleasure of the Governor:
Michael E. King, of Parker, Colorado.

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

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF CORRECTIONS

effective January 24, 2011, for a term expiring at the pleasure of the Governor:
Tom Clements, of Columbia, Missouri.

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

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF PUBLIC SAFETY

effective February 1, 2011, for a term expiring at the pleasure of the Governor:
James Davis, of Westminster, Colorado.

Agriculture & Natural Resources After consideration on the merits, the Committee recommends that **SB11-021** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

SENATE SERVICES REPORT

Correctly Printed: SB11-080.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB11-061** by Senator(s) Spence; also Representative(s) Ferrandino--Concerning the process for appeals under the "Exceptional Children's Education Act".
Education
- SB11-081** by Senator(s) White, Jahn, Roberts, Spence; also Representative(s) McCann--Concerning the voluntary contribution designation benefiting the 9Health Fair fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.
Finance
- SB11-082** by Senator(s) King S., Carroll, Renfroe, Tochtrop; also Representative(s) Acree, Gardner D., Kerr J., Miklosi--Concerning the authority of the state auditor to conduct audits of security systems used for information technology operated by the state.
Finance
- HB11-1006** by Representative(s) Coram; also Senator(s) Schwartz--Concerning the composition of a regional tourism authority governing board when the board will be comprised of more than two local governmental entities that are counties.
Agriculture and Natural Resources
- HB11-1009** by Representative(s) Waller; also Senator(s) Newell--Concerning interstate compacts for adult criminal supervision.
Judiciary
- HB11-1011** by Representative(s) Peniston; also Senator(s) Giron--Concerning the participation of additional individuals in a proceeding pending before the board of assessment appeals.
Local Government and Energy
- HB11-1015** by Representative(s) Jones; also Senator(s) Tochtrop--Concerning the licensure of certified public accountants.
Business, Labor and Technology
- HB11-1018** by Representative(s) Tyler; also Senator(s) King S.--Concerning electronically transmitted court documents.
Judiciary
- HB11-1022** by Representative(s) Scott, Massey, Holbert, Joshi, McNulty; also Senator(s) Morse, Harvey, Grantham, Steadman--Concerning the exemption from laws regulating mortgage loan originators of certain persons providing seller financing for the sale of a limited number of residential properties.
Business, Labor and Technology

HB11-1023 by Representative(s) Ferrandino; also Senator(s) Carroll--Concerning the continuation of the foreclosure deferment program.
Business, Labor and Technology

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR11-007 by Senator(s) Newell, Aguilar, Bacon, Carroll, Foster, Morse, Schwartz, Roberts, Boyd, Giron, Guzman, Hodge, Jahn, Johnston, King S., Kopp, Nicholson, Renfroe, Steadman, Tochtrop, Williams S.; also Representative(s) McCann, Summers, Liston, Acree, Kerr J., Solano--Concerning measures to improve the efficiency of Colorado state government.

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

SJR11-006 by Senator(s) King K.; also Representative(s) Massey--Concerning recognition of School Choice Week in Colorado.

On motion of Senator King K., the resolution was read at length.

Amendment No. 1(L.001), by Senator King K.

Amend printed resolution, page 2, line 7, strike "2010," and substitute "2011,".

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	E	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	E	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator King K., the resolution was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	E	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	E	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Lambert and Spence.

Senate in recess. Senate reconvened.

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

GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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:

SB11-020
by Senator(s) Morse; --Concerning the authorization of certain employees of the department of law as peace officers.

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

SB11-028
by Senator(s) Schwartz; also Representative(s) Coram--Concerning the number of judges in certain judicial districts.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, January 20, page 49, and placed in members' bill files.)

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	E	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	E	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-020, SB11-028 as amended.

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

SB11-029
by Senator(s) Hudak; also Representative(s) Summers--Concerning certain annual reports of the state board of land commissioners.

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

SB11-024
by Senator(s) King K.; also Representative(s) Looper--Concerning free state parks admission for veterans, and, in connection therewith, establishing free admission on a specified day each year for veterans and free state parks admission for members of the United States armed services wounded warrior programs who have sustained severe combat-related injuries while serving in post-September 11, 2001, overseas contingency operations.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, January 25, page 56, and placed in members' bill files.)

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

SB11-009 by Senator(s) Steadman, Guzman; also Representative(s) Fischer, Gardner B.--Concerning procedural requirements for payment of costs related to impounded animals.

Laid over until Friday, February 4, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	E	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	E	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-029, SB11-024 as amended.
Laid over until Friday, February 4: SB11-009.

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, January 28 was laid over until Monday, January 31, retaining its place on the calendar.

Consideration of Governor's Appointments:
Executive Director of the Department of Personnel and Administration

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., January 31, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

20th Legislative DayMonday, January 31, 2011

Prayer By the chaplain, Father Eustace Sequeira, St. Ignatius Loyola Catholic Church, Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Senator White.

Roll Call Present--34
Excused--1, Williams S.
Present later--1, Williams S.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Nicholson, reading of the Journal of Friday, January 28, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

January 28, 2011

Mr. President:

The House has adopted and returns herewith SJR11-006.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HJR-1001, 1002, 1003, 1004, 1005, 1006.

SENATE SERVICES REPORT

Correctly Printed: SB11-061, 081 and 082; SJR11-006 and 007.
Correctly Engrossed: SB11-020, 024, 028 and 029; SJR11-006.
Correctly Enrolled: SJR11-006.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB11-083

by Senator(s) Roberts; --Concerning provisions relating to the Colorado probate code.
Judiciary

SB11-084

by Senator(s) Boyd; also Representative(s) Summers--Concerning the employment of
physicians at long-term care facilities.
Health and Human Services

SB11-085

by Senator(s) Shaffer B.; also Representative(s) McCann--Concerning a diversion program
for persons who commit prostitution-related offenses.
Judiciary

SB11-086

by Senator(s) Foster, King K., Nicholson; also Representative(s) Murray--Concerning
periods governing the appeal by taxpayers in tax disputes with local governments in
connection with the imposition of sales or use tax by such governments.
Local Government and Energy

SB11-087

by Senator(s) Boyd; --Concerning authority for the public utilities commission to create an
exemption from tiered electricity rate plans based on a customer's medical condition.
Health and Human Services

SB11-088

by Senator(s) Carroll and Lundberg, Boyd, Mitchell; also Representative(s) Acree--
Concerning the regulation of direct-entry midwives, and, in connection therewith,
implementing the sunset review recommendations of the department of regulatory agencies.
Health and Human Services

SB11-089

by Senator(s) Jahn, Brophy, Giron, Guzman, Johnston, King K., Scheffel; also
Representative(s) Beezley--Concerning the continuation of the authority of the executive
director of the department of revenue to issue written responses upon the request of a
taxpayer.
Finance

SB11-090

by Senator(s) Schwartz, Giron, Guzman; also Representative(s) Baumgardner--Concerning
the continuation of the issuance of permits for weather modification operations, and, in
connection therewith, implementing the sunset review recommendations of the department
of regulatory agencies.
Agriculture and Natural Resources

SB11-091

by Senator(s) Brophy, Guzman, Jahn; also Representative(s) McKinley--Concerning
continuation of the state board of veterinary medicine, and, in connection therewith,
implementing the recommendations contained in the sunset review of the board and its
functions.
Agriculture and Natural Resources

SB11-092

by Senator(s) Giron, Schwartz; also Representative(s) Hamner--Concerning the continuation
of vessel regulation by the division of parks and outdoor recreation, and, in connection
therewith, implementing the sunset review recommendations of the department of
regulatory agencies.
Agriculture and Natural Resources

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

- SJR11-008

by Senator(s) Schwartz; also Representative(s) Todd--Concerning the designation of
January 31, 2011, as "Colorado 4-H Day".

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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:

SB11-029 by Senator(s) Hudak; also Representative(s) Summers--Concerning certain annual reports of the state board of land commissioners.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Carroll, Guzman, Heath, King K., Newell, Nicholson, Spence, Steadman and Williams S.

SB11-024 by Senator(s) King K.; also Representative(s) Looper--Concerning free state parks admission for veterans, and, in connection therewith, establishing free admission on a specified day each year for veterans and free state parks admission for members of the United States armed services wounded warrior programs who have sustained severe combat-related injuries while serving in post-September 11, 2001, overseas contingency operations.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Heath, Hodge, Jahn, Johnston, King S., Kopp, Lambert, Lundberg, Mitchell, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

CONSIDERATION OF RESOLUTIONS

HJR11-1007 by Representative(s) DelGrosso; also Senator(s) Johnston--Concerning the certification by the general assembly of its estimate of state general fund revenues and allowable state general fund appropriations for the 2011-12 fiscal year.

Amendment No. 1(L.015), by Senator Morse.

Amend engrossed joint resolution, page 3, after line 6 insert:

"WHEREAS, If actual revenues exceed the revenue estimate of \$7,093.3 million, those revenues shall be appropriated to restore funding for kindergarten through twelfth grade public schools; and".

Page 3, line 19, strike "\$6,898.2" and substitute "\$7,093.3".

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

YES	20	NO	15	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

Amendment No. 2(L.017), by Senator Harvey.

Amend engrossed joint resolution, page 3, after line 6 insert:

"WHEREAS, If actual revenues exceed the revenue estimate of \$7,093.3 million, those revenues shall be appropriated to restore funding for medicaid programs; and".

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

YES	1	NO	34	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	N	Scheffel	N
Bacon	N	Harvey	N	Lambert	N	Schwartz	N
Boyd	N	Heath	N	Lundberg	N	Spence	N
Brophy	N	Hodge	N	Mitchell	N	Steadman	N
Cadman	N	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	N
Foster	N	Johnston	Y	Nicholson	N	Williams S.	N
Giron	N	King K.	N	Renfroe	N	President	N
Grantham	N	King S.	N	Roberts	N		

Amendment No. 3(L.018), by Senator Harvey.

Amend engrossed joint resolution, page 3, after line 6 insert:

"WHEREAS, If actual revenues exceed the revenue estimate of \$7,093.3 million, those revenues shall be appropriated to restore funding for transportation projects; and".

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

YES	1	NO	34	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	N	Scheffel	N
Bacon	N	Harvey	N	Lambert	N	Schwartz	N
Boyd	N	Heath	N	Lundberg	N	Spence	N
Brophy	Y	Hodge	N	Mitchell	N	Steadman	N
Cadman	N	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	N
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	N	Renfroe	N	President	N
Grantham	N	King S.	N	Roberts	N		

Amendment No. 4(L.019), by Senator Harvey.

Amend engrossed joint resolution, page 3, after line 6 insert:

"WHEREAS, If actual revenues exceed the revenue estimate of \$7,093.3 million, those revenues shall be appropriated to restore funding for higher education; and".

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

YES	0	NO	35	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	N	Scheffel	N
Bacon	N	Harvey	N	Lambert	N	Schwartz	N
Boyd	N	Heath	N	Lundberg	N	Spence	N
Brophy	N	Hodge	N	Mitchell	N	Steadman	N
Cadman	N	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	N
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	N	Renfroe	N	President	N
Grantham	N	King S.	N	Roberts	N		

On motion of Senator Johnston, the resolution, as amended, was **adopted** by the following roll call vote:

YES	20	NO	15	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

SJR11-007 by Senator(s) Newell, Aguilar, Bacon, Carroll, Foster, Morse, Schwartz, Roberts, Boyd, Giron, Guzman, Hodge, Jahn, Johnston, King S., Kopp, Nicholson, Renfroe, Steadman, Tochtrop, Williams S.; also Representative(s) McCann, Summers, Liston, Acree, Kerr J., Solano--Concerning measures to improve the efficiency of Colorado state government.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Grantham, Heath, Hudak, Lambert, Shaffer B. and White.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Boyd, the following Governor's appointment was confirmed by a roll call vote:

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF HUMAN SERVICES

effective January 24, 2011, for a term expiring at the pleasure of the Governor.

Reginald L. Bicha of Janesville, Wisconsin.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

MESSAGE FROM THE HOUSE

January 31, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1001, 1021, 1035, 1019, 1040, 1017, 1060.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1041, amended as printed in House Journal, January 28, page 110.
HB11-1077, amended as printed in House Journal, January 28, page 111.

The House has adopted and returns herewith SJR11-008.

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, January 31 was laid over until Tuesday, February 1, retaining its place on the calendar.

Third Reading of Bills -- Final Passage -- Consent Calendar: SB11-020, SB11-028.
General Orders -- Second Reading of Bills -- Consent Calendar: SB11-002.
General Orders -- Second Reading of Bills: SB11-013.
Consideration of Governor's Appointments:
 Executive Director of the Department of Personnel and Administration
 Commissioner of Agriculture
 Executive Director of the Department of Regulatory Agencies

Senate in recess. Senate reconvened.

MESSAGE FROM THE REVISOR OF STATUTES

January 31, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, HB11-1001, 1017, 1019, 1021, 1035, 1040, and 1060.
Without comment, as amended, HB11-1041 and 1077.

INTRODUCTION OF RESOLUTIONS

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

SJR11-009 by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Gerou, Becker,
Ferrandino--Concerning the declaration of a state fiscal emergency pursuant to section 21
(7) of article X of the state constitution.
Finance

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-093 by Senator(s) King S., Giron, Newell, Nicholson; also Representative(s) Joshi--Concerning
the continuation of the interagency task force on drunk driving.
Judiciary

SB11-094 by Senator(s) Boyd, Aguilar, Carroll, Foster, Newell, White; also Representative(s)
Summers--Concerning the continuation of the state board of optometric examiners, and, in
connection therewith, implementing the sunset review recommendations of the department
of regulatory agencies.
Health and Human Services

SB11-095 by Senator(s) Grantham, Renfroe, Mitchell, Scheffel, Spence, Harvey, Lundberg, Cadman,
Brophy, King S.; also Representative(s) Conti, Holbert, Joshi, Kerr J., Scott--Concerning
surface transportation funding.
State, Veterans & Military Affairs

SB11-096 by Senator(s) Steadman, Bacon, Carroll, Giron, Guzman, Hodge, Hudak, Jahn, King K.,
King S., Mitchell, Morse, Newell, Nicholson, Roberts; also Representative(s) McCann,
DelGrosso, Ferrandino, Levy, Nikkel--Concerning excluding a class 6 felony drug
possession conviction as a qualifying offense for the habitual criminal statute.

	Judiciary	1
		2
SB11-097	by Senator(s) Lambert, Cadman, Grantham, Harvey, Lundberg, Renfroe; also Representative(s) Holbert, Joshi, Kerr J., Scott--Concerning the option for a governmental entity to post a public notice on its official web site in lieu of publishing the notice in a newspaper when certain conditions are met.	3
	State, Veterans & Military Affairs	4
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		8
SB11-098	by Senator(s) King S.; --Concerning the phase-out of the property tax on business personal property.	9
	State, Veterans & Military Affairs	10
		11
		12
SB11-099	by Senator(s) Brophy; also Representative(s) Sonnenberg--Concerning an exemption for certain vehicles from equipment rules that apply to commercial vehicles.	13
	Transportation	14
		15
		16
SB11-100	by Senator(s) Hudak and King K.; also Representative(s) Murray--Concerning continuation of the council of higher education representatives.	17
	Education	18
		19
		20
SB11-101	by Senator(s) Spence, Bacon, Heath, Johnston, King K.; also Representative(s) Swalm--Concerning the continuation of the fixed tuition and fee rate program.	21
	Education	22
		23
		24
SB11-102	by Senator(s) Williams S., King S., Foster, Guzman, Jahn, Morse, Newell, Nicholson, White; also Representative(s) Todd, Murray, Brown, Fields, Looper, Peniston, Ramirez, Schafer S., Solano, Stephens--Concerning the voluntary contribution designation benefiting the Families in Action for Mental Health fund that appears on the state individual income tax return forms.	25
	Finance	26
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		29
		30
		31
SB11-103	by Senator(s) Lundberg and Foster, Carroll, Newell, Roberts, White; also Representative(s) Scott--Concerning the repeal of the benefit design advisory committee.	32
	Health and Human Services	33
		34
		35
SB11-104	by Senator(s) Roberts, Nicholson; also Representative(s) Holbert--Concerning the repeal of the community accountability program advisory board.	36
	Judiciary	37
		38
		39
SB11-105	by Senator(s) Guzman, Aguilar, Boyd, Carroll, Foster, Lundberg, Newell, Roberts; also Representative(s) Levy--Concerning in-home support services, and, in connection therewith, extending the in-home support services program.	40
	Health and Human Services	41
		42
		43
		44
SB11-106	by Senator(s) Spence, Bacon, Heath, Hudak, Johnston, King K.; also Representative(s) Ferrandino--Concerning the repeal of the science and technology education center grants advisory board.	45
	Education	46
		47
		48
		49
SB11-107	by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident.	50
	Judiciary	51
		52
		53
SB11-108	by Senator(s) Jahn, Aguilar, Harvey, Mitchell, Tochtrop, White, Williams S.; also Representative(s) Szabo--Concerning the repeal of the "Identity Theft and Financial Fraud Deterrence Act".	54
	Finance	55
		56
		57
		58
SB11-109	by Senator(s) Shaffer B.; also Representative(s) Solano--Concerning the creation of a voluntary contribution designation benefiting the public education fund to appear on the state individual income tax return forms.	59
	Education	60
		61
		62
		63
SB11-110	by Senator(s) Nicholson; also Representative(s) Coram--Concerning a requirement that certain boards of county commissioners develop an open burning permit system for the purpose of safely disposing of slash.	64
	Local Government and Energy	65
		66
		67
		68
SB11-111	by Senator(s) King K., Heath, Johnston, Nicholson, Renfroe, Spence; also Representative(s) Massey--Concerning creation of a task force to address the provision of educational services to support students' academic success.	69
	Education	70
		71
		72

SB11-112	by Senator(s) Cadman, Brophy, King K., Lundberg, Renfroe, Scheffel, Spence; -- Concerning a prohibition against collective bargaining by government entities. State, Veterans & Military Affairs	1 2 3 4
SB11-113	by Senator(s) King S.; --Concerning the imposition of limitations on actions taken by a public utility with respect to environmental laws. State, Veterans & Military Affairs	5 6 7 8
SB11-114	by Senator(s) Foster and Mitchell, Carroll, Newell; also Representative(s) Duran-- Concerning the continuation of the electronic prescription drug monitoring program. Health and Human Services	9 10 11 12
SB11-115	by Senator(s) Carroll; also Representative(s) Miklosi--Concerning the authority of the state auditor to audit state governmental entities. Finance	13 14 15 16
SB11-116	by Senator(s) Mitchell; also Representative(s) Kerr A.--Concerning business fiscal impact statements. State, Veterans & Military Affairs	17 18 19 20
SB11-117	by Senator(s) Mitchell; --Concerning limitations on restrictions by governmental bodies on specified private activities. Local Government and Energy	21 22 23 24
SB11-118	by Senator(s) Scheffel; --Concerning an additional review of rules promulgated pursuant to the "State Administrative Procedure Act" by committees of reference of the general assembly. State, Veterans & Military Affairs	25 26 27 28 29
SB11-119	by Senator(s) Guzman; --Concerning procedures governing the appeal of a valuation of income-producing commercial real property. Local Government and Energy	30 31 32 33
SB11-120	by Senator(s) Newell, Bacon, Foster, Giron, Guzman, Hudak, Jahn, Johnston, Morse, Nicholson, Schwartz, Shaffer B., Steadman, Williams S.; also Representative(s) Kefalas, Ferrandino, Kagan--Concerning rights of certain children in foster care, and, in connection therewith, establishing rights for children in foster care except for those in the custody of the division of youth corrections or a state mental hospital. Health and Human Services	34 35 36 37 38 39 40
SB11-121	by Senator(s) Lundberg, Cadman, Renfroe, Lambert, Kopp, Scheffel; also Representative(s) Joshi, Holbert--Concerning the allocation of the state share of severance tax revenues. State, Veterans & Military Affairs	41 42 43 44
SB11-122	by Senator(s) Lundberg; also Representative(s) DelGrosso--Concerning the requirements for redemption of a junior lien in foreclosure proceedings. Judiciary	45 46 47 48
SB11-123	by Senator(s) Foster; also Representative(s) Summers--Concerning technical changes to child support procedures. Judiciary	49 50 51 52
SB11-124	by Senator(s) Hodge, Lambert, Steadman; also Representative(s) Gerou, Ferrandino-- Concerning the transfer of unspent county TANF reserves to a county. Finance	53 54 55 56
SB11-125	by Senator(s) White, Guzman, Jahn, Tochtrop; also Representative(s) Sonnenberg, Pace-- Concerning medicaid nursing facility provider fees, and, in connection therewith, increasing the cap on the medicaid nursing facility provider fee and changing the priority of uses for supplemental payments from the medicaid nursing facility cash fund. Health and Human Services	57 58 59 60 61 62
SB11-126	by Senator(s) Giron and Johnston, Bacon, Foster, Guzman, Heath, Hodge, Morse, Nicholson, Shaffer B., Steadman, Williams S.; also Representative(s) Miklosi and Williams A., Duran, Fields, Hullinghorst, Levy, Pabon, Solano--Concerning classification as an unsubsidized in-state student for tuition purposes at state institutions of higher education. Education	63 64 65 66 67 68
SB11-127	by Senator(s) Renfroe; --Concerning a requirement that certain employees of employers that are members of the public employees' retirement association join a new defined contribution plan to be created by the association. State, Veterans & Military Affairs	69 70 71 72

SB11-128	by Senator(s) Newell, Bacon, Foster, Guzman, Hudak, Jahn, Johnston, Nicholson, Schwartz, Shaffer B., Steadman, Williams S.; also Representative(s) McCann and Summers, Acree, Court, Duran, Lee, Pabon, Ryden--Concerning requiring a carrier that participates in the individual health insurance market in Colorado to issue child-only plans on a guaranteed-issue basis. Health and Human Services	1 2 3 4 5 6 7
SB11-129	by Senator(s) Harvey; --Concerning the verification of the work eligibility status of new employees through the federal electronic verification program. State, Veterans & Military Affairs	8 9 10 11
SB11-130	by Senator(s) Johnston; also Representative(s) Kerr A.--Concerning an increase in the transparency of a building's energy performance. Agriculture and Natural Resources	12 13 14 15
SB11-131	by Senator(s) Williams S., Heath, Schwartz; also Representative(s) Solano--Concerning the creation of a smart energy grid in Colorado, and, in connection therewith, implementing the recommendations of the Colorado smart grid task force. Agriculture and Natural Resources	16 17 18 19 20
HB11-1001	by Representative(s) Gardner B.; also Senator(s) Morse--Concerning the enactment of Colorado Revised Statutes 2010 as the positive and statutory law of the state of Colorado. Judiciary	21 22 23 24
HB11-1017	by Representative(s) Duran; also Senator(s) Steadman--Concerning the manner in which a member of an advisory committee of the board of directors of the Auraria higher education center is replaced. Education	25 26 27 28 29
HB11-1019	by Representative(s) Kagan; also Senator(s) Boyd--Concerning the waiver of copayments and deductibles by school-based health centers. Health and Human Services	30 31 32 33
HB11-1021	by Representative(s) Todd; also Senator(s) Steadman, Cadman--Concerning the fiscal year of the Colorado channel authority. Local Government and Energy	34 35 36 37
HB11-1035	by Representative(s) Court; also Senator(s) Carroll--Concerning an informative statement to be included in the ballot information booklet preceding each measure that is to appear on the ballot. State, Veterans & Military Affairs	38 39 40 41 42
HB11-1040	by Representative(s) Brown; also Senator(s) Tochtrop--Concerning an increase in the length of terms served by members of the state conservation board. Agriculture and Natural Resources	43 44 45 46
HB11-1041	by Representative(s) Riesberg, Gardner B., McCann, Swalm; also Senator(s) Harvey--Concerning the Colorado insurance guaranty association. Judiciary	47 48 49 50
HB11-1060	by Representative(s) Todd, Acree, Hamner, Massey, Murray, Peniston, Priola, Riesberg, Schafer S., Solano, Summers; also Senator(s) Renfroe, Bacon, Heath, Hudak, King K., Kopp, Spence--Concerning term lengths for the governor appointments to the board of trustees of the university of northern Colorado. Education	51 52 53 54 55 56
HB11-1077	by Representative(s) Peniston, Massey, Hamner, Murray, Ramirez, Schafer S., Solano, Summers, Todd; also Senator(s) Spence--Concerning the "Exceptional Children's Educational Act" as it refers to gifted children. Education	57 58 59 60 61 62 63

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, February 1, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

21st Legislative Day	Tuesday, February 1, 2011
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SENATE CLOSED DUE TO INCLEMENT WEATHER

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

22nd Legislative DayWednesday, February 2, 2011

Prayer By the chaplain, Reverend Vern Rempel, First Mennonite Church, Denver.

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

Pledge By Senator White.

Roll Call Present--34
Excused--1, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Nicholson, reading of the Journal of Monday, January 31, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

February 1, 2011

Mr. President:

The House has voted not to concur in the Senate amendments to HJR11-1007 and requests that a conference committee be appointed. The Speaker has appointed Representatives DelGrosso, chairman, Gerou, and Ferrandino as House conferees on the First Conference Committee on HJR11-1007. The bill is transmitted herewith.

SENATE SERVICES REPORT

Correctly Printed: SB11-083, 084, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 096, 097, 098, 099, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130 and 131; SJR11-008 and 009.

Correctly Engrossed: SJR11-007 and 008.

Correctly Reengrossed: SB11-024 and 029.

Correctly Revised: HJR11-1007.

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-132 by Senator(s) King K., Johnston; also Representative(s) Casso--Concerning the financing of capital construction for charter schools.
State, Veterans & Military Affairs

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:

SB11-020 by Senator(s) Morse; also Representative(s) Stephens--Concerning the authorization of certain employees of the department of law as peace officers.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: King S.

SB11-028 by Senator(s) Schwartz; also Representative(s) Coram--Concerning the number of judges in certain judicial districts.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: King S. and Williams S.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Johnston, Chair, Morse, and Brophy as Senate conferees on the first conference committee on **HJR11-1007**.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, February 2 was laid over until Thursday, February 3, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB11-002, SB11-021.
General Orders -- Second Reading of Bills: SB11-013.

Consideration of Governor's Appointments:
Executive Director of the Department of Personnel and Administration
Commissioner of Agriculture
Executive Director of the Department of Regulatory Agencies
Executive Director of the Department of Natural Resources
Executive Director of the Department of Corrections
Executive Director of the Department of Public Safety

COMMITTEE OF REFERENCE REPORTS

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB11-062** 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 printed bill, page 3, line 20, strike "(3) (b), (3) (h)," and substitute "(3) (h)".

Page 3, strike lines 24 through 26.

Page 4, line 3, strike "Initiate, EXECUTE," and substitute "Initiate".

Page 4, line 5, strike "contract, INCLUDING PRICE AGREEMENTS," and substitute "contract".

Page 5, line 14, strike "legislative," and substitute "~~legislative~~".

Page 5, line 15, strike "executive," and substitute "executive".

Page 5, line 17, strike "education." and substitute "education".

Page 5, line 18, strike "~~education~~." and substitute "~~education~~ OR THE GENERAL ASSEMBLY".

Page 8, after line 17, insert:

"SECTION 10. Part 4 of article 37.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-37.5-404.7. General assembly - information security plans.
(1) THE GENERAL ASSEMBLY SHALL DEVELOP AN INFORMATION SECURITY PLAN. THE INFORMATION SECURITY PLAN SHALL PROVIDE INFORMATION SECURITY FOR THE COMMUNICATION AND INFORMATION RESOURCES THAT SUPPORT THE OPERATIONS AND ASSETS OF THE GENERAL ASSEMBLY.
(2) THE INFORMATION SECURITY PLAN SHALL INCLUDE:
(a) PERIODIC ASSESSMENTS OF THE RISK AND MAGNITUDE OF THE HARM THAT COULD RESULT FROM A SECURITY INCIDENT;
(b) A PROCESS FOR PROVIDING ADEQUATE INFORMATION SECURITY FOR THE COMMUNICATION AND INFORMATION RESOURCES OF THE GENERAL ASSEMBLY;
(c) INFORMATION SECURITY AWARENESS TRAINING FOR REGULAR EMPLOYEES OF THE GENERAL ASSEMBLY;
(d) PERIODIC TESTING AND EVALUATION OF THE EFFECTIVENESS OF INFORMATION SECURITY FOR THE GENERAL ASSEMBLY, WHICH SHALL BE PERFORMED NOT LESS THAN ANNUALLY;
(e) A PROCESS FOR DETECTING, REPORTING, AND RESPONDING TO SECURITY INCIDENTS CONSISTENT WITH THE INFORMATION SECURITY POLICY OF THE GENERAL ASSEMBLY. THE GENERAL ASSEMBLY AND THE

Page 92	Senate Journal-22nd Day-February 2, 2011	
	CHIEF INFORMATION SECURITY OFFICER SHALL ESTABLISH THE TERMS AND CONDITIONS BY WHICH THE GENERAL ASSEMBLY SHALL REPORT INFORMATION SECURITY INCIDENTS TO THE CHIEF INFORMATION SECURITY OFFICER.	1
	(f) PLANS AND PROCEDURES TO ENSURE THE CONTINUITY OF OPERATIONS FOR INFORMATION RESOURCES THAT SUPPORT THE OPERATIONS AND ASSETS OF THE GENERAL ASSEMBLY IN THE EVENT OF A SECURITY INCIDENT.	2
	(3) ON OR BEFORE JULY 15 OF EACH YEAR, THE DIRECTOR OF LEGISLATIVE INFORMATION SERVICES FOR THE GENERAL ASSEMBLY SHALL SUBMIT THE INFORMATION SECURITY PLAN DEVELOPED PURSUANT TO THIS SECTION TO THE LEGISLATIVE SERVICE AGENCY DIRECTORS OF THE GENERAL ASSEMBLY FOR REVIEW AND COMMENT. THE LEGISLATIVE SERVICE AGENCY DIRECTORS SHALL SUBMIT SUCH PLAN TO THE CHIEF INFORMATION SECURITY OFFICER.	3
	(4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THE GENERAL ASSEMBLY TO ADOPT POLICIES OR STANDARDS THAT CONFLICT WITH FEDERAL LAW, RULES, OR REGULATIONS OR WITH CONTRACTUAL ARRANGEMENTS GOVERNED BY FEDERAL LAWS, RULES, OR REGULATIONS.	4
	(5) THE GENERAL ASSEMBLY SHALL PROVIDE REGULARIZED SECURITY AWARENESS TRAINING TO INFORM THE REGULAR LEGISLATIVE EMPLOYEES, ADMINISTRATORS, AND USERS ABOUT THE INFORMATION SECURITY RISKS AND THE RESPONSIBILITY OF EMPLOYEES, ADMINISTRATORS, AND USERS TO COMPLY WITH THE GENERAL ASSEMBLY'S INFORMATION SECURITY PLAN AND THE POLICIES, STANDARDS, AND PROCEDURES DESIGNED TO REDUCE THOSE RISKS."	5
	Renumber succeeding sections accordingly.	6
	Page 10, strike lines 10 through 12 and substitute:	7
	"(b) THE FUND BALANCE OF THE TELECOMMUNICATIONS REVOLVING FUND EFFECTIVE THE DAY PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH (b) SHALL BE TRANSFERRED TO THE INFORMATION TECHNOLOGY".	8
	Page 10, strike lines 15 through 18 and substitute:	9
	"(2) The chief information officer shall establish a policy of remaining competitive with private industry with regard to the cost, timeliness, and quality of the telephone service or data communication functions provided by the office. Agencies interested in purchasing ".	10
	Page 12, strike lines 9 through 11 and substitute:	11
	"(b) THE FUND BALANCE OF THE COMPUTER SERVICES REVOLVING FUND EFFECTIVE THE DAY PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH (b) SHALL BE TRANSFERRED TO THE INFORMATION TECHNOLOGY".	12
	Page 12, strike lines 14 through 17 and substitute:	13
	(3) The chief information officer shall establish a policy of remaining competitive with the service provided by private industry with regard to the cost, timeliness, and quality of that service provided by the office. Agencies are encouraged to seek competitive bids from the ".	14
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB11-010 be referred to the Committee of the Whole with favorable recommendation.	15
Judiciary	After consideration on the merits, the Committee recommends that SB11-036 be postponed indefinitely.	16

Judiciary

After consideration on the merits, the Committee recommends that **SB11-007** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 6, strike "~~in the county in which~~" and substitute "in the county in which".

Page 2, strike line 7 and substitute "the offender was released from incarceration for commission of the".

Page 2, line 8, strike "~~offense requiring registration~~" and substitute "offense requiring registration,".

Page 2, strike line 9 and substitute "resides, IN THE COUNTY IN WHICH THE OFFENDER WAS ORIGINALLY CONVICTED OF THE OFFENSE REQUIRING REGISTRATION, IN THE COUNTY IN WHICH THE OFFENDER COMPLETED HIS OR HER LAST REGISTRATION, or in the county in which the offender is apprehended. THE DISTRICT ATTORNEY MAY ONLY CONDUCT THE TRIAL IN THE COUNTY IN WHICH THE OFFENDER WAS RELEASED FROM INCARCERATION FOR COMMISSION OF THE OFFENSE REQUIRING REGISTRATION AS THE VENUE OF LAST RESORT.".

Judiciary

After consideration on the merits, the Committee recommends that **SB11-016** 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 17, strike "11-____," and substitute "11-016,".

Page 5, line 20, strike "11-____," and substitute "11-016,".

TRIBUTES

Honoring:

- National Board Certified Teachers -- By Senator Hudak and Representative Todd.
- Ft. Lewis College Centenary -- By Senator Roberts and Representatives Brown and Coram.
- Eagle Scout Eric Swiontek -- By Senator Renfro.
- Aaron Hildreth, White House Intern -- By Senator Shaffer.
- Leitner Poma’s 30th Anniversary in Grand Junction -- By Senator S. King.
- Team Mzuri, Deer Creek Middle School -- By Senator Kopp.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, February 3, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

23rd Legislative Day Thursday, February 3, 2011

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 White.
Roll Call	Present--31 Absent--2, Heath, Mitchell. Excused--2, Renfro, Spence. Present later--3, Heath, Mitchell, Spence.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Nicholson, reading of the Journal of Wednesday, February 2, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Correctly Printed: SB11-132.
Correctly Reengrossed: SB11-020 and 028.
Correctly Enrolled: SJR11-008.

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-133 by Senator(s) Hudak and Newell, Foster, Giron, Steadman, Bacon, Jahn, King K.; also Representative(s) Nikkel, Ferrandino, Gardner B., Kagan, Levy, Waller, Solano-- Concerning a study of disciplinary actions taken in public schools. Judiciary

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR11-010 by Senator(s) Williams S.; also Representative(s) Todd--Concerning the designation of February 4, 2011, as "National Wear Red Day".

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

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Tochtrop, the following Governor's appointment was confirmed by a roll call vote:

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF REGULATORY AGENCIES

for a term expiring at the pleasure of the Governor:

Barbara J. Kelley, of Denver, Colorado.

YES	33	NO	0	EXCUSED	1	ABSENT	1
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	A	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Schwartz, the following Governor's appointment was confirmed by a roll call vote:

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF NATURAL RESOURCES

for a term expiring at the pleasure of the Governor:

Michael E. King, of Parker, Colorado.

YES	33	NO	0	EXCUSED	1	ABSENT	1
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	A	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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, February 3 was laid over until Friday, February 4, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: SB11-002, SB11-021.
- General Orders -- Second Reading of Bills: SB11-013.
- Consideration of Governor's Appointments:
- Executive Director of the Department of Personnel and Administration
- Commissioner of Agriculture
- Executive Director of the Department of Corrections
- Executive Director of the Department of Public Safety
- Conference Committees to Report: HJR11-1007.

MESSAGE FROM THE HOUSE

February 3, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1050.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1044, amended as printed in House Journal, February 2, pages 133-134.
HB11-1102, amended as printed in House Journal, February 2, page 134.
HB11-1028, amended as printed in House Journal, February 2, pages 134-135.
HB11-1037, amended as printed in House Journal, February 2, page 135.
HB11-1016, amended as printed in House Journal, February 2, page 135.

The House voted to adhere to its position on HJR11-1007.

The House has adopted and transmits herewith HJR11-1008, as printed in House Journal, February 2.

MESSAGE FROM THE REVISOR OF STATUTES

February 3, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, HB11-1050.
Without comment, as amended, HB11-1016, 1028, 1037, 1044, and 1102.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR11-006 and 008.

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the Committee recommends that **SB11-055** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, line 12, after "AREA" insert "OF A BRIEF DESCRIPTION".

Page 4, line 19, strike "USED;" and substitute "USED AND THE STORAGE PROTOCOLS FOR ANY IMAGE GENERATED;".

Judiciary	After consideration on the merits, the Committee recommends that HB11-1009 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 5 6
Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed: <u>EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING</u> effective January 18, 2011, for a term expiring at the pleasure of the Governor: Susan E. Birch, of Steamboat Springs, Colorado.	7 8 9 10 11 12 13 14 15 16 17 18 19
Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed: <u>EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND THE ENVIRONMENT AND CHIEF MEDICAL OFFICER</u> effective January 31, 2011, for a term expiring at the pleasure of the Governor: Chris Urbina, of Denver, Colorado.	20 21 22 23 24 25 26 27 28 29 30 31 32 33
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-046 be postponed indefinitely.	34 35 36 37 38 39
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-053 be postponed indefinitely.	40 41 42 43 44 45
Finance	After consideration on the merits, the Committee recommends that SB11-076 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	46 47 48 49 50
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB11-039 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend printed bill, page 3, strike lines 24 and 25 and substitute "Revised Statutes, are amended to read:". Page 4, strike lines 16 through 19 and substitute: "(d) (I) EXCEPT WHERE VERIFIED MAIL IS REQUIRED, any notice made pursuant to this section shall be IS presumed delivered when it is EITHER: (A) Deposited with the United States postal service and properly addressed with postage prepaid; OR (B) SENT BY ELECTRONIC MAIL TO THE LAST-KNOWN E-MAIL ADDRESS PROVIDED BY THE INTENDED RECIPIENT AND RESPONDED TO FROM THE SAME E-MAIL ADDRESS. (II) IF THE OWNER SENDS NOTICE OF A PENDING SALE OF PROPERTY	51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69

TO THE OCCUPANT'S LAST-KNOWN E-MAIL ADDRESS AND DOES NOT
RECEIVE A RESPONSE FROM THE SAME E-MAIL ADDRESS, THE OWNER MUST
SEND NOTICE OF THE SALE TO THE OCCUPANT BY VERIFIED MAIL TO THE
OCCUPANT'S LAST-KNOWN POSTAL ADDRESS BEFORE PROCEEDING WITH
THE SALE."

Page 4, strike lines 20 through 27 and substitute:

"(e) (H) After the expiration of the time given in the notice, THE
OWNER SHALL ADVERTISE THE SALE OF THE PERSONAL PROPERTY EITHER
BY:

(I) Publishing an advertisement of the sale ~~or other disposition~~
~~shall be published~~ once a week for two consecutive weeks in a
~~newspaper of general circulation~~ PERIODICAL THAT CIRCULATES WEEKLY
OR MORE FREQUENTLY in the county where the self-service storage
facility is located; OR

(II) ~~The advertisement shall include:~~ ADVERTISING THE SALE IN
ANY OTHER COMMERCIALY REASONABLE MANNER. THE MANNER OF
ADVERTISEMENT IS DEEMED COMMERCIALY REASONABLE IF AT LEAST
THREE INDEPENDENT BIDDERS ATTEND THE SALE AT THE TIME AND PLACE
ADVERTISED."

Page 5, strike line 1.

Page 5, line 11, strike "(H)" and substitute "(H) (III)".

Page 5, line 15, after the period add "AS USED IN THIS PARAGRAPH (e),
"INDEPENDENT BIDDER" MEANS A BIDDER WHO IS NOT RELATED TO AND
WHO HAS NO CONTROLLING INTEREST IN, OR COMMON PECUNIARY
INTEREST WITH, THE OWNER OR ANY OTHER BIDDER."

Page 5, line 25, strike "CARRIER;" and substitute "CARRIER HOLDING
CURRENT AND VALID OPERATING AUTHORITY FROM THE COLORADO
PUBLIC UTILITIES COMMISSION;"

Page 6, strike lines 17 through 20.

Local After consideration on the merits, the Committee recommends that **SB11-066** be referred
Government to the Committee on Appropriations with favorable recommendation.
and Energy

INTRODUCTION OF RESOLUTIONS

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

HJR11-1008 by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning approval of water
project revolving fund eligibility lists administered by the Colorado water resources and
power development authority.
Agriculture and Natural Resources

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-134 by Senator(s) Kopp; also Representative(s) Murray and Vigil--Concerning the addition of
certain drugs to the statutory list of schedule I controlled substances.
Judiciary

HB11-1016	by Representative(s) Summers; also Senator(s) Boyd--Concerning prohibitions against furnishing tobacco products to minors. Health and Human Services	1 2 3 4
HB11-1028	by Representative(s) Liston, Bradford, Levy, Massey, McCann, Murray, Peniston, Schafer S., Todd; also Senator(s) Johnston and Newell--Concerning the voluntary contribution designation benefiting the Alzheimer's Association fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation. Finance	5 6 7 8 9 10 11
HB11-1037	by Representative(s) Ryden and Fields; also Senator(s) Carroll--Concerning the voluntary contribution designation benefiting the military family relief fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation. Finance	12 13 14 15 16 17
HB11-1044	by Representative(s) Holbert; also Senator(s) Renfroe--Concerning the procedure for the review of a proposal to regulate an unregulated profession or occupation. Judiciary	18 19 20 21
HB11-1050	by Representative(s) Soper; also Senator(s) Tochtrop--Concerning boiler inspection regulation by the division of oil and public safety. Business, Labor and Technology	22 23 24 25
HB11-1102	by Representative(s) Summers; also Senator(s) Newell--Concerning portability of fingerprint-based criminal history records checks for employees of separately licensed child care facilities owned by a single parent entity. Judiciary	26 27 28 29 30 31 32 33
<hr/>		
On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, February 4, 2011.		34 35 36
Approved:		37 38 39 40
Brandon C. Shaffer President of the Senate		41 42 43
Attest:		44 45 46 47
Cindi Markwell Secretary of the Senate		48 49

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

24th Legislative Day Friday, February 4, 2011

- Prayer By Senator Foster.
- Call to Order By the President at 9:00 a.m.
- Musical Presentation By Equally Delinquent barbershop quartet, Maury Kramer, Steve Schwartzkoph, Dan Kafka, and Chris Garcia.
- Pledge By Senator White.
- Roll Call Present--32
Excused--3, Renfroe, Spence, Williams.
Present later--2, Spence, Williams.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Nicholson, reading of the Journal of Thursday, February 3, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

CONSIDERATION OF RESOLUTIONS

SJR11-010 by Senator(s) Williams S.; also Representative(s) Todd--Concerning the designation of February 4, 2011, as "National Wear Red Day".

On motion of Senator Williams S., the resolution was read at length and **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Roberts, Scheffel, Schwartz, Shaffer B., Steadman, Tochtrop and White.

SENATE SERVICES REPORT

Correctly Printed: SB11-133 and 134; SJR11-010.

COMMITTEE OF REFERENCE REPORTS

EducationAfter consideration on the merits, the Committee recommends that **SB11-012** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute:

"**SECTION 1.** 22-1-119.5 (2) (a) and (3), Colorado Revised Statutes, are amended to read:

22-1-119.5. Asthma, food allergy, and anaphylaxis health management - self-administered medication. (2) (a) A student with asthma, a food allergy, other severe allergies, or a related, life-threatening condition may possess and self-administer medication to treat the student's asthma, food or other allergy, anaphylaxis, or other related, life-threatening condition if the student has a treatment plan approved pursuant to this subsection (2) OR THE STUDENT'S SCHOOL DISTRICT BOARD OF EDUCATION HAS ADOPTED A POLICY FOR STUDENT POSSESSION AND ADMINISTRATION OF PRESCRIPTION MEDICATION PURSUANT TO SECTION 22-1-119.3.

(3) A student with a treatment plan approved pursuant to subsection (2) of this section OR WHOSE SCHOOL DISTRICT BOARD OF EDUCATION HAS ADOPTED A POLICY FOR STUDENT POSSESSION AND ADMINISTRATION OF PRESCRIPTION MEDICATION PURSUANT TO SECTION 22-1-119.3 may possess and self-administer his or her medication while in school, while at school-sponsored activities, and while in transit to or from school or school-sponsored activities.

SECTION 2. Article 1 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-1-119.3. Policy for student possession and administration of prescription medication - rules. (1) A SCHOOL DISTRICT BOARD OF EDUCATION MAY ADOPT AND IMPLEMENT A POLICY WHEREBY, EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, A STUDENT ENROLLED IN A SCHOOL OF THE SCHOOL DISTRICT MAY POSSESS AND SELF-ADMINISTER ON SCHOOL GROUNDS, UPON A SCHOOL BUS, OR AT ANY SCHOOL-SPONSORED EVENT ANY MEDICATION THAT IS PRESCRIBED BY A PHYSICIAN TO BE USED BY THE STUDENT.

(2) A PARENT OR LEGAL GUARDIAN OF A STUDENT WHO IS ENROLLED IN A SCHOOL OF A SCHOOL DISTRICT AND FOR WHOM MEDICATION IS PRESCRIBED BY A PHYSICIAN SHALL NOTIFY THE SCHOOL'S ADMINISTRATION OF THE STUDENT'S MEDICAL NEEDS AND OF THE FACT THAT THE STUDENT MAY BE IN POSSESSION OF HIS OR HER PRESCRIBED MEDICATIONS AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE NOTIFICATION, WHEN APPROPRIATE, SHALL INCLUDE THE TREATMENT PLAN THAT HAS BEEN DEVISED FOR THE STUDENT BY A LICENSED HEALTH CARE PRACTITIONER.

(3) (a) A SCHOOL DISTRICT BOARD OF EDUCATION MAY ADOPT AND IMPLEMENT A POLICY THAT RESTRICTS A STUDENT FROM POSSESSING AND SELF-ADMINISTERING ON SCHOOL GROUNDS, UPON A SCHOOL BUS, OR AT A SCHOOL-SPONSORED EVENT A MEDICATION THAT IS PRESCRIBED BY A PHYSICIAN TO BE USED BY THE STUDENT. If a SCHOOL DISTRICT BOARD OF EDUCATION ADOPTS SUCH A POLICY, THE POLICY SHALL:

(I) REQUIRE THE SCHOOL DISTRICT BOARD OF EDUCATION TO MAKE A DETERMINATION AS TO WHETHER A STUDENT'S POSSESSION OR SELF-ADMINISTRATION OF A PRESCRIPTION MEDICATION POSES A SIGNIFICANT RISK OF HARM TO THE STUDENT OR TO OTHER STUDENTS, WHICH RISK OF HARM OUTWEIGHS THE RISK POSED TO THE STUDENT BY THE ENFORCEMENT OF THE POLICY; AND

(II) ENSURE THAT IF A STUDENT HAS MEDICATION PRESCRIBED FOR A LIFE-THREATENING CONDITION, A SUFFICIENT SUPPLY OF THE MEDICATION IS PROVIDED TO THE SCHOOL BY THE STUDENT'S PARENT OR LEGAL GUARDIAN, STORED SAFELY AT THE SCHOOL, AND KEPT READILY AVAILABLE TO BE ADMINISTERED TO THE STUDENT IN A TIMELY FASHION IN THE EVENT OF A HEALTH EMERGENCY.

(b) A STUDENT ATTENDING A SCHOOL-SPONSORED EVENT MAY POSSESS ONLY ENOUGH OF HIS OR HER PRESCRIBED MEDICINE TO RENDER A SUFFICIENT DOSAGE TO THE STUDENT TO ADEQUATELY TREAT THE STUDENT'S CONDITION FOR THE LENGTH OF THE ENTIRE EVENT.

(c) A STUDENT SHALL NOT POSSESS OR SELF-ADMINISTER MEDICAL MARIJUANA ON SCHOOL GROUNDS, UPON A SCHOOL BUS, OR AT ANY SCHOOL-SPONSORED EVENT.

(4) THE STATE BOARD OF EDUCATION MAY PROMULGATE RULES FOR THE IMPLEMENTATION OF THIS SECTION.

SECTION 3. 22-2-135 (3) (c), Colorado Revised Statutes, is amended to read:

22-2-135. Food allergy and anaphylaxis management - rules.

(3) (c) The notice required by paragraph (b) of this subsection (3) shall include language that encourages parents and legal guardians of students for whom medication has been prescribed for treatment of a food allergy or anaphylaxis to give to the school nurse or other administrator of the student's school a supply of the medication. ~~unless the student has an approved treatment plan pursuant to section 22-1-119.5 that authorizes the student to self-administer the medication.~~

SECTION 4. 22-30.5-518 (2) (b), Colorado Revised Statutes, is amended to read:

22-30.5-518. Institute charter school food allergy and anaphylaxis management policy required. (2) (b) The notice required by paragraph (a) of this subsection (2) shall include language that encourages parents and legal guardians of students for whom medication has been prescribed for treatment of a food allergy or anaphylaxis to give to the school nurse or other administrator of the student's school a supply of the medication. ~~unless the student has an approved treatment plan pursuant to section 22-1-119.5 that authorizes the student to self-administer the medication.~~

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Appropriations

After consideration on the merits, the Committee recommends that **SB11-076** be referred to the Committee of the Whole with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that **SB11-051** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 5, line 20, after "(e)" insert "(I)".

Page 5, strike lines 21 through 25 and substitute:

"THE CONTRARY, IF, IN ADDITION TO OWING AN OUTSTANDING DEBT, A LOTTERY WINNER OWES EITHER RESTITUTION AS DESCRIBED IN SECTION 24-35-212.5 OR A CHILD SUPPORT DEBT OR ARREARAGES OR CHILD SUPPORT COSTS AS DESCRIBED IN THIS SUBSECTION (5), ANY LOTTERY WINNINGS OFFSET AGAINST SUCH RESTITUTION OR CHILD SUPPORT DEBT OR ARREARAGES OR CHILD SUPPORT COSTS SHALL TAKE PRIORITY AND BE APPLIED FIRST. IF, IN SUCH INSTANCE, THE LOTTERY WINNER OWES BOTH TYPES OF DEBTS, BOTH OFFSETS SHALL TAKE PRIORITY AND THE PROVISIONS OF SECTION 24-35-212.5 (3) SHALL APPLY.

(II) THE REMAINING LOTTERY WINNING MONEYS, IF ANY, AFTER THE OFFSETS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e) SHALL BE APPLIED TOWARD THE PAYMENT OF OUTSTANDING DEBT AND PROCESSED IN ACCORDANCE WITH THIS SECTION."

Finance

After consideration on the merits, the Committee recommends that **SB11-041** be referred to the Legislative Council Committee with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that **SB11-003** be referred to the Committee on Appropriations with favorable recommendation.

Page 104	Senate Journal-24th Day-February 4, 2011	
Finance	After consideration on the merits, the Committee recommends that SB11-037 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	1 2 3 4
Health & Human Services	After consideration on the merits, the Committee recommends that SB11-006 be postponed indefinitely.	5 6 7 8 9
Health & Human Services	After consideration on the merits, the Committee recommends that SB11-019 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	10 11 12 13 14
	Amend printed bill, strike everything below the enacting clause and substitute:	15 16 17
	" SECTION 1. 10-16-105.2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:	18 19
	10-16-105.2. Small employer health insurance availability program. (1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A SMALL EMPLOYER THAT DOES NOT HAVE, AND HAS NOT HAD IN THE PREVIOUS TWELVE MONTHS, A SMALL GROUP HEALTH BENEFIT PLAN PROVIDING COVERAGE TO ITS EMPLOYEES UNDER THIS ARTICLE MAY REIMBURSE AN EMPLOYEE, WHETHER THROUGH WAGE ADJUSTMENTS OR HEALTH REIMBURSEMENT ARRANGEMENTS, FOR ANY PORTION OF THE PREMIUM FOR A HEALTH COVERAGE PLAN.	20 21 22 23 24 25 26 27
	SECTION 2. Effective date - applicability. This act shall take effect upon passage and shall apply to payments or reimbursements to employees of small employers for the costs of health insurance premiums on or after said date.	28 29 30 31
	SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."	32 33 34 35 36
Health & Human Services	After consideration on the merits, the Committee recommends that SB11-034 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	37 38 39 40 41
	Amend printed bill, page 2, after line 9 insert:	42 43
	" SECTION 2. 19-1-307 (2) (e.5) (I) (L) and (2) (e.5) (I) (M), Colorado Revised Statutes, are amended, and the said 19-1-307 (2) (e.5) (I) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:	44 45 46 47
	19-1-307. Dependency and neglect records and information - access - fee - rules - records and reports fund - misuse of information - penalty. (2) Records and reports - access to certain persons - agencies. Except as otherwise provided in section 19-1-303, only the following persons or agencies shall be given access to child abuse or neglect records and reports:	48 49 50 51 52 53
	(e.5) (I) A mandatory reporter specified in this subparagraph (I) who is and continues to be officially and professionally involved in the ongoing care of the child who was the subject of the report, but only with regard to information that the mandatory reporter has a need to know in order to fulfill his or her professional and official role in maintaining the child's safety. A county department may request written affirmation from a mandatory reporter stating that the reporter continues to be officially and professionally involved in the ongoing care of the child who was the subject of the report and describing the nature of the involvement. This subparagraph (I) shall apply to:	54 55 56 57 58 59 60 61 62 63
	(L) Victim's advocates, as defined in section 13-90-107 (1) (k) (II), C.R.S.; and	64 65
	(M) Clergy members, as defined in section 19-3-304 (2) (aa) (III);	66
	AND	67
	(N) EDUCATORS PROVIDING SERVICES THROUGH A FEDERAL SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND	68 69

CHILDREN, AS PROVIDED FOR IN 42 U.S.C. SEC. 1786."

Page 2, strike lines 10 through 14 and substitute:

"**SECTION 3. Effective date.** This act shall take effect January 1, 2012.

SECTION 4. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor."

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB11-043** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 6, strike "**exceptions.**" and substitute "**exceptions - consultation with interested parties.**"

Page 2, line 11, after "SHARPS," insert "AND ANY MANUFACTURER OF HYPODERMIC NEEDLES, PEN NEEDLES, INTRAVENOUS NEEDLES, AND OTHER SIMILAR DEVICES THAT SELLS OR DISTRIBUTES SUCH DEVICES IN THE STATE,".

Page 2, line 21, strike "THE HOME PAGE OF".

Page 3, line 7, strike "IDENTIFICATION" and substitute "FOR A PHARMACEUTICAL MANUFACTURER, IDENTIFICATION".

Page 4, strike lines 2 and 3.

Page 4, line 4, strike "(4)" and substitute "(3)".

Page 4, line 5, before "MANUFACTURER" insert "OR DEVICE".

Page 4, line 10, strike "MEDICATIONS," and substitute "MEDICATIONS OR ITS DEVICES,".

Page 4, after line 14 insert:

"(4) THE GENERAL ASSEMBLY HEREBY AUTHORIZES AND ENCOURAGES THE DEPARTMENT TO CONVENE A TASK FORCE OR WORKING GROUP, OR OTHERWISE CONSULT WITH PERSONS WHO ARE INTERESTED IN OR AFFECTED BY HOME-GENERATED SHARPS PLANS, FOR THE PURPOSE OF EVALUATING THE EFFECTIVENESS OF THIS SECTION. ANY SUCH CONSULTATION OR EVALUATION MUST BE DONE WITHIN EXISTING APPROPRIATIONS."

State,
Veterans, &
Military
Affairs

The Committee on State, Veterans, and Military Affairs has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
MILITARY AND VETERANS AFFAIRS

for a term expiring at the pleasure of the Governor:

Howard Michael Edwards, of Parker, Colorado.

Agriculture and Natural Resources
After consideration on the merits, the Committee recommends that **SB11-017** be postponed indefinitely.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB11-076** was made Special Orders at 9:30 a.m.

Committee of the Whole
The hour of 9:30 a.m. having arrived, Senator Johnston moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Johnston was called to the Chair to act as Chairman.

SPECIAL 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:

SB11-076
by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Becker, Gerou, Ferrandino--Concerning the continuation of a temporary modification to the contribution rates for certain divisions of the public employees' retirement association.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-076.

SENATE ADHERE ON HJR11-1007

HJR11-1007
by Representative(s) DelGrosso; also Senator(s) Johnston--Concerning the certification by the general assembly of its estimate of state general fund revenues and allowable state general fund appropriations for the 2011-12 fiscal year.

Senator Johnston moved that the conference committee on **HJR11-1007** be dissolved, that the Senate conferees be discharged, and that the Senate adhere to its position. The motion was **adopted** by the following roll call vote:

YES	21	NO	13	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	E	President	Y
Grantham	N	King S.	N	Roberts	N		

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Schwartz, the following Governor's appointment was confirmed by a roll call vote:

COMMISSIONER OF AGRICULTURE

for a term expiring at the pleasure of the Governor:

John T. Salazar, of Manassa, Colorado.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

MESSAGE FROM THE HOUSE

February 4, 2011

Mr. President:

The House has adopted and transmits herewith HJR11-1009, as printed in House Journal.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Carroll, the following Governor's appointments was confirmed by a roll call vote:

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY

effective February 1, 2011, for a term expiring at the pleasure of the Governor:

James Davis, of Westminster, Colorado.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR11-1009 by Representative(s) Holbert, Beezley; also Senator(s) Harvey and Grantham--Concerning the recognition of February 6, 2011, as "Ronald Reagan Day" in Colorado.

On motion of Senator Harvey, the resolution was read at length and was adopted by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	E	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Heath, Hodge, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Roberts, Scheffel, Shaffer B., Spence, Tochtrop, White and Williams S.

MESSAGE FROM THE HOUSE

February 4, 2011
Mr. President:

The House has adopted and returns herewith SJR11-010.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1051.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1089, amended as printed in House Journal, February 3, page 146.
HB11-1113, amended as printed in House Journal, February 3, page 147.

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, February 4 was laid over until Monday, February 7, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB11-002, SB11-021, SB11-062.
General Orders -- Second Reading of Bills: SB11-013, SB11-009, SB11-010, SB11-007, SB11-016.
Consideration of Governor's Appointments:
Executive Director of the Department of Personnel and Administration
Executive Director of the Department of Corrections

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, February 7, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

27th Legislative Day Monday, February 7, 2011

Prayer By the chaplain, Father Eustace Sequeira, St. Ignatius Loyola Catholic Church, Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Senator Guzman.

Roll Call Present--32
Absent--1, Williams S.
Excused--2, King K., Spence.
Present later--3, King K., Spence, Williams S.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Lambert, reading of the Journal of Friday, February 4, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE REVISOR OF STATUTES

February 4, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, HB11-1051.
Without comment, as amended, HB11-1089 and 1113.

SENATE SERVICES REPORT

Correctly Engrossed: SB11-076; SJR11-010.
Correctly Revised: HJR11-1009.

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB11-076 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Becker, Gerou, Ferrandino--Concerning the continuation of a temporary modification to the contribution rates for certain divisions of the public employees' retirement association.

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

YES	32	NO	0	EXCUSED	2	ABSENT	1
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	A
Giron	Y	King K.	E	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills -- Consent Calendar (SB11-002, SB11-021, SB11-062, HB11-1009) of Monday, February 7 was laid over until Tuesday, February 8, 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 following bills were laid over until Friday, February 11, retaining their place on the calendar: SB11-009, SB11-007, SB11-016, SB11-055.

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 (SB11-013, SB11-010, SB11-039) of Monday, February 7, was laid over until Tuesday, February 8, retaining its place on the calendar.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Boyd, the following Governor's appointment was confirmed by a roll call vote:

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
PUBLIC HEALTH AND THE ENVIRONMENT
AND CHIEF MEDICAL OFFICER

effective January 31, 2011, for a term expiring at the pleasure of the Governor:

Chris Urbina, of Denver, Colorado.

YES	24	NO	9	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	E
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	E	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

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, February 7, was laid over until Tuesday, February 8, retaining its place on the calendar.

Consideration of Governor's Appointments:
Executive Director of the Department of Personnel and Administration
Executive Director of the Department of Corrections
Executive Director of the Department of Health Care Policy and Financing

Senate in recess. Senate reconvened.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB11-135** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of agriculture. Appropriations
- SB11-136** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of corrections. Appropriations
- SB11-137** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of education. Appropriations
- SB11-138** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting. Appropriations
- SB11-139** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of health care policy and financing. Appropriations
- SB11-140** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of higher education. Appropriations
- SB11-141** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of human services. Appropriations
- SB11-142** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the judicial department. Appropriations
- SB11-143** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of labor and employment. Appropriations
- SB11-144** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of law. Appropriations
- SB11-145** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning supplemental appropriation to the department of local affairs. Appropriations
- SB11-146** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of military and veterans affairs. Appropriations
- SB11-147** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of natural

	resources.	1
	Appropriations	2
		3
SB11-148	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of personnel and administration.	4
	Appropriations	5
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SB11-149	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of public health and environment.	9
	Appropriations	10
		11
		12
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SB11-150	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of public safety.	14
	Appropriations	15
		16
		17
SB11-151	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of regulatory agencies.	18
	Appropriations	19
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		22
SB11-152	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of revenue.	23
	Appropriations	24
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		26
SB11-153	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of state.	27
	Appropriations	28
		29
		30
SB11-154	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of the treasury.	31
	Appropriations	32
		33
		34
SB11-155	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning funding for capital construction, and making supplemental appropriations in connection therewith.	35
	Appropriations	36
		37
		38
		39
SB11-156	by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Becker, Gerou, Ferrandino--Concerning a reduction in the amount of the general fund reserve required for the 2010-11 state fiscal year.	40
	Appropriations	41
		42
		43
		44
SB11-157	by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning modifications to the "Public School Finance Act of 1994", and making an appropriation in connection therewith.	45
	Appropriations	46
		47
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		49
SB11-158	by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the read-to-achieve program.	50
	Appropriations	51
		52
		53
SB11-159	by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning the distribution of fifty percent of the balance remaining in the limited gaming fund that is allocated to the state general fund or such other fund as the general assembly provides as specified in section 9 (5) (b) (II) of article XVIII of the state constitution.	54
	Appropriations	55
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		57
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SB11-160	by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a clarification regarding the amount of performance-based incentives available for issuance by the Colorado office of film, television, and media.	61
	Appropriations	62
		63
		64
		65
SB11-161	by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Becker, Gerou, Ferrandino--Concerning the creation of a cash fund for fees collected in connection with the department of public health and environment's laboratories.	66
	Appropriations	67
		68
		69
		70
SB11-162	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning the suspension of the payment of cigarette tax rebates to local	71
		72

governments, and, in connection therewith, modifying appropriations made to the taxation business group in the 2010-11 fiscal year general appropriation bill.
Appropriations

SB11-163 by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Gerou, Becker, Ferrandino--Concerning the repeal of the alternative fuels rebate program.
Appropriations

SB11-164 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the augmentation of the general fund through transfers of certain moneys.
Appropriations

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, February 8, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

28th Legislative Day Tuesday, February 8, 2011

Prayer By the chaplain, Rabbi Eliot J. Baskin, Jewish Family Services of Colorado, Denver.

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

Pledge By Senator Guzman.

Roll Call Present--26
Excused--9, Boyd, Carroll, Johnston, King S., Mitchell, Nicholson, Renfroe, Tochtrop, Williams S.
Present later--9, Boyd, Carroll, Johnston, King S., Mitchell, Nicholson, Renfroe, Tochtrop, Williams S.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Lambert, reading of the Journal of Monday, February 7, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Heath, the following Governor's appointment was confirmed by a roll call vote:

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
MILITARY AND VETERANS AFFAIRS

for a term expiring at the pleasure of the Governor:
Howard Michael Edwards, of Parker, Colorado.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Tochtrop, the following Governor's appointment was confirmed by a roll call vote:

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
PERSONNEL AND ADMINISTRATION

effective January 25, 2011, for a term expiring at the pleasure of the Governor:
Kathryn Nesbitt, of Highlands Ranch, Colorado.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, February 8 was laid over until Wednesday, February 9, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB11-002, SB11-021, SB11-062, HB11-1009.
General Orders -- Second Reading of Bills: SB11-013, SB11-010, SB11-039, SB11-012, SB11-019, SB11-034, SB11-043.
Consideration of Governor's Appointments:
Executive Director of the Department of Corrections
Executive Director of the Department of Health Care Policy and Financing

COMMITTEE OF REFERENCE REPORTS

- State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB11-038** be postponed indefinitely.
- State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SJR11-005** be referred to the Senate for final action.
- State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB11-035** be postponed indefinitely.
- Judiciary

After consideration on the merits, the Committee recommends that **HB11-1001** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
- Judiciary

After consideration on the merits, the Committee recommends that **SB11-004** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. 18-9-121 (1), the introductory portion to 18-9-121 (2), and 18-9-121 (5), Colorado Revised Statutes, are amended to read:
18-9-121. Bias-motivated crimes. (1) The general assembly hereby finds and declares that it is the right of every person, regardless of race, color, ancestry, religion, national origin, physical or mental disability, HOMELESS STATUS, or sexual orientation to be secure and

protected from fear, intimidation, harassment, and physical harm caused by the activities of individuals and groups. The general assembly further finds that the advocacy of unlawful acts against persons or groups because of a person's or group's race, color, ancestry, religion, national origin, physical or mental disability, HOMELESS STATUS, or sexual orientation for the purpose of inciting and provoking bodily injury or damage to property poses a threat to public order and safety and should be subject to criminal sanctions.

(2) A person commits a bias-motivated crime if, with the intent to intimidate or harass another person because of that person's actual or perceived race, color, religion, ancestry, national origin, physical or mental disability, HOMELESS STATUS, or sexual orientation, he or she:

(5) For purposes of this section:

(a) "HOMELESS STATUS" MEANS A PERSON WHO:

(I) LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE; OR

(II) HAS A PRIMARY NIGHTTIME RESIDENCE THAT IS:

(A) A SUPERVISED PUBLICLY OR PRIVATELY OPERATED SHELTER DESIGNED TO PROVIDE TEMPORARY LIVING ACCOMMODATIONS; OR

(B) A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR, OR ORDINARILY USED AS, A REGULAR SLEEPING ACCOMMODATION FOR HUMAN BEINGS.

~~(a)~~ (b) "Physical or mental disability" refers to a disability as used in the definition of the term "person with a disability" in section 18-6.5-102 (3).

~~(b)~~ (c) "Sexual orientation" means a person's actual or perceived orientation toward heterosexuality, homosexuality, bisexuality, or transgender status.

SECTION 2. Article 18 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-18-108. Appropriation to comply with section 2-2-703 - SB 11-004 - repeal. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT SENATE BILL 11-004, ENACTED IN 2011:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

(b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

(c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

(d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

(e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM

THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.
SECTION 3. The introductory portion to 24-75-302 (2) and 24-75-302 (2) (x) and (2) (y), Colorado Revised Statutes, are amended, and the said 24-75-302 (2) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

24-75-302. Capital construction fund - capital assessment fees - calculation. (2) As of July 1, 1988, and July 1 of each year thereafter through July 1, ~~2012~~ 2015, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount that shall accrue pursuant to this subsection (2) shall be as follows:

(x) On July 1, 2011, seven hundred fifty thousand nine hundred ninety dollars pursuant to S.B. 07-096, enacted at the first regular session of the sixty-sixth general assembly; plus three hundred seventy-five thousand four hundred ninety-five dollars pursuant to S.B. 08-239, enacted at the second regular session of the sixty-sixth general assembly; PLUS _____ DOLLARS PURSUANT TO S.B. 11-004, ENACTED IN 2011;

(y) On July 1, 2012, one hundred twelve thousand six hundred forty-nine dollars pursuant to H.B. 08-1115, enacted at the second regular session of the sixty-sixth general assembly; plus three hundred seventy-five thousand four hundred ninety-five dollars pursuant to S.B. 08-239, enacted at the second regular session of the sixty-sixth general assembly; plus eighty-three thousand eight hundred sixty-one dollars pursuant to S.B. 10-128, enacted at the second regular session of the sixty-seventh general assembly; PLUS _____ DOLLARS PURSUANT TO S.B. 11-004, ENACTED IN 2011;

(z) ON JULY 1, 2013, _____ DOLLARS PURSUANT TO S.B. 11-004, ENACTED IN 2011;

(aa) ON JULY 1, 2014, _____ DOLLARS PURSUANT TO S.B. 11-004, ENACTED IN 2011;

(bb) ON JULY 1, 2015, _____ DOLLARS PURSUANT TO S.B. 11-004, ENACTED IN 2011;

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB11-1022** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB11-1015** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB11-1023** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Senate in recess.

Senate reconvened.

MESSAGE FROM THE HOUSE

February 8, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1128.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; HB11-1110, amended as printed in House Journal, February 7, pages 175-176, and amended on Third Reading as printed in House Journal, February 8.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1074, amended as printed in House Journal, February 7, page 176. HB11-1031, amended as printed in House Journal, February 7, page 176.

MESSAGE FROM THE REVISOR OF STATUTES

February 8, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, HB11-1128.
Without comment, as amended, HB11-1031, 1074, and 1110.

SENATE SERVICES REPORT

Correctly Printed: SB11-135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163 and 164.
Correctly Reengrossed: SB11-076.
Correctly Enrolled: SJR11-010.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR11-011 by Senator(s) Morse, Shaffer B., Kopp; also Representative(s) Massey, Vaad, Court, Williams A.--Concerning the authority of the Senate to exceed the maximum number of legislative aide hours allowed per Senator to the extent certain moneys are available in the Senate's budget to fund additional hours.

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

SR11-003 by Senator(s) Morse; --Concerning changes to the rules of the Senate regarding committees of reference.

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

INTRODUCTION OF BILLS -- FIRST READING

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

- SB11-165

by Senator(s) Guzman; --Concerning the "Colorado Uniform Estate Tax Apportionment Act".
Judiciary

SB11-166

by Senator(s) Johnston; --Concerning the "Uniform Disclaimer of Property Interests Act".
Judiciary

SCR11-001

by Senator(s) Shaffer B. and Spence, Kopp, Brophy, Heath, Jahn, King S., Morse, Roberts, Schwartz, Steadman, Tochtrop, White; also Representative(s) Murray and Court, McNulty, Acree, Barker, Baumgardner, Becker, Brown, Casso, Conti, Coram, Duran, Ferrandino, Fields, Fischer, Gardner D., Hamner, Hulinghorst, Kagan, Kefalas, Kerr A., Labuda, Lee, Levy, Liston, Massey, McCann, McKinley, Miklosi, Pace, Peniston, Priola, Riesberg, Ryden, Schafer S., Scott, Solano, Sonnenberg, Soper, Summers, Swerdfeger, Todd, Tyler, Vigil, Williams A., Wilson--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution concerning ballot measures, and, in connection therewith, increasing the number of votes needed to pass a constitutional amendment from a majority to at least sixty percent of the votes cast; allowing a constitutional amendment passed prior to 2013 to be repealed by a majority of the votes cast; adding a requirement that a minimum number of petition signatures for a citizen-initiated constitutional amendment be gathered from voters who reside in each Colorado congressional district; and increasing the requirement from a majority to a two-thirds vote of the state legislature to change, repeal, or supersede a citizen-initiated law for three years after it becomes effective.
State, Veterans & Military Affairs

HB11-1051

by Representative(s) Swerdfeger, Waller; also Senator(s) King S.--Concerning clarification that a DNA sample expungement is never available for a felony conviction.
Judiciary

HB11-1089

by Representative(s) Conti, Kerr J., Acree, Balmer, Baumgardner, Becker, Beezley, DelGrosso, Holbert, Looper, Massey, Ramirez, Scott, Swerdfeger; also Senator(s) King K., Spence, Harvey, King S., Lundberg--Concerning the authority of the state charter school institute to act as a local education agency for charter schools that apply for grant programs.
State, Veterans & Military Affairs

HB11-1113

by Representative(s) Holbert; also Senator(s) Foster--Concerning the provision of information pertaining to impact fees imposed by local governments.
Local Government and Energy
- On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, February 9, 2011.
- Approved:
- Brandon C. Shaffer
President of the Senate
- Attest:
- Cindi Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

29th Legislative Day

Wednesday, February 9, 2011

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

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

Pledge By Senator Guzman.

Roll Call Present--31
 Excused--4, Lundberg, Mitchell, Scheffel, Schwartz.
 Present later--4, Lundberg, Mitchell, Scheffel, Schwartz.

Quorum The President announced a quorum present.

Reading of Journal	On motion of Senator Lambert, reading of the Journal of Tuesday, February 8, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.
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SENATE SERVICES REPORT

Correctly Printed: SB11-165 and 166; SCR11-001; SJR11-011; SR11-003.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR11-012 by Senator(s) Morse; also Representative(s) Gerou--Concerning the recognition of emergency medical service providers for their dedication and service to the people of Colorado.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	31	NO	0	EXCUSED	4	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	E
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	E
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfro	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Newell, Nicholson, Renfroe, Roberts, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

CONSIDERATION OF RESOLUTIONS

SJR11-011 by Senator(s) Morse, Shaffer B., Kopp; also Representative(s) Massey, Vaad, Court, Williams A.--Concerning the authority of the Senate to exceed the maximum number of legislative aide hours allowed per Senator to the extent certain moneys are available in the Senate's budget to fund additional hours.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	E
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

SR11-003 by Senator(s) Morse; --Concerning changes to the rules of the Senate regarding committees of reference.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	E
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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 Governor's appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Carroll, the following Governor's appointment was confirmed by a roll call vote:

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF CORRECTIONS

effective January 24, 2011, for a term expiring at the pleasure of the Governor:

Tom Clements, of Columbia, Missouri.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	E
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Boyd, the following Governor's appointment was confirmed by a roll call vote:

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
HEALTH CARE POLICY AND FINANCING

effective January 18, 2011, for a term expiring at the pleasure of the Governor:

Susan E. Birch, of Steamboat Springs, Colorado.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	E
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

MESSAGE FROM THE HOUSE

February 9, 2011
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB11-1072, amended as printed in House Journal, February 8, page 187.
HB11-1036, amended as printed in House Journal, February 8, page 187.
HB11-1049, amended as printed in House Journal, February 8, page 188.
HB11-1085, amended as printed in House Journal, February 8, page 188.
HB11-1105, amended as printed in House Journal, February 8, page 188.
HB11-1093, amended as printed in House Journal, February 8, page 188.

COMMITTEE OF REFERENCE REPORTS

Trans- portation	After consideration on the merits, the Committee recommends that SB11-064 be postponed indefinitely.
Local Government	After consideration on the merits, the Committee recommends that SB11-110 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend printed bill, page 4, line 8, strike "DEVELOP" and substitute "CONSIDER DEVELOPING". Page 4, line 11, after "CONSIDER" insert "AND BE CONSISTENT WITH". Page 4, line 22, after "CONDITIONS," insert "OVERHEAD AND OTHER TYPES OF ELECTRIC UTILITY FACILITIES, INCLUDING ADEQUATE DISTANCES FROM SUCH FACILITIES,". Page 5, line 10, after "BOARD" insert "MATERIALLY".
Local Government	After consideration on the merits, the Committee recommends that SB11-086 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
Local Government	The Committee on <u>Local Government</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed: <u>EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS</u> effective February 1, 2011, for a term expiring at the pleasure of the Governor: Reeves Brown, of Grand Junction, Colorado.
Local Government	After consideration on the merits, the Committee recommends that HB11-1011 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 2, line 18, after "ANOTHER" insert

	"AFFECTED".	1
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Finance	After consideration on the merits, the Committee recommends that SB11-081 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	3
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Judiciary	After consideration on the merits, the Committee recommends that SB11-104 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	7
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Judiciary	After consideration on the merits, the Committee recommends that SB11-093 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	12
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Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB11-047 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	17
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	Amend printed bill, page 3, strike line 27.	22
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	Page 4, strike line 1.	24
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	Reletter succeeding paragraphs accordingly.	26
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	Page 4, strike lines 3 and 4 and substitute:	28
		29
	"AMOUNT DEDUCTED AND WITHHELD FROM EMPLOYEES' WAGES AND PAID TO THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 39-22-604 BY EMPLOYERS WITH A".	30
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	Page 4, strike lines 7 through 10 and substitute:	34
		35
	"(d) "TARGET YEAR" MEANS 2013 WITH RESPECT TO THE MONEYS REQUIRED TO BE CREDITED TO THE SPECIFIED CASH FUNDS BEGINNING ON MARCH 1, 2014, PURSUANT TO SUBSECTION (4) OF THIS SECTION AND ONE CALENDAR YEAR LATER FOR EACH SUCCESSIVE YEAR IN WHICH MONEYS ARE CREDITED PURSUANT TO SAID SUBSECTION (4).".	36
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	Page 4, strike lines 12 and 13 and substitute:	42
		43
	"TOTAL AMOUNT DEDUCTED AND WITHHELD FROM EMPLOYEES' WAGES AND PAID TO THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 39-22-604 BY EMPLOYERS".	44
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	Page 4, line 16, strike "ON JUNE 30, 2014, AND JUNE 30" and substitute: "NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, BEGINNING MARCH 1, 2014, AND MARCH 1".	48
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	Page 4, line 17, strike "TRANSFER" and substitute "CREDIT".	52
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	Page 4, line 19, strike "INCOME TAX WITHHOLDING FUND" and substitute "MONEYS REMITTED BY EMPLOYERS TO THE DEPARTMENT OF REVENUE PURSUANT SECTION 39-22-604"	54
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	Page 4, line 24, strike "JUNE 1, 2014, AND JUNE 1" and substitute "FEBRUARY 1, 2014, AND FEBRUARY 1".	58
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	Page 4, line 27, strike "TRANSFER TO BE MADE ON JUNE".	61
		62
	Page 5, line 1, strike "30" and substitute "MONEYS REQUIRED TO BE CREDITED BEGINNING ON MARCH 1".	63
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		65
	Page 5, line 11, strike "TRANSFERRED" and substitute "CREDITED".	66
		67
	Page 6, line 9, strike "TRANSFERRED" and substitute "CREDITED".	68
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	Page 6, strike lines 22 through 27.	1
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	Page 7, strike lines 1 through 21.	3
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	Renumber succeeding section accordingly.	5
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Appropriations	After consideration on the merits, the Committee recommends that SB11-141 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	8
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	Amend printed bill, page 35, line 11, in the ITEM & SUBTOTAL column strike "19,857,819" and substitute "19,918,643".	12
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	Page 35, line 12, in the ITEM & SUBTOTAL column strike "(252.2 FTE)" and substitute "(253.8 FTE)".	15
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	Page 35, line 15, in the ITEM & SUBTOTAL column strike "68,737,811" and substitute "68,871,810".	18
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	Page 36, line 1, in the ITEM & SUBTOTAL column strike "(923.0 FTE)" and substitute "(926.7 FTE)".	21
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		23
	Page 36, line 6, in the ITEM & SUBTOTAL column strike "88,940,096" and substitute "89,134,919" and in the GENERAL FUND column strike "73,175,485" and substitute "73,370,308".	24
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	Adjust affected totals accordingly.	28
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	Page 52, line 13, in the ITEM & SUBTOTAL column strike " 54,428,011 " and substitute "54,428,011".	30
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	Page 52, strike line 14.	33
		34
	Page 53, line 1, in the ITEM & SUBTOTAL column strike " 55,414,141 " and substitute "55,414,141".	35
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	Page 53, strike line 2.	38
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	Page 53, line 11, in the TOTAL column strike " 555,822,985 " and substitute "555,822,985".	40
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	Page 53, strike line 12.	43
		44
	Page 62, line 12, in the TOTAL column strike "\$2,125,761,346" and substitute "\$2,125,484,296" and in the GENERAL FUND column strike "\$633,780,523" and substitute "\$633,503,473".	45
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Appropriations	After consideration on the merits, the Committee recommends that SB11-163 be referred to the Committee of the Whole with favorable recommendation.	50
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Appropriations	After consideration on the merits, the Committee recommends that SB11-164 be referred to the Committee of the Whole with favorable recommendation.	54
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Appropriations	After consideration on the merits, the Committee recommends that SB11-162 be postponed indefinitely.	58
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Appropriations	After consideration on the merits, the Committee recommends that SB11-161 be referred to the Committee of the Whole with favorable recommendation.	63
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Appropriations	After consideration on the merits, the Committee recommends that SB11-160 be referred to the Committee of the Whole with favorable recommendation.	67
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Appropriations

After consideration on the merits, the Committee recommends that **SB11-159** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

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"SECTION 10. Appropriation. (a) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the creative industries cash fund created in section 24-48.5-301 (2) (a), Colorado Revised Statutes, not otherwise appropriated, to the governor-lieutenant governor-state planning and budgeting, for allocation to the economic development programs division, Colorado office of film, television, and media, for the fiscal year beginning July 1, 2011, the sum of two hundred ninety-three thousand dollars (\$293,000) cash funds and 4.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

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(b) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado travel and tourism promotion fund created in section 24-49.7-106 (1), Colorado Revised Statutes, not otherwise appropriated, to the governor-lieutenant governor-state planning and budgeting, for allocation to the economic development programs division, Colorado promotion - Colorado welcome centers, for the fiscal year beginning July 1, 2011, the sum of five hundred thousand dollars (\$500,000) cash funds and 3.3 FTE, or so much thereof as may be necessary, for the implementation of this act.

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(c) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado travel and tourism promotion fund created in section 24-49.7-106 (1), Colorado Revised Statutes, not otherwise appropriated, to the governor-lieutenant governor-state planning and budgeting, for allocation to the economic development programs division, Colorado promotion - other program costs, for the fiscal year beginning July 1, 2011, the sum of fourteen million four hundred forty-three thousand dollars (\$14,443,000) cash funds and 4.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

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(d) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the creative industries cash fund created in section 24-48.5-301 (2) (a), Colorado Revised Statutes, not otherwise appropriated, to the governor-lieutenant governor-state planning and budgeting, for allocation to the economic development programs division, council on the arts, for the fiscal year beginning July 1, 2011, the sum of one million one hundred seventy-two thousand dollars (\$1,172,000) cash funds and 2.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

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(e) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the innovative higher education research fund created in section 23-19.7-104 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of higher education, for allocation to the Colorado commission on higher education, special purpose, distribution to higher education competitive research authority, for the fiscal year beginning July 1, 2011, the sum of two million fifty-one thousand dollars (\$2,051,000) cash funds, or so much thereof as may be necessary, for the implementation of this act.

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SECTION 11. Appropriation - adjustments in long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2011, shall be adjusted as follows:

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(a) The cash funds appropriation from the bioscience discovery evaluation cash fund created in section 24-48.5-108 (5) (a), Colorado Revised Statutes, to the governor-lieutenant governor-state planning and budgeting, economic development programs division, for bioscience discovery evaluation, is increased by sixty-seven thousand dollars

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	(\$67,000).	1
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	(b) The cash funds appropriation from the local government	3
	limited gaming impact fund created in section 12-47.1-1601 (1) (a),	4
	Colorado Revised Statutes, to the department of local affairs, division of	5
	local governments, field services, for local government limited gaming	6
	impact grants, is decreased by two million four hundred ninety-one	7
	thousand dollars (\$2,491,000).".	8
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	Renumber succeeding section accordingly.	10
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	Page 1, line 105, strike "CONSTITUTION." and substitute	12
	"CONSTITUTION, AND MAKING AN APPROPRIATION IN CONNECTION	13
	THEREWITH.".	14
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Appropriations	After consideration on the merits, the Committee recommends that SB11-157 be referred	17
	to the Committee of the Whole with favorable recommendation.	18
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Appropriations	After consideration on the merits, the Committee recommends that SB11-156 be amended	21
	as follows, and as so amended, be referred to the Committee of the Whole with favorable	22
	recommendation.	23
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	Amend printed bill, page 2, line 17, after "(XI.5)" insert "(A)".	25
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	Page 2, after line 23 insert:	27
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	"(B) THE AMOUNT OF THE RESERVE REQUIRED FOR THE FISCAL	29
	YEAR 2010-11 PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS	30
	SUBPARAGRAPH (XI.5) IS BASED ON THE REVENUE ESTIMATE PREPARED BY	31
	THE OFFICE OF STATE PLANNING AND BUDGETING. IF THE REVENUE	32
	ESTIMATE PREPARED BY THE LEGISLATIVE COUNCIL STAFF IS CORRECT, THE	33
	ACTUAL RESERVE FOR THE FISCAL YEAR 2010-11 WILL BE EQUAL TO FIVE	34
	AND NINE-TENTHS PERCENT OF THE AMOUNT APPROPRIATED FOR	35
	EXPENDITURE FROM THE GENERAL FUND FOR THAT FISCAL YEAR. THIS	36
	SUB-SUBPARAGRAPH (B) IS REPEALED, EFFECTIVE JULY 1, 2011.".	37
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Appropriations	After consideration on the merits, the Committee recommends that SB11-155 be amended	42
	as follows, and as so amended, be referred to the Committee of the Whole with favorable	43
	recommendation.	44
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	Amend printed bill, page 21, strike line 9 and substitute " ^a Of this amount;	46
	THESE AMOUNTS, \$1,836,665 shall be from the Hazardous Substance	47
	Settlement Fund and \$213,335 \$463,335 shall be from the Hazardous	48
	Substance Response Fund created in Section".	49
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Appropriations	After consideration on the merits, the Committee recommends that SB11-154 be referred	53
	to the Committee of the Whole with favorable recommendation.	54
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Appropriations	After consideration on the merits, the Committee recommends that SB11-153 be referred	57
	to the Committee of the Whole with favorable recommendation.	58
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Appropriations	After consideration on the merits, the Committee recommends that SB11-152 be referred	61
	to the Committee of the Whole with favorable recommendation.	62
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Appropriations	After consideration on the merits, the Committee recommends that SB11-151 be referred	65
	to the Committee of the Whole with favorable recommendation.	66
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Appropriations	After consideration on the merits, the Committee recommends that SB11-150 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
Appropriations	After consideration on the merits, the Committee recommends that SB11-149 be referred to the Committee of the Whole with favorable recommendation.	5 6 7 8
Appropriations	After consideration on the merits, the Committee recommends that SB11-148 be referred to the Committee of the Whole with favorable recommendation.	9 10 11 12 13
Appropriations	After consideration on the merits, the Committee recommends that SB11-147 be referred to the Committee of the Whole with favorable recommendation.	14 15 16 17
Appropriations	After consideration on the merits, the Committee recommends that SB11-146 be referred to the Committee of the Whole with favorable recommendation.	18 19 20 21
Appropriations	After consideration on the merits, the Committee recommends that SB11-145 be referred to the Committee of the Whole with favorable recommendation.	22 23 24 25
Appropriations	After consideration on the merits, the Committee recommends that SB11-144 be referred to the Committee of the Whole with favorable recommendation.	26 27 28 29
Appropriations	After consideration on the merits, the Committee recommends that SB11-143 be referred to the Committee of the Whole with favorable recommendation.	30 31 32 33
Appropriations	After consideration on the merits, the Committee recommends that SB11-142 be referred to the Committee of the Whole with favorable recommendation.	34 35 36 37
Appropriations	After consideration on the merits, the Committee recommends that SB11-140 be referred to the Committee of the Whole with favorable recommendation.	38 39 40 41
Appropriations	After consideration on the merits, the Committee recommends that SB11-139 be referred to the Committee of the Whole with favorable recommendation.	42 43 44 45
Appropriations	After consideration on the merits, the Committee recommends that SB11-138 be referred to the Committee of the Whole with favorable recommendation.	46 47 48 49
Appropriations	After consideration on the merits, the Committee recommends that SB11-137 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	50 51 52 53 54 55 56 57 58 59
	Amend printed bill, page 16, line 4, in the ITEM & SUBTOTAL column strike "670,000" and substitute "670,000" and in the REAPPROPRIATED FUNDS column strike "670,000" and substitute "670,000".	60 61 62 63 64 65
	Page 16, after line 4, in the ITEM & SUBTOTAL column insert "794,229", in the CASH FUNDS column insert "94,229", and in the REAPPROPRIATED FUNDS column insert "700,000".	66 67 68 69
	Adjust affected totals accordingly.	
	Page 21, line 5, strike "c This amount" and substitute "c This amount THESE AMOUNTS" and strike "22-82.7-105 (1), C.R.S." and substitute "22-82.7-105 (1), C.R.S., INCLUDING \$700,000 GENERAL FUND THAT IS CREDITED TO THE FUND IN FY 2010-11 AND \$94,229 FROM FUND	

RESERVES."

Appropriations

After consideration on the merits, the Committee recommends that **SB11-136** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB11-135** be referred to the Committee of the Whole with favorable recommendation.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, February 9 was laid over until Thursday, February 10, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB11-002, SB11-021, SB11-062, HB11-1009.
General Orders -- Second Reading of Bills: SB11-013, SB11-010, SB11-039, SB11-012, SB11-019, SB11-034, SB11-043.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

February 9, 2011

Mr. President:

The House has adopted and returns herewith SJR11-012.

MESSAGE FROM THE REVISOR OF STATUTES

February 9, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, as amended, HB11-1036, 1049, 1072, 1085, 1093, and 1105.

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-167 by Senator(s) Kopp; --Concerning the creation of efficiencies in the state regulatory system. Business, Labor and Technology

HB11-1031 by Representative(s) Miklosi; also Senator(s) Foster--Concerning the creation of creative districts, and, in connection therewith, authorizing specified local governments to designate

	a portion of their territory as a creative district subject to certification by the creative industries division within the Colorado office of economic development.	1
	Local Government and Energy	2
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HB11-1074	by Representative(s) Gerou, Tyler, Becker, Kerr J., Schafer S., Summers; also Senator(s) Jahn, Heath, Hodge, Hudak, Spence--Concerning Colorado school of mines funding of financial aid.	5
	Education	6
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HB11-1110	by Representative(s) Acree, Balmer, Holbert, Massey, Murray, Solano; also Senator(s) Harvey, Carroll, Renfroe--Concerning the rights of members of nonprofit corporations in which residency is a qualification for membership.	10
	Business, Labor and Technology	11
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HB11-1128	by Representative(s) Riesberg; also Senator(s) Williams S.--Concerning the protection from discovery in a civil lawsuit against a state-regulated professional of documents resulting from a complaint about the professional that are held by the board that regulates the professional.	15
	Judiciary	16
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On motion of Senator Johnston, the Senate adjourned until 9:00 a.m., Thursday, February	2
10, 2011.	3
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Approved:	5
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Brandon C. Shaffer	9
President of the Senate	10
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Attest:	12
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Cindi Markwell	16
Secretary of the Senate	17

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

30th Legislative Day Thursday, February 10, 2011

Prayer By the chaplain, Rabbi Mitch Delcau, Congregation Temple Emanuel, Denver.

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

Pledge By Senator Guzman.

Roll Call Present--34
Excused--1, Mitchell.
Present later--1, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Lambert, reading of the Journal of Wednesday, February 9, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Correctly Printed: SB11-167; SJR11-012.
Correctly Engrossed: SJR11-011 and 012; SR11-003.
Correctly Enrolled: SJR11-012; SR11-003.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR11-014 by Senator(s) Heath, King K., Steadman; also Representative(s) Summers and Miklosi-- Concerning recognition of Career and Technical Education Month.

On motion of Senator Heath, the resolution was read at length and adopted by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Hodge, Hudak, Jahn, Johnston, King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Tochtrop, White and Williams S.

SJR11-013 by Senator(s) Nicholson; also Representative(s) DelGrosso--Concerning recognition of

community mental health centers and behavioral health organizations in Colorado.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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

GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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:

- SB11-002

by Senator(s) Carroll, Mitchell, Tochtrop; also Representative(s) Kerr J., Miklosi--Concerning the low-income telephone assistance program.

Ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-021

by Senator(s) Nicholson; also Representative(s) Looper--Concerning the removal of term limits for members of the water and wastewater facility operators certification board.

Ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-062

by Senator(s) Cadman; also Representative(s) Murray--Concerning the administrative duties of the office of information technology.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, February 2, page(s) 91-92 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- HB11-1009

by Representative(s) Waller; also Senator(s) Newell--Concerning interstate compacts for adult criminal supervision.

Ordered revised and placed on the calendar for third reading and final passage.
- HB11-1015

by Representative(s) Jones; also Senator(s) Tochtrop--Concerning the licensure of certified public accountants.

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

HB11-1023 by Representative(s) Ferrandino; also Senator(s) Carroll--Concerning the continuation of the foreclosure deferment program.

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-002, SB11-021, SB11-062 as amended, HB11-1009, HB11-1015, HB11-1023.

Removed from the General Orders - Second Reading of Bills - Consent Calendar and placed at the end of the General Orders - Second Reading of Bills Calendar for February 10: HB11-1022.

COMMITTEE OF REFERENCE REPORTS

- Business, Labor, & Technology

After consideration on the merits, the Committee recommends that **SB11-065** be referred to the Committee on Appropriations with favorable recommendation.
- State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB11-058** be postponed indefinitely.
- State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB11-059** be postponed indefinitely.
- State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB11-071** be postponed indefinitely.

Page 138	Senate Journal-30th Day-February 10, 2011	
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-077 be postponed indefinitely.	1 2 3 4 5 6
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-097 be postponed indefinitely.	7 8 9 10 11 12
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-113 be postponed indefinitely.	13 14 15 16 17
Health & Human Services	After consideration on the merits, the Committee recommends that SB11-042 be postponed indefinitely.	18 19 20 21 22
Health & Human Services	After consideration on the merits, the Committee recommends that SB11-008 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	23 24 25 26 27
	Amend printed bill, strike everything below the enacting clause and substitute:	28 29 30 31
	" SECTION 1. The introductory portion to 24-22-117 (2) (a) (II) and 24-22-117 (2) (a) (II) (F), Colorado Revised Statutes, are amended to read:	32 33 34
	24-22-117. Tobacco tax cash fund - accounts - creation - legislative declaration - repeal. (2) There are hereby created in the state treasury the following funds:	35 36 37
	(a) (II) Except as provided in subparagraphs (III) and (IV) SUBPARAGRAPH (III) of this paragraph (a), for fiscal year 2005-06 and each fiscal year thereafter, moneys in the health care expansion fund shall be annually appropriated by the general assembly to the department of health care policy and financing for the following purposes:	38 39 40 41 42
	(F) To pay for enrollment increases above the average enrollment for state fiscal year 2003-04 in the children's basic health plan, article 8 of title 25.5, C.R.S. OR, FOR STATE FISCAL YEAR 2011-12 AND FOR EACH FISCAL YEAR THEREAFTER, TO PAY FOR COSTS ASSOCIATED WITH CHILDREN ENROLLED IN THE MEDICAL ASSISTANCE PROGRAM, ARTICLES 4, 5, AND 6 OF TITLE 25.5, C.R.S., WHOSE FAMILY INCOME IS MORE THAN ONE HUNDRED PERCENT BUT DOES NOT EXCEED ONE HUNDRED THIRTY-THREE PERCENT OF THE FEDERAL POVERTY LINE AND WHO WOULD HAVE BEEN ELIGIBLE FOR ENROLLMENT IN THE CHILDREN'S BASIC HEALTH PLAN PRIOR TO SEPTEMBER 1, 2011;	43 44 45 46 47 48 49 50 51 52
	SECTION 2. 25.5-5-205 (3) (c), Colorado Revised Statutes, is amended to read:	53 54
	25.5-5-205. Baby and kid care program - creation - eligibility. (3) (c) (I) On and after July 1, 1991 SEPTEMBER 1, 2011, children born after September 30, 1983, who have attained age six YEARS OF AGE but have not attained age nineteen YEARS OF AGE shall be eligible for benefits under the baby and kid care program. except that, For the purpose of eligibility under this paragraph (c) only, such individual's family income shall exceed the eligibility threshold used in determining eligibility for aid to families with dependent children assistance pursuant to rules in effect on July 16, 1996, and the method adopted by the state board pursuant to sections 25.5-5-101 (4) (c) and 25.5-5-201 (5) (c), but shall not exceed the equivalent of the percentage level of the federal poverty line that is specified pursuant to subparagraph (II) of this paragraph (c).	55 56 57 58 59 60 61 62 63 64 65 66
	(II) The percentage level of the federal poverty line, as defined pursuant to 42 U.S.C. sec. 9902 (2), used to determine eligibility under this paragraph (c) shall be one hundred percent. If the federal	67 68 69

~~government establishes a new federal minimum percentage level of the federal poverty line used to determine eligibility under this paragraph (c) that is different from the level set in this subparagraph (H), the state department is authorized to meet such federal minimum level without requiring additional legislation; however, such minimum federal level shall be established by rule of the state board~~ EQUIVALENT TO THE FAMILY INCOME ELIGIBILITY THRESHOLD APPLIED TO CHILDREN UNDER SIX YEARS OF AGE PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3).

SECTION 3. 25.5-8-105 (1) and (2) (a), Colorado Revised Statutes, are amended, and the said 25.5-8-105 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

25.5-8-105. Trust - created. (1) A fund to be known as the children's basic health plan trust is hereby created and established in the state treasury. Except as provided for in ~~subsection (4)~~ SUBSECTIONS (4) AND (8) of this section, all moneys deposited in the trust and all interest earned on moneys in the trust shall remain in the trust for the purposes set forth in this article, and no part thereof shall be expended or appropriated for any other purpose. The principal of the trust shall be expended, subject to annual appropriation by the general assembly, solely for the purposes set forth in this article.

(2) (a) Except as provided for in ~~subsection (4)~~ SUBSECTIONS (4) AND (8) of this section, all or a portion of the moneys in the trust shall be annually appropriated by the general assembly for the purposes of this article and shall not be transferred to or revert to the general fund of the state at the end of any fiscal year.

(8) BEGINNING IN THE 2011-2012 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER, MONEYS IN THE TRUST MAY BE USED FOR COSTS ASSOCIATED WITH CHILDREN ENROLLED IN THE MEDICAL ASSISTANCE PROGRAM, ARTICLES 4, 5, AND 6 OF THIS TITLE, WHOSE FAMILY INCOME IS MORE THAN ONE HUNDRED PERCENT BUT DOES NOT EXCEED ONE HUNDRED THIRTY-THREE PERCENT OF THE FEDERAL POVERTY LINE AND WHO WOULD HAVE BEEN ELIGIBLE FOR ENROLLMENT IN THE CHILDREN'S BASIC HEALTH PLAN PRIOR TO SEPTEMBER 1, 2011.

SECTION 4. Act subject to petition - effective date. This act shall take effect September 1, 2011; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor."

Education

After consideration on the merits, the Committee recommends that **SB11-061** 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 printed bill, page 2, strike lines 19 and 20 and substitute "SHALL SIMULTANEOUSLY FILE COMPLETE COPIES OF THE DUE PROCESS COMPLAINT WITH THE OPPOSING PARTY AND WITH THE COMMISSIONER OF EDUCATION OR HIS OR HER DESIGNEE TO ENSURE THE TIMELY ASSIGNMENT OF AN IMPARTIAL HEARING OFFICER."

Page 3, after line 14 insert:

"(c) THE FINDINGS AND DECISION MADE BY THE DEPARTMENT SHALL BE FINAL. ANY PARTY AGGRIEVED BY THE DEPARTMENT'S FINDINGS AND DECISION HAS THE RIGHT TO BRING A CIVIL ACTION PURSUANT TO THE PROVISIONS OF IDEA AND THE FEDERAL REGULATIONS, 34 CFR 300.516 (a), IMPLEMENTING THE ACT."

Education

After consideration on the merits, the Committee recommends that **SB11-106** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Education

After consideration on the merits, the Committee recommends that **SB11-101** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations

After consideration on the merits, the Committee recommends that **SB11-158** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. 22-7-908, Colorado Revised Statutes, is amended to read:

22-7-908. Read-to-achieve cash fund - created. (1) There is hereby established in the state treasury the read-to-achieve cash fund, referred to in this section as the "cash fund". The cash fund shall consist of moneys transferred thereto pursuant to subsection (3) of this section and any other moneys that may be made available by the general assembly. Subject to appropriation by the general assembly, moneys in the cash fund shall be used to provide grants pursuant to this part 9. ~~to the reading assistance grant program created pursuant to section 22-88-102, and for reimbursements to school districts for educational services provided pursuant to section 22-32-141 to juveniles held in jails or other facilities for the detention of adult offenders.~~ Any moneys not provided as grants may be invested by the state treasurer as provided in section 24-36-113, C.R.S. All interest derived from the deposit and investment of moneys in the cash fund shall be credited to the cash fund. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION, any amount remaining in the cash fund at the end of any fiscal year shall remain in the cash fund and shall not be credited or transferred to the general fund or to any other fund.

(3) (a) Except as otherwise provided IN PARAGRAPH (b) OF THIS SUBSECTION (3) AND in section 24-75-1104.5 (1) (h) and (5), C.R.S., beginning with the 2007-08 fiscal year, and for each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the state treasurer shall annually transfer to the cash fund five percent of the amount of moneys received by the state in accordance with the master settlement agreement, other than attorney fees and costs, for the preceding fiscal year; except that the amount so transferred to the cash fund in any fiscal year shall not exceed eight million dollars. The state treasurer shall transfer the amount specified in this subsection (3) from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

(b) (I) FOR THE 2011-12 FISCAL YEAR AND THE 2012-13 FISCAL YEAR, THE STATE TREASURER SHALL NOT TRANSFER TO THE CASH FUND THE AMOUNT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3) FOR THE APPLICABLE FISCAL YEAR BUT SHALL INSTEAD TRANSFER SAID AMOUNT TO THE STATE GENERAL FUND IN ACCORDANCE WITH SECTION 24-75-1104.5 (1) (h) (II), C.R.S.

(II) THE STATE TREASURER SHALL TRANSFER TO THE STATE GENERAL FUND ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE CASH FUND AS OF JUNE 30, 2011.

(III) NOTWITHSTANDING THE PROVISIONS OF SECTION 22-7-904 (3), THE MEMBERS OF THE READ-TO-ACHIEVE BOARD SHALL NOT RECEIVE REIMBURSEMENT FOR ANY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES IN THE 2011-12 FISCAL YEAR OR THE 2012-13 FISCAL YEAR.

SECTION 2. 24-75-1104.5 (1) (h), Colorado Revised Statutes, is amended to read:

24-75-1104.5. Use of settlement moneys - programs - repeal. (1) Except as otherwise provided in subsection (5) of this section, for the 2004-05 fiscal year and for each fiscal year thereafter, the following programs, services, or funds shall receive the following specified amounts from the settlement moneys received by the state in the preceding fiscal year; except that fifteen million four hundred thousand dollars of strategic contribution fund moneys and, for the 2010-11 fiscal year and for each

fiscal year thereafter only, the lesser of sixty-five million dollars of other settlement moneys or all other settlement moneys shall be allocated in each fiscal year in which they are received by the state and except that, of the other settlement moneys received by the state in the 2009-10 fiscal year, the lesser of sixty-five million dollars or all of such moneys shall be transferred to the general fund on June 30, 2010, and shall not be allocated:

(h) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (h), the read-to-achieve grant program created in part 9 of article 7 of title 22, C.R.S., shall receive five percent of the total amount of settlement moneys annually received by the state, not to exceed eight million dollars in any fiscal year, as provided in said section; except that, for the 2004-05 fiscal year, the read-to-achieve grant program shall receive nineteen percent of the total amount of settlement moneys received, not to exceed nineteen million dollars.

(II) FOR THE 2011-12 FISCAL YEAR AND THE 2012-13 FISCAL YEAR, THE AMOUNT THAT WOULD HAVE BEEN TRANSFERRED TO THE READ-TO-ACHIEVE GRANT PROGRAM PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (h) FOR THE APPLICABLE FISCAL YEAR SHALL BE TRANSFERRED INSTEAD TO THE STATE GENERAL FUND, AND THE READ-TO-ACHIEVE GRANT PROGRAM SHALL NOT RECEIVE ANY PORTION OF THE SETTLEMENT MONEYS IN EITHER OF SAID FISCAL YEARS.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Judiciary

After consideration on the merits, the Committee recommends that **SB11-107** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 3, strike "amended" and substitute "amended, and the said 13-21-102.5 is further amended BY THE ADDITION OF A NEW SUBSECTION,".

Page 3, line 1, after "case" insert "EXCEPT FOR ACTIONS CONCERNING DAMAGES RESULTING FROM ALCOHOL-RELATED OR DRUG-RELATED DRIVING INCIDENTS".

Page 3, after line 11 insert:

"(7) NOTWITHSTANDING THE PROVISIONS OF SECTION 42-4-1713, C.R.S., A RECORD OF THE CONVICTION OF ANY PERSON, INCLUDING A PLEA OF GUILTY OR NOLO CONTENDERE, FOR ANY ALCOHOL-RELATED OR DRUG-RELATED TRAFFIC VIOLATION DESCRIBED IN PART 13 OF ARTICLE 4 OF TITLE 42, C.R.S., SHALL BE ADMISSIBLE IN ANY COURT IN ANY CIVIL ACTION SEEKING NONECONOMIC DAMAGES CAUSED BY AN ALCOHOL-RELATED OR DRUG-RELATED DRIVING INCIDENT AS PRIMA FACIE EVIDENCE THAT THE DRIVER WAS DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR DRIVING WHILE HIS OR HER ABILITY WAS IMPAIRED BY ALCOHOL OR DRUGS.

SECTION 2. 13-21-102.5 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

13-21-102.5. Limitations on damages for noneconomic loss or injury. (3) (d) NOTWITHSTANDING ANY PROVISION OF ARTICLE 10 OF TITLE 24, C.R.S., TO THE CONTRARY, THE EXCEPTIONS TO THE LIMITATIONS ON DAMAGES FOR NONECONOMIC LOSS OR INJURY DESCRIBED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (3), WHICH EXCEPTIONS CONCERN DAMAGES RESULTING FROM ALCOHOL-RELATED OR DRUG-RELATED DRIVING INCIDENTS, SHALL APPLY REGARDLESS OF WHETHER THE PERSON WHO CAUSED A LOSS OR INJURY TO ANOTHER PERSON WHILE DRIVING UNDER THE INFLUENCE OF ALCOHOL OR ONE OR MORE DRUGS IS A PUBLIC EMPLOYEE, AS DEFINED IN SECTION 24-10-103 (4), C.R.S."

Renumber succeeding bill sections accordingly.

JudiciaryAfter consideration on the merits, the Committee recommends that **SB11-123** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

MESSAGE FROM THE HOUSE

February 10, 2011
Mr. President:

The House has adopted and transmits herewith HJR11-1010.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR11-1010 by Representative(s) Nikkel, Fischer, Kefalas, DelGrosso; also Senator(s) Bacon, Lundberg--Concerning recognition of and appreciation for 141 years of education, research, and service by the Colorado State University System.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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, February 10 was laid over until Friday, February 11, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1001.
General Orders -- Second Reading of Bills: SB11-013, SB11-010, SB11-039, SB11-012, SB11-019, SB11-034, SB11-043, HB11-1022.
Consideration of Resolutions: SJR11-005.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, February 11, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

31st Legislative Day Friday, February 11, 2011

Prayer By the chaplain, Rev. John Thompson, Park Hill United Methodist Church, Denver.

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

Pledge By Senator Guzman.

Roll Call Present--34
Excused--1, Harvey.
Present later--1, Harvey.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Lambert, reading of the Journal of Thursday, February 10, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

February 10, 2011

Mr. President:

The House has adopted and returns herewith SJR11-013, and SJR11-014.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1087.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1115, amended as printed in House Journal, February 9, pages 202-203.
HB11-1007, amended as printed in House Journal, February 9, pages 203-204.

MESSAGE FROM THE REVISOR OF STATUTES

February 10, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, HB11-1087.
Without comment, as amended, HB11-1007 and 1115.

SENATE SERVICES REPORT

Correctly Printed: SJR11-013 and 014.
Correctly Engrossed: SB11-002, 021 and 062; SJR11-013 and 014.
Correctly Revised: HB11-1009, 1015 and 1023; HJR11-1010.
Correctly Enrolled: SJR11-013 and 014.

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:

SB11-002 by Senator(s) Carroll, Mitchell, Tochtrop; also Representative(s) Kerr J., Miklosi--
Concerning the low-income telephone assistance 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
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	E	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Cadman and Williams S.

SB11-021 by Senator(s) Nicholson; also Representative(s) Looper--Concerning the removal of term limits for members of the water and wastewater facility operators certification board.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	E	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Jahn

HB11-1009 by Representative(s) Waller; also Senator(s) Newell--Concerning interstate compacts for adult criminal supervision.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	E	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Guzman, Jahn, King S. and Steadman.

HB11-1015 by Representative(s) Jones; also Senator(s) Tochtrop--Concerning the licensure of certified public accountants.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	E	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Williams S.

HB11-1023 by Representative(s) Ferrandino; also Senator(s) Carroll--Concerning the continuation of the foreclosure deferment 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
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	E	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Foster, Giron, Guzman, Heath, Hudak, Jahn, Morse, Newell, Nicholson, Schwartz, Shaffer B., Tochtrop and Williams S.

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

GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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:

- HB11-1001**

by Representative(s) Gardner B.; also Senator(s) Morse--Concerning the enactment of Colorado Revised Statutes 2010 as the positive and statutory law of the state of Colorado.

Ordered revised and placed on the calendar for third reading and final passage.
- SB11-086**

by Senator(s) Foster, King K., Nicholson; also Representative(s) Murray--Concerning periods governing the appeal by taxpayers in tax disputes with local governments in connection with the imposition of sales or use tax by such governments.

Ordered engrossed and placed on the calendar for third reading and final passage.
- HB11-1011**

by Representative(s) Peniston; also Senator(s) Giron--Concerning the participation of additional individuals in a proceeding pending before the board of assessment appeals.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, February 9, pages 125-126 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.
- SB11-081**

by Senator(s) White, Jahn, Roberts, Spence; also Representative(s) McCann--Concerning the voluntary contribution designation benefiting the 9Health Fair fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

Ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-104**

by Senator(s) Roberts, Nicholson; also Representative(s) Holbert--Concerning the repeal of the community accountability program advisory board.

Ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-093**

by Senator(s) King S., Giron, Newell, Nicholson; also Representative(s) Joshi--Concerning the continuation of the interagency task force on drunk driving.

Ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-163**

by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Gerou, Becker, Ferrandino--Concerning the repeal of the alternative fuels rebate program.

Ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-161**

by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Becker, Gerou, Ferrandino--Concerning the creation of a cash fund for fees collected in connection with the department of public health and environment's laboratories.

Ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-160**

by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a clarification regarding the amount of performance-based incentives available for issuance by the Colorado office of film, television, and media.

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

- SB11-155** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning funding for capital construction, and making supplemental appropriations in connection therewith. 1
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Amendment No. 1, Appropriations Committee Amendment. 5
(Printed in Senate Journal, February 9, page 129 and placed in members' bill files.) 6
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As amended, ordered engrossed and placed on the calendar for third reading and final 8
passage. 9
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- SB11-154** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of the treasury. 12
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Ordered engrossed and placed on the calendar for third reading and final passage. 15
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- SB11-153** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of state. 18
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Ordered engrossed and placed on the calendar for third reading and final passage. 21
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- SB11-152** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of revenue. 24
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Ordered engrossed and placed on the calendar for third reading and final passage. 27
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- SB11-151** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of regulatory agencies. 30
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Ordered engrossed and placed on the calendar for third reading and final passage. 34
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- SB11-150** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of public safety. 37
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Ordered engrossed and placed on the calendar for third reading and final passage. 40
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- SB11-149** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of public health and environment. 43
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Ordered engrossed and placed on the calendar for third reading and final passage. 47
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- SB11-148** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of personnel and administration. 50
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Ordered engrossed and placed on the calendar for third reading and final passage. 54
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- SB11-147** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of natural resources. 57
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Ordered engrossed and placed on the calendar for third reading and final passage. 61
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- SB11-146** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of military and veterans affairs. 64
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Ordered engrossed and placed on the calendar for third reading and final passage. 68
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- SB11-145** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning supplemental appropriation to the department of local affairs. 71
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	Ordered engrossed and placed on the calendar for third reading and final passage.	1
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SB11-143	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of labor and employment.	5
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	Ordered engrossed and placed on the calendar for third reading and final passage.	9
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SB11-142	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the judicial department.	12
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	Ordered engrossed and placed on the calendar for third reading and final passage.	15
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SB11-140	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of higher education.	18
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	Ordered engrossed and placed on the calendar for third reading and final passage.	22
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SB11-139	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of health care policy and financing.	25
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	Ordered engrossed and placed on the calendar for third reading and final passage.	29
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SB11-138	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting.	32
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	Ordered engrossed and placed on the calendar for third reading and final passage.	36
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SB11-135	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of agriculture.	39
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	Ordered engrossed and placed on the calendar for third reading and final passage.	42
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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-086, SB11-081, SB11-104, SB11-093, SB11-163, SB11-161, SB11-160, SB11-155 as amended, SB11-154, SB11-153, SB11-152, SB11-151, SB11-150, SB11-149, SB11-148, SB11-147, SB11-146, SB11-145, SB11-143, SB11-142, SB11-140, SB11-139, SB11-138, SB11-135, HB11-1001, HB11-1011 as amended.

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

SB11-164 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the augmentation of the general fund through transfers of certain moneys.

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

Amend printed bill, page 3, after line 8 insert:

"SECTION 4. 24-21-104 (3) (d), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:
24-21-104. Fees of secretary of state - repeal.
(3) (d) (XVI) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF THIS SUBSECTION (3) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (XVI), THE STATE TREASURER SHALL DEDUCT FOUR MILLION DOLLARS FROM THE DEPARTMENT OF STATE CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND."

Renumber succeeding sections accordingly.

As amended, ordered engrossed 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.)

SB11-136 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of corrections.

Amendment No. 1(J.002), by Senator Boyd.

Amend printed bill, page 44, line 10, strike "~~eight hundred seven thousand two hundred~~" and substitute "eight hundred seven thousand two hundred".

Page 44, strike line 11 and substitute "twenty-five dollars (\$1,807,225).".

PURPOSE: As introduced, S.B. 11-136 reduces the General Fund appropriation in H.B. 10-1360 to the Department of **Corrections** for parole wrap-around services by \$807,225. This amendment eliminates that reduction, thereby restoring the \$807,225 General Fund appropriation for parole wrap-around services.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Corrections	\$807,225	\$0	\$0	\$0	\$807,225	0.0

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

SB11-137 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of education. 1
2

Amendment No. 1, Appropriations Committee Amendment. 3
(Printed in Senate Journal, February 9, pages 130-131 and placed in members' bill files.) 4
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Amendment No. 2(J.003), by Senators Hudak, Newell, and Williams S. 6
7

8
9 Amend printed bill, page 11, line 6, in the GENERAL FUND column 10
strike "~~3,215,715,681~~" and substitute "3,215,715,681" and in the CASH 11
FUNDS column strike "~~386,133,684~~" and substitute "386,133,684". 12

13 Page 11, strike line 7. 14

15 Page 12, line 1, strike "~~\$284,307,808~~ \$285,062,558" and substitute 16
"\$284,307,808". 17

18 Adjust affected totals accordingly. 19

20 Page 19, line 14, in the ITEM & SUBTOTAL column strike "~~4,998,500~~" 21
and substitute "4,998,500" and in the CASH FUNDS column strike 22
"~~4,998,500~~" and substitute "4,998,500". 23

24 Page 19, strike line 15. 25

26 Adjust affected totals accordingly. 27

28 **PURPOSE:** As introduced, S.B. 11-137 reduces the cash funds 29
appropriation from the State Education Fund to the Department of 30
Education for the School Counselor Corps Grant Program for FY 2010- 31
11 by \$754,750. The bill also appropriates \$754,750 from the State 32
Education Fund for the State Share of Districts' Total Program Funding, 33
and reduces the General Fund appropriation for such purpose by the 34
same amount. This amendment eliminates these adjustments, restoring 35
the \$754,750 for the School Counselor Corps Grant Program. 36

Fiscal Impact of Amendment							37
Department	GF	CF	RF	FF	Total	FTE	
Education	\$754,750	\$0	\$0	\$0	\$754,750	0.0	

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41 As amended, ordered engrossed and placed on the calendar for third reading and final 42
passage. 43
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SB11-141 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of human services. 45
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47

Amendment No. 1, Appropriations Committee Amendment. 48
(Printed in Senate Journal, February 9, page 127 and placed in members' bill files.) 49
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Amendment No. 2(J.006), by Senators Williams S., Hudak, and Newell. 51
52

53 Amend printed bill, page 21, line 15, in the ITEM & SUBTOTAL column 54
strike "~~2,985,201~~" and substitute "2,985,201" and in the GENERAL 55
FUND column strike "~~506,161~~" and substitute "506,161". 56

57 Page 22, strike line 1. 58

59 Page 22, line 7, in the TOTAL column strike "89,536,665" and substitute 60
"90,042,826". 61

62 Page 62, line 12, in the TOTAL column strike "\$2,125,761,346" and 63
substitute "\$2,126,267,507" and in the GENERAL FUND column strike 64
"\$633,780,523" and substitute "\$634,286,684". 65

66 **PURPOSE:** As introduced, S.B. 11-141 eliminated the \$506,161 General 67
Fund appropriation for Early Childhood Councils in the Department of 68
Human Services. This amendment restores the General Fund 69
appropriation for Early Childhood Councils. 70
71

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Human Services	\$506,161	\$0	\$0	\$0	\$506,161	0.0

Amendment No. 3(J.007), by Senator Hodge.

Amend the CORRECTED Appropriations Committee Report dated February 9, 2011, page 2, strike lines 3 through 5 and substitute:

"Page 53 of the bill, line 12, in the TOTAL column strike "556,042,235" and substitute "555,570,362".".

PURPOSE: Corrects a technical error in a total adjusted by the Appropriations Committee amendment. This technical correction does not change the fiscal impact of the Appropriations Committee amendment, which reduced \$471,871 General Fund from the Trinidad State Nursing Home.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Human Services	\$0	\$0	\$0	\$0	\$0	0.0

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

SB11-144 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of law.

Amendment No. 1(J.002), by Senator Morse.

Amend printed bill, page 9, line 15, in the ITEM & SUBTOTAL column strike "~~50,000~~" and substitute "50,000" and in the CASH FUNDS column strike "~~50,000~~" and substitute "50,000".

Page 10, strike line 1.

Page 10, line 14, in the TOTAL column strike "~~2,042,498~~" and substitute "2,042,498".

Page 10, strike line 15.

Page 14, line 8, in the TOTAL column strike "\$52,363,248" and substitute "52,338,248" and in the CASH FUNDS column strike "\$9,065,685" and substitute "\$9,040,685".

PURPOSE: Eliminates a \$25,000 cash funds supplemental appropriation to the Department of **Law** to pay an outside attorney and consultants who were engaged to prepare an amicus brief concerning water law that was filed with the U.S. Supreme Court in October 2010.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Law	\$0	(\$25,000)	\$0	\$0	(\$25,000)	0.0

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

SB11-157 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning modifications to the "Public School Finance Act of 1994", and making an appropriation in connection therewith.

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

SB11-159 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning the distribution of fifty percent of the balance remaining in the limited gaming fund that is allocated to the state general fund or such other fund as the general assembly provides as specified in section 9 (5) (b) (II) of article XVIII of the state constitution, and making an appropriation in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, February 9, pages 128-129 and placed in members' bill files.)

As amended, ordered engrossed 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.)

SB11-156 by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Becker, Gerou, Ferrandino--Concerning a reduction in the amount of the general fund reserve required for the 2010-11 state fiscal year.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, February 9, page 129 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 (SB11-013, SB11-010, SB11-039, SB11-012, SB11-019, SB11-034, SB11-043, HB11-1022, SB11-009, SB11-007, SB11-016, SB11-055, SB11-110) of Friday, February 11 was laid over until Monday, February 14, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB11-164 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the augmentation of the general fund through transfers of certain moneys.

Senators Kopp and Cadman moved to amend the Report of the Committee of the Whole to show that the following Morse floor amendment, (L.001) to SB 11-164, did not pass.

Amend printed bill, page 3, after line 8 insert:

"SECTION 4. 24-21-104 (3) (d), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-21-104. Fees of secretary of state - repeal. (3) (d) (XVI) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF THIS SUBSECTION (3) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (XVI), THE STATE TREASURER SHALL DEDUCT FOUR MILLION DOLLARS FROM THE DEPARTMENT OF STATE CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND."

Renumber succeeding sections accordingly.

At the request of Senator Kopp, the following letter was ordered spread upon the pages of the journal:

State of Colorado
Department of
State

February 9, 2011

Ms. Caroline Smith
Legislative Analyst
Colorado Joint Budget Committee
200 East 14th Avenue, 3rd Floor
Denver, CO 80203

Re: Management plan for the Department of State Cash Fund

Dear Ms. Smith:

I write in response to recent discussions involving the Joint Budget Committee regarding appropriate uses for accumulated reserves in the Department of State Cash Fund. For the reasons that follow, I would ask that you and the Committee temporarily defer further consideration of the Cash Fund's accumulated reserves in order to allow me sufficient time to finalize a detailed plan for the management of the Cash Fund. I believe that allowing me this opportunity will facilitate a more thorough and thoughtful discussion by the Committee and the General Assembly.

As you know, almost all of the moneys in the Cash Fund were derived from fees paid by businesses for filing documents with the Secretary of State, and I have expressed my view that the accumulated fees should either be utilized to support the purposes for which they were collected or returned to business filers in the form of reduced fees. In the last several weeks since I took office, I have become aware of a number of ways that the Department can and must serve its customers better, and I believe the Department must have the appropriate resources to implement such improvements to its services.

Accordingly, I have been actively assessing specific ways that the Department can more effectively manage its resources, including the Cash Fund. This review includes both current policies as well as the personnel necessary to properly manage department resources.

Given that the Cash Fund has for years generated excess reserves, I believe that the first priority for effective management of the Cash Fund is to develop a plan to reduce fees for our business filers. The Department is in the process of analyzing specific fee reductions that will provide a long-term solution to the excess reserve problem, while preserving our ability to fund our long-term obligations.

Our second priority is to identify and analyze ways we can more effectively serve our customers. Based on staff analysis, I have been evaluating a list of needed projects that have either been languishing due to insufficient resources or that have come to light recently.

For example, it is critical that the Department make changes to its business filing system in order to protect our business customers from the growing threat of business identity theft. We also badly need to complete the "Darwin project", which requires a complete reengineering of our electronic filing system for secured transactions - a project that has languished since it was authorized by legislation in 2006. In addition, I have become aware of needed improvements to our web site, the potential for some major litigation costs in the coming year relating primarily to campaign finance issues, and a variety of other issues and ideas that have recently come to light regarding how we should serve our customers better, especially our customers who paid fees into the Cash Fund. It should also be noted that there are numerous bills that have been introduced recently that may warrant funding by the General Assembly from the Cash Fund.

I am currently in the process of quickly working my way through a list of such items in order to assess their cost-effectiveness, priority, and cost. While I understand the time constraints under which the Committee operates, I believe the Committee and the General Assembly will benefit from a thoughtful and detailed proposal for the allocation of reserves in the Cash Fund.

Accordingly, I am requesting that you and the Committee allow me two weeks to complete my analysis and finalize a detailed proposal to manage the Cash Fund's accumulated reserve. I look forward to working with you and the Committee on this important issue.

Sincerely,
(signed)
Scott Gessler
Secretary of State

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	17	NO	18	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

Senators King S., Cadman, Grantham, Roberts, and White moved to amend the Report of the Committee of the Whole to show that SB 11-164, as amended, did not pass.

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

YES	14	NO	21	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	N	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

SB11-159 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning the distribution of fifty percent of the balance remaining in the limited gaming fund that is allocated to the state general fund or such other fund as the general assembly provides as specified in section 9 (5) (b) (II) of article XVIII of the state constitution, and making an appropriation in connection therewith.

Senators Scheffel and Nicholson moved to amend the Report of the Committee of the Whole to show that the following Nicholson and Scheffel floor amendment, (L.002) to SB 11-159, did pass.

Amend printed bill, page 5, line 12, strike "THIRTEEN" and substitute "NINETEEN".

Page 5 of the bill, line 14, strike "SEVEN" and substitute "ONE".

Amend the Appropriations Committee report, dated February 9, 2011, page 2, strike line 26 and substitute "two hundred ninety-three thousand dollars (\$293,000) cash funds, or so".

Page 3 of the committee report, strike lines 5 and 6 and substitute "impact grants, is decreased by seven hundred thirty-three thousand dollars (\$733,000).".

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	20	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	N	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	Y	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-164 as amended, SB11-136 as amended, SB11-137 as amended, SB11-141 as amended, SB11-144 as amended, SB11-157, SB11-159 as amended, SB11-156 as amended.
Laid over until Monday, February 14: SB11-013, SB11-010, SB11-039, SB11-012, SB11-019, SB11-034, SB11-043, SB11-009, SB11-007, SB11-016, SB11-055, SB11-110, HB11-1022.

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, February 11 was laid over until Monday, February 14, retaining its place on the calendar.

Third Reading of Bills -- Final Passage: SB11-062.
Consideration of Resolutions: SJR11-005.
Consideration of Governor's Appointments:
Executive Director of the Department of Local Affairs

COMMITTEE OF REFERENCE REPORTS

Finance

After consideration on the merits, the Committee recommends that **SB11-025** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 10, strike "(a)".

Page 2, strike lines 11 through 20.

	Page 3, strike lines 1 through 5 and substitute "BODY PURSUANT TO THIS CODE SHALL SPECIFY THAT THE CONTRACT AND PERFORMANCE MEASURES AND STANDARDS UNDER ARTICLE 103.5 OF THIS TITLE ARE OPEN TO INSPECTION BY THE PUBLIC AS PROVIDED IN SECTIONS 24-72-203 AND 24-72-204.".	1 2 3 4 5 6
Finance	After consideration on the merits, the Committee recommends that HB11-1037 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	7 8 9 10 11
Finance	After consideration on the merits, the Committee recommends that SB11-124 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.	12 13 14 15
	Amend printed bill, page 2, line 17, after "2008-09-" insert "MONEYS TRANSFERRED TO A COUNTY PURSUANT TO THIS SUB-SUBPARAGRAPH (B) SHALL BE AVAILABLE TO THE COUNTY IN THE SUCCEEDING STATE FISCAL YEAR.".	16 17 18 19 20
	Page 3, line 21, strike "OR (C)".	21 22
	Page 3, line 24, strike "RESERVES." and substitute "RESERVES TO THE EXTENT THAT THE COUNTY OR COUNTIES RECEIVING THE RESERVES ACCEPT RESPONSIBILITY FOR THE MAINTENANCE OF EFFORT.".	23 24 25 26 27
Trans- portation	After consideration on the merits, the Committee recommends that SB11-031 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.	28 29 30 31
	Amend printed bill, strike everything below the enacting clause and substitute:	32 33 34
	" SECTION 1. Article 12 of title 42, Colorado Revised Statutes, is amended, WITH THE RELOCATION OF PROVISIONS, to read:	35 36
	PART 1	37
	GENERAL PROVISIONS	38
	42-12-101. Definitions. As used in this article, unless the context otherwise requires:	39 40
	(1) "Collector" means an individual or person who is:	41
	(a) The owner of one or more vehicles of historic or special interest who collects, purchases, acquires, trades, or disposes of these vehicles or parts thereof for such owner's use in order to preserve, restore, and maintain a vehicle for hobby purposes or use; or	42 43 44 45
	(b) A bona fide member of a national automobile club or association whose charter recognizes in membership a sincere demonstration of interest in the history of automotive engineering, in the preservation of antique, vintage, or special interest motor vehicles, in a sharing of knowledge and experience with other automotive enthusiasts, or in the promotion of good fellowship among such members or collectors.	46 47 48 49 50 51 52
	(2) "Collector's item" means a motor vehicle, including a truck or truck tractor, that is of:	53 54
	(a) (H) Model year 1975 or earlier; or	55
	(H) (b) Model year 1976 or later that was registered as a collector's item prior to September 1, 2009; except that a vehicle so registered shall IS not be eligible for registration as a collector's item upon sale or transfer to a new owner. This paragraph (a) is effective September 1, 2009.	56 57 58 59 60
	(b) and (c) (Deleted by amendment, L. 97, p. 358, §1, effective July 1, 1997.)	61 62
	(3) "COMMERCIAL VEHICLE" MEANS A TRAILER, TRUCK, OR TRUCK TRACTOR, AS THOSE TERMS ARE DEFINED IN SECTION 42-1-102.	63 64
	(4) "DEALER" MEANS A PERSON WHO IS ENGAGED IN THE BUSINESS OR VOCATION OF MANUFACTURING, BUYING, SELLING, TRADING, DESTROYING, OR SALVAGING MOTOR VEHICLES, MOTOR VEHICLE PARTS, MOTOR VEHICLE EQUIPMENT, OR MOTOR VEHICLE ACCESSORIES.	65 66 67 68
	(5) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.	69

(6) "DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE.

(7) "GARAGE" MEANS A BUILDING OR BUSINESS PLACE USED FOR THE STORAGE OR REPAIR OF MOTOR VEHICLES.

(8) "INSPECTOR" MEANS A PEACE OFFICER OF A LAW ENFORCEMENT AGENCY WHO HAS BEEN CERTIFIED UNDER SECTION 42-5-206 TO INSPECT VEHICLE IDENTIFICATION NUMBERS.

(9) "LAW ENFORCEMENT AGENCY" MEANS THE COLORADO STATE PATROL OR THE AGENCY OF A LOCAL GOVERNMENT AUTHORIZED TO ENFORCE THE LAWS OF COLORADO.

(10) "MOTOR VEHICLE" MEANS A SELF-PROPELLED VEHICLE DESIGNED FOR OPERATION ON THE HIGHWAY AND NOT RUNNING ON RAILS.

(11) **[Formerly 42-12-101 (3)]** "Parts car" means a motor vehicle, generally in ~~nonoperable~~ INOPERABLE condition, ~~which~~ THAT is owned by a collector to furnish or to supply parts that are usually ~~nonobtainable~~ UNOBTAINABLE from normal sources, thus enabling a collector or other collectors to preserve, restore, complete, and maintain a vehicle of historic or special interest.

(12) "REBUILT VEHICLE" MEANS A VEHICLE THAT WAS ASSEMBLED FROM PARTS OF TWO OR MORE COMMERCIAL MANUFACTURED VEHICLES OR THAT HAS BEEN ALTERED IN SUCH A MANNER THAT IT IS NOT READILY RECOGNIZABLE AS A COMMERCIAL MANUFACTURED VEHICLE OF A GIVEN YEAR. "REBUILT VEHICLE" INCLUDES A KIT CAR AND A STREET-ROD VEHICLE.

(13) "STATE" INCLUDES THE TERRITORIES AND THE FEDERAL DISTRICTS OF THE UNITED STATES.

(14) "STREET-ROD VEHICLE" MEANS A VEHICLE WITH A BODY DESIGN MANUFACTURED IN 1948 OR EARLIER OR WITH A REPRODUCTION COMPONENT THAT RESEMBLES A 1948 OR EARLIER MODEL THAT HAS BEEN MODIFIED FOR SAFE ROAD USE, INCLUDING MODIFICATIONS TO THE DRIVE TRAIN, SUSPENSION, AND BRAKE SYSTEMS, MODIFICATIONS TO THE BODY THROUGH THE USE OF MATERIALS SUCH AS STEEL OR FIBERGLASS, AND MODIFICATIONS TO OTHER SAFETY OR COMFORT FEATURES.

(15) "VEHICLE" MEANS A MOTOR VEHICLE REQUIRED TO HAVE A CERTIFICATE OF TITLE UNDER PART 1 OF ARTICLE 6 OF THIS TITLE BUT DOES NOT INCLUDE COMMERCIAL VEHICLES.

(16) "VEHICLE IDENTIFICATION NUMBER" MEANS THE IDENTIFYING NUMBER, SERIAL NUMBER, ENGINE NUMBER, OR OTHER DISTINGUISHING NUMBER OR MARK, INCLUDING ANY LETTERS, THAT IS UNIQUE TO THE IDENTITY OF A GIVEN VEHICLE OR VEHICLE PART AND THAT WAS PLACED ON A VEHICLE OR VEHICLE PART BY ITS MANUFACTURER OR BY THE DEPARTMENT UNDER EITHER SECTION 42-12-202 OR THE LAWS OF ANOTHER STATE OR COUNTRY.

42-12-102. [Formerly 42-6-108.5] Rebuilder's certificate of title. (1) (a) ~~On or after July 1, 2008;~~ If the applicant for a certificate of title to a motor vehicle is unable to provide the director or the authorized agent with a certificate of title duly transferred to ~~such~~ THE applicant or other evidence of ownership that satisfies the director that the applicant owns the vehicle, the director may issue a rebuilder's title for a motor vehicle valued principally because of the vehicle's early date of manufacture, design, or historical interest or valued as a collector's item if:

- (I) The motor vehicle is not roadworthy;
- (II) The motor vehicle is at least twenty-five years old;
- (III) The components of the motor vehicle include at least a rolling chassis;
- (IV) The application contains or is accompanied by a statement that complies with paragraph (b) of this subsection (1);
- (V) The applicant obtains a certified vehicle identification number inspection; and
- (VI) The applicant provides surety that complies with subsection (3) of this section.

(b) The statement required by subparagraph (IV) of paragraph (a) of this subsection (1) ~~shall~~ MUST contain an account of the facts by which the applicant acquired ownership of the vehicle, the source of the title to the vehicle, and such other information as the director may require. The statement ~~shall~~ MUST contain a written declaration that it is made under the penalties of perjury in the second degree, as defined in section 18-8-503, C.R.S.

(2) If a motor vehicle titled pursuant to UNDER this section is later made roadworthy, the department shall issue to an applicant a standard certificate of title if the applicant:

(a) Obtains a certified vehicle identification number inspection; AND

(b) FURNISHES A BOND UNDER SUBSECTION (3) OF THIS SECTION.

(3) (a) TO CONVERT A REBUILDER'S TITLE TO A STANDARD CERTIFICATE OF TITLE, the applicant shall furnish evidence of a savings account, deposit, or certificate of deposit meeting the requirements of section 11-35-101, C.R.S., or a good and sufficient bond with a corporate surety. The surety shall be ACCOUNT, DEPOSIT, CERTIFICATE, OR BOND MUST BE in an amount fixed by the director, but not less than twice the reasonable value of the vehicle, determined as of the time of application. The applicant and the applicant's surety shall hold harmless any person who suffers loss or damage by reason of the filing of a certificate of title under this section.

(b) If a person suffers loss or damage by reason of the filing of a certificate of title under this section, the person shall have HAS a right of action against the applicant and the surety on the applicant's bond, against either of whom the person damaged may proceed independently of the other.

(4) ~~A motor vehicle titled pursuant to this section shall not:~~

(a) ~~Be driven~~ A PERSON SHALL NOT DRIVE A MOTOR VEHICLE TITLED UNDER THIS SECTION on the highways until it complies with subsection (5) of this section. or

(b) ~~Be deemed a salvage vehicle or receive a salvage certificate of title~~ THE DEPARTMENT OR ITS AUTHORIZED AGENT SHALL NOT CLASSIFY A VEHICLE ISSUED A TITLE UNDER THIS SECTION AS A SALVAGE VEHICLE.

(5) (a) If the motor vehicle's frame and body identification numbers do not match the manufacturer's numbering system as being originally mated or IF THE MOTOR VEHICLE is reconstructed from salvage parts or other motor vehicles or reproduction parts, an application for title under USING subsection (1) or (2) of this section shall be accompanied by MUST INCLUDE evidence of ownership acceptable to the director, of the parts, other motor vehicles, or reproduction components used in the reconstruction. IF THE EVIDENCE IS NOT ACCEPTABLE TO THE DIRECTOR, THE DIRECTOR SHALL REJECT THE APPLICATION FOR CERTIFICATE OF TITLE.

(b) The evidence required by paragraph (a) of this subsection (5) shall MUST include or be accompanied by an affidavit stating the facts concerning the reconstruction and an affidavit of physical inspection that includes a computer check of the state and national compilations of wanted and stolen vehicles.

(c) ~~Upon the applicant's compliance with paragraphs (a) and (b)~~ BEFORE ISSUING A CERTIFICATE OF TITLE UNDER PARAGRAPH (a) of this subsection (5), the department shall issue a special vehicle identification number to the vehicle.

42-12-103. Furnishing bond for certificates. (1) IF A COLLECTOR'S ITEM, STREET-ROD VEHICLE, OR HORSELESS CARRIAGE IS TWENTY-FIVE YEARS OLD OR OLDER, THE APPLICANT HAS HAD A CERTIFIED VEHICLE IDENTIFICATION NUMBER INSPECTION PERFORMED ON THE VEHICLE, AND THE APPLICANT PRESENTS A NOTARIZED BILL OF SALE WITHIN TWENTY-FOUR MONTHS AFTER THE SALE WITH THE TITLE APPLICATION, THEN THE APPLICANT NEED NOT FURNISH SURETY UNDER SECTION 42-6-115 (3). TO BE EXCEPTED FROM THE SURETY REQUIREMENT, AN APPLICANT SHALL SUBMIT TO THE DEPARTMENT A SWORN AFFIDAVIT, UNDER PENALTY OF PERJURY, STATING THAT THE REQUIRED DOCUMENTS SUBMITTED ARE TRUE AND CORRECT.

(2) IF ANY PERSON SUFFERS LOSS OR DAMAGE BY REASON OF THE FILING OF THE CERTIFICATE OF TITLE AS PROVIDED IN THIS SECTION, THE PERSON SHALL HAVE A RIGHT OF ACTION AGAINST THE APPLICANT AND THE SURETY ON THE APPLICANT'S BOND, AGAINST EITHER OF WHOM THE PERSON DAMAGED MAY PROCEED INDEPENDENTLY OF THE OTHER.

42-12-104. Applicability of articles 1, 3, 4, 5, and 6. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, ARTICLES 1, 3, 4, 5, AND 6 OF THIS TITLE APPLY TO THE TITLING AND REGISTRATION OF A MOTOR VEHICLE.

PART 2

STREET-ROD VEHICLES

42-12-201. [Formerly 42-5-203] Inspections - street-rod vehicles. When an inspector performs a vehicle identification number

inspection on a street-rod vehicle, the inspector shall accept the serial number of such street-rod vehicle as the ~~vehicle~~ VEHICLE'S identification number ~~thereof~~; or, if the street-rod vehicle has frame and body identification numbers that do not match or is reconstructed from salvage parts, other vehicles, or reproduction parts, the inspector shall accept the special vehicle identification number assigned to such vehicle by the department ~~of revenue pursuant to~~ BY section ~~42-5-205~~ 42-12-202 as the vehicle identification number.

42-12-202. [Formerly 42-5-205] Assignment of a special vehicle identification number by the department. The department ~~of revenue is authorized to~~ MAY assign a special vehicle identification number to any street-rod vehicle whenever required by section ~~42-6-108~~ 42-12-203 and to any vehicle or commercial vehicle whenever no vehicle identification number is found on the vehicle or whenever a vehicle identification number has been removed, changed, altered, or obliterated. ~~Such~~ THE special number ~~shall~~ MUST be affixed to the vehicle or commercial vehicle in the manner and position determined by the department. ~~of revenue. Such~~ THE special number ~~shall then be~~ IS the vehicle identification number required to be recorded by an inspector on the inspection form that is transmitted to the ~~executive director of the department, of revenue, and the vehicle or commercial vehicle shall then be registered and titled under~~ WHICH SHALL REGISTER AND TITLE THE MOTOR VEHICLE USING the special vehicle identification number.

42-12-203. [Formerly 42-6-108] Identification number - title - street-rod vehicles. (1) When a person applies for a certificate of title for a street-rod vehicle, the department shall accept the serial number of ~~such~~ THE street-rod vehicle as its vehicle identification number or the special vehicle identification number assigned to such vehicle by the department ~~pursuant to~~ UNDER section ~~42-5-205~~ 42-12-202.

(2) A person who applies for a certificate of title for a street-rod vehicle having frame and body identification numbers that do not match the manufacturer's numbering system as being originally mated or that is reconstructed from salvage parts or other motor vehicles or reproduction parts shall furnish evidence of ownership, acceptable to the director, of such salvage parts, other motor vehicles, or reproduction components used in the reconstruction of such vehicle. In addition, the applicant shall ~~also~~ furnish an affidavit stating the facts concerning the reconstruction and an affidavit of physical inspection that includes a computer check of the state and national compilations of wanted and stolen vehicles. ~~Such vehicle reconstructed from salvage parts, other motor vehicles, or reproduction parts~~ THE DEPARTMENT may ~~then be issued~~ ISSUE a special vehicle identification number ~~from the department. The~~ AND TITLE THE street-rod vehicle ~~will then be titled~~ as a rebuilt vehicle. The model year and the year of manufacture that are listed on the certificate of title of a street-rod vehicle ~~shall be~~ ARE the model year and the year of manufacture that the body of such vehicle resembles.

42-12-204. [Formerly 42-4-215.5] Signal lamps and devices - street-rod vehicles and custom motor vehicles - definition. (1) As used in this section, ~~unless the context otherwise requires:~~

(a) "blue dot tail light" means a red lamp installed in the rear of a motor vehicle containing a blue or purple insert that is not more than one inch in diameter.

~~(b) Repeated:~~

(2) A street-rod vehicle or custom motor vehicle may use blue dot tail lights for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors ~~Such~~ IF THE lamps ~~shall~~ comply with all requirements ~~provided in this~~ OF PART 2 OF article ~~other than color requirements~~ 4 OF THIS TITLE.

PART 3
SPECIAL REGISTRATION OF
HORSELESS CARRIAGES AND ORIGINAL PLATES

42-12-301. [Formerly 42-3-219] Special registration of horseless carriages - rules. (1) (a) The department may specially register and issue a horseless carriage special license plate for motor vehicles valued principally because of the vehicles' early date of manufacture, design, or historical interest or valued as collector's items.

~~(b) In addition to any other registration, the department may approve use of original plates for motor vehicles valued principally because of the vehicles' early date of manufacture, design, or historical~~

~~interest or valued as collector's items. The use of a vehicle bearing such original plates shall be limited to the uses authorized in subsection (5) of this section when using the original plates authorized in this section. An original plate shall meet the following criteria in order to qualify for use under this paragraph (b):~~

~~(I) The plates were made at least thirty years prior to registration under this section;~~

~~(II) The plates are embossed with the year of original issue;~~

~~(III) The plates are legible;~~

~~(IV) The plates were issued contemporaneously with the year of manufacture of the vehicle upon which they are displayed, as determined by the department; and~~

~~(V) The plates do not exceed seven characters.~~

~~(c) (b) For the purposes of this section, "early date of manufacture" means that a motor vehicle was manufactured at least fifty years before the current date of registration.~~

~~(2) The plates issued under paragraph (a) of subsection (1) of this section shall MUST be of a design, determined by the executive director, of the department. Such design shall be THAT IS different from that used by the state for regular motor vehicle registration.~~

~~(3) (a) The executive director of the department shall register such THE vehicles and issue such plates for a period not exceeding five years, but all such THE registrations and plates shall expire on the same date regardless of the date of issue.~~

~~(b) Upon the expiration of the five-year period ending with the year 1959, and each five years thereafter, the registration plate originally issued for each vehicle shall MUST remain with the vehicle. The executive director of the department shall issue a tab to be securely fastened to the plate showing the five years for which the motor vehicle is registered.~~

~~(c) A registration issued pursuant to PERSON WHO HAS REGISTERED A VEHICLE UNDER this section shall be renewed RENEW THE REGISTRATION within thirty days prior to the ITS expiration date. of the registration. If the application for renewal, together with the fees, is not received by the executive director prior to the expiration date, the executive director shall notify the registered owner, at the address shown by the department's records, by regular mail, to reregister said THE vehicle or surrender the registration plate within ten days after the registration expiration date OF THE REGISTRATION. If the notice is not complied with, the executive director shall secure the return of the plate.~~

~~(4) The fee for issuing such registration and special registration plate or tab shall be IS five dollars for each five-year period or fraction thereof. In addition to the five-dollar registration fee, the executive director of the department shall collect the one-dollar-and-fifty-cent annual specific ownership fee provided by law for each year of registration, which additional fee shall be collected for the number of years remaining at the time of registration and issuance or renewal of the registration.~~

~~(5) Motor vehicles having such special registration plates may be used A PERSON MAY DRIVE A MOTOR VEHICLE WITH THE SPECIAL REGISTRATION PLATES AUTHORIZED BY THIS SECTION OR SECTION 42-12-302 on the streets and highways, for driving such vehicle BUT ONLY:~~

~~(a) To and from assemblies, conventions, or other meetings where such vehicles and their ownership are the primary interest;~~

~~(b) Vehicles so registered may also be used or driven On special occasions, for demonstrations and parades;~~

~~(c) and On occasions when their THE operation OF THE VEHICLE on the streets and highways will not constitute a traffic hazard; AND~~

~~(d) They may also be used for traveling To, and from, and while on DURING local, state, or national tours held primarily for the exhibition and enjoyment of such vehicles.~~

~~(6) Upon the sale or transfer of a motor vehicle bearing a special registration plate, the plate shall remain REMAINS with the vehicle and be IS transferred to the new owner. The new owner shall title such motor vehicle as provided by law and GIVE notice of the transfer of ownership shall be given to the department.~~

~~(7) All Applications for special registration of motor vehicles shall be ARE made directly to the department. of revenue. THE~~

DEPARTMENT SHALL ADMINISTER all matters concerning such registration. ~~shall be administered by the department. All~~ THE DEPARTMENT SHALL TRANSFER fees received from special registrations ~~shall be transferred to~~ the state treasurer, ~~and credited~~ WHO SHALL CREDIT THE FEES to the highway users tax fund.

(8) The ~~executive~~ director may prepare any special forms and issue any rules necessary to implement this section.

(9) When ~~application is made to the executive~~ director RECEIVES AN APPLICATION for a title to a vehicle ~~described in~~ UNDER subsection (1) of this section, the ~~executive~~ director shall accept the original motor or serial number on ~~such~~ THE vehicle and shall not require or issue a special identification number for ~~such~~ THE vehicle.

~~(10) Repealed.~~

42-12-302. Original plates. (1) IN ADDITION TO ANY OTHER REGISTRATION, THE DEPARTMENT MAY APPROVE USE OF THE STYLE OF ORIGINAL PLATES FROM THE VEHICLE'S YEAR OF MANUFACTURE FOR MOTOR VEHICLES VALUED PRINCIPALLY BECAUSE OF THE VEHICLES' EARLY DATE OF MANUFACTURE, DESIGN, OR HISTORICAL INTEREST OR VALUED AS COLLECTOR'S ITEMS. ORIGINAL PLATES MUST MEET THE FOLLOWING CRITERIA IN ORDER TO QUALIFY FOR USE UNDER THIS SECTION:

(a) THE PLATES WERE MADE AT LEAST THIRTY YEARS PRIOR TO REGISTRATION UNDER THIS SECTION;

(b) THE PLATES ARE EMBOSSED WITH THE YEAR OF ORIGINAL ISSUE;

(c) THE PLATES ARE LEGIBLE;

(d) THE PLATES WERE ISSUED CONTEMPORANEOUSLY WITH THE YEAR OF MANUFACTURE OF THE VEHICLE UPON WHICH THEY ARE DISPLAYED, AS DETERMINED BY THE DEPARTMENT; AND

(e) THE PLATES DO NOT EXCEED SEVEN CHARACTERS.

(2) A PERSON SHALL NOT DRIVE THE VEHICLE BEARING THE ORIGINAL PLATES EXCEPT AS AUTHORIZED IN SECTION 42-12-301 (5).

PART 4

COLLECTOR'S ITEMS

42-12-401. [Formerly 42-12-102] Registration of collector's items - fees - definition. (1) Except for ~~those~~ motor vehicles that are entitled to registration under ~~the provisions of~~ section ~~42-3-219~~ 42-12-301, OWNERS OF collector's items shall ~~be titled, registered~~ APPLY FOR A TITLE, REGISTER, and PAY a specific ownership tax ~~shall be paid thereon~~ in the same manner as provided in this title for other motor vehicles, with the following exceptions:

(a) Such collector's items ~~shall be~~ ARE registered for periods of five years. The taxes and fees imposed for registration of a collector's item for each five-year registration period ~~shall be~~ IS equal to five times the annual taxes and fees ~~which~~ THAT would otherwise be imposed for the registration of ~~such~~ THE motor vehicle under this title and under title 43, C.R.S.; except that the amount of a surcharge imposed pursuant to section 43-4-804 (1) (a) or 43-4-805 (5) (g), C.R.S., ~~shall be~~ IS the amount specified in the applicable section. In addition to any other ~~such~~ taxes and fees, if a collector's item is registered in a county ~~which~~ THAT is a member of ~~one or more~~ A highway ~~authorities~~ AUTHORITY and ~~such~~ THE authority ~~or authorities have~~ HAS imposed an annual motor vehicle registration fee ~~or fees~~ pursuant to ~~the provisions of~~ section 43-4-506 (1) (k), C.R.S., then five times such annual motor vehicle registration fee ~~or fees~~ shall ~~be~~ IS imposed and remitted to ~~such~~ THE authority. ~~or authorities.~~

(b) ~~(i) No collector's item of model year 1976 or later for which a certification of emissions control is required under sections 42-4-301 to 42-4-316 shall be registered under this section unless a certification of emissions control is obtained for the collector's item. Reregistration of the collector's item by the same owner shall not require the obtainment of a new certification of emissions control, but the collector's item shall not be registered under this section after the sale or transfer of the vehicle to a new owner. THE MOTOR VEHICLE'S COMPLIANCE WITH EMISSIONS STANDARDS IS GOVERNED BY SECTION 42-12-404.~~

~~(H) (Deleted by amendment, L. 2009, (SB 09-003), ch. 322, p. 1720, § 8, effective June 1, 2009.)~~

(c) The annual registration fee for a truck or truck tractor that has an empty weight of six thousand one pounds or more, or a declared gross vehicle weight of sixteen thousand one pounds or more and is a collector's item, ~~shall be~~ IS sixty-five dollars if such vehicle is used

exclusively for noncommercial transportation and only used to drive:

(I) To and from assemblies, conventions, or other meetings where such vehicles and their ownership are the primary interest;

(II) For special occasions, demonstrations, and parades and on occasions when their operation on the streets and highways will not constitute a traffic hazard; or

(III) Traveling to, and from, and while on DURING local, state, or national tours held primarily for the exhibition and enjoyment of such vehicles by their owners.

(d) For purposes of paragraph (c) of this subsection (1), "noncommercial transportation" means a truck or truck tractor used exclusively for private transportation of passengers or cargo for purposes unrelated in any way to a business or commercial enterprise.

(2) (a) An owner of a collector's item that is not operated upon the highways of this state and that is kept on private property for the purpose of maintenance, repair, restoration, rebuilding, or any other similar purpose shall pay an annual specific ownership tax as provided in section 42-3-106 on any such motor vehicle owned by such THE owner, except owners of parts cars as defined in section 42-12-101 (3), or licensed garages or licensed automobile dealers. The payment of The OWNER SHALL PAY THE specific ownership tax shall be made in the manner provided in section 42-3-219 42-12-301.

(b) Upon payment of the specific ownership tax as provided in this subsection (2), the department of revenue shall issue to the owner of the motor vehicle for which the tax has been paid a license, sticker, decal, or other device evidencing such payment, as may be prescribed by the executive director. When such device or license is affixed to the motor vehicle for which IT IS issued, the owner of that motor vehicle shall be IS permitted to keep such motor vehicle on private property for the purposes of maintenance, repair, restoration, rebuilding, or renovation.

(3) Notwithstanding the amount specified for any fee in subsection (1) of this section, the ~~executive director of the department of revenue~~ by rule or as otherwise provided by law may reduce the amount of one or more of the fees if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the ~~executive director of the department of revenue~~ by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section 24-75-402 (4), C.R.S.

(4) An applicant may apply for personalized license plates issued for a motor vehicle registration issued pursuant to this section. If the applicant complies with section 42-3-211, the department of revenue may issue such plates upon payment of the additional fee required by section 42-3-211 (6) for personalized license plates. If the applicant has existing personalized license plates for a motor vehicle, the applicant may transfer the combination of letters or numbers to a new set of license plates for the vehicle upon paying the fee imposed by section 42-3-211 (6) (a) and upon turning in such existing plates to the department as required by the department. A person who has obtained personalized plates under this subsection (4) shall pay the annual fee imposed by section 42-3-211 (6) (b) to renew such plates. The fees imposed by this subsection (4) shall be ARE in addition to all other taxes and fees imposed for collector COLLECTOR'S license plates.

42-12-402. [Formerly 42-12-103] Storage. A collector may store ONE OR MORE motor vehicles, as described in section 42-12-101, or ~~parts thereof~~, VEHICLES OR MOTOR VEHICLE PARTS on the collector's private property provided such vehicles and parts cars and the outdoor IF THE VEHICLE, MOTOR VEHICLE PART, AND storage areas AREA are maintained in such a manner that they do SO AS TO not constitute a health hazard, a safety hazard, or a fire hazard; and are effectively screened from ordinary public view by means of a solid fence, trees, shrubbery, or other appropriate means; ~~Such storage areas shall be~~ AND ARE kept free of weeds, trash, and other objectionable items.

42-12-403. [Formerly 42-12-104 (1) and (3)] Special equipment or modification. (1) Unless the presence of special equipment was a prior condition for sale within Colorado at the time an historic or special interest vehicle was manufactured for first use, the presence of such equipment or device ~~shall~~ IS not be required as a

condition for current legal use.

(3) (2) Any safety device or safety equipment ~~which~~ THAT was manufactured for and installed on a motor vehicle as original equipment must be in proper operating condition when the vehicle is operated on or for highway purposes.

42-12-404. Emissions. (1) [Formerly 42-12-104 (2)] Any A motor vehicle of historic or special interest manufactured prior to the date emission controls were standard equipment on that particular make or model of vehicle is exempted from statutes requiring the inspection and use of such emission controls. Any A motor vehicle using emission controls as standard equipment at the time of manufacture must have such equipment in proper operating condition at all times when the vehicle is operated on or for highway purposes.

(2) A CERTIFICATION OF EMISSIONS CONTROL THAT HAS BEEN ISSUED FOR A MOTOR VEHICLE THAT IS REGISTERED AS A COLLECTOR'S ITEM BEFORE SEPTEMBER 1, 2009, AND THAT IS OF MODEL YEAR 1976 OR LATER IS VALID UNTIL THE MOTOR VEHICLE IS SOLD OR TRANSFERRED.

42-12-405. Registration penalty. IN ADDITION TO ANY OTHER PENALTIES, THE DEPARTMENT SHALL CANCEL THE REGISTRATION OF A NONCOMMERCIAL OR RECREATIONAL VEHICLE, TRUCK, OR TRUCK TRACTOR REGISTERED AS A COLLECTOR'S ITEM PURSUANT TO SECTION 42-12-401 THAT IS USED TO TRANSPORT CARGO OR PASSENGERS FOR PROFIT OR HIRE OR IN A BUSINESS OR COMMERCIAL ENTERPRISE. THE DEPARTMENT SHALL CANCEL THE REGISTRATION OF A TRUCK OR TRUCK TRACTOR REGISTERED AS A COLLECTOR'S ITEM PURSUANT TO SECTION 42-12-401 THAT IS DRIVEN FOR ANY PURPOSE OTHER THAN THOSE PURPOSES ALLOWED IN SECTION 42-12-401 (1) (c).

SECTION 2. 4-2.5-104 (1) (a), Colorado Revised Statutes, is amended to read:

4-2.5-104. Leases subject to other law. (1) A lease, although subject to this article, is also subject to any applicable:

(a) Certificate of title statute of this state (including vessels under article 13 of title 33, C.R.S., snowmobiles under article 14 of title 33, C.R.S., mobile homes under article 29 of title 38, C.R.S., aircraft under article 2 of title 41, C.R.S., and motor vehicles under article 6 OR 12 of title 42, C.R.S.);

SECTION 3. 12-6-102 (17) (f), Colorado Revised Statutes, is amended to read:

12-6-102. Definitions. As used in this part 1 and in part 5 of this article, unless the context or section 12-6-502 otherwise requires:

(17) "Used motor vehicle dealer" means any person who, for commission or with intent to make a profit or gain of money or other thing of value, sells, exchanges, leases, or offers an interest in used motor vehicles, or attempts to negotiate a sale, exchange, or lease of used and new motor vehicles or who is engaged wholly or in part in the business of selling used motor vehicles, whether or not such motor vehicles are owned by such person. The sale of three or more used motor vehicles or the offering for sale of more than three used motor vehicles at the same address or telephone number in any one calendar year shall be prima facie evidence that a person is engaged in the business of selling used motor vehicles. "Used motor vehicle dealer" includes any owner of real property who allows more than three used motor vehicles to be offered for sale on such property during one calendar year unless said property is leased to a licensed used motor vehicle dealer. "Used motor vehicle dealer" does not include:

(f) Any person who only sells or exchanges no more than four motor vehicles that are collector's items pursuant to section ~~42-3-219~~; C.R.S., or pursuant to UNDER PART 3 OR 4 OF article 12 of title 42, C.R.S.;

SECTION 4. 42-3-121 (1) (g), (1) (h), and (2) (c), Colorado Revised Statutes, are amended to read:

42-3-121. Violation of registration provisions - penalty. (1) It is unlawful to commit any of the following acts:

(g) To use or permit the use of a truck or truck tractor registered as a collector's item pursuant to section ~~42-12-102~~ 42-12-401 (1) (c) to transport cargo or passengers for profit or hire or in a business or commercial enterprise;

(h) To drive or permit to be driven a truck or truck tractor registered as a collector's item pursuant to section ~~42-12-102~~ 42-12-401 (1) (c) for any purpose other than those purposes allowed in section

~~42-12-102~~ 42-12-401 (1) (c).

(2) (c) A person who violates paragraph (f) or (g) of subsection (1) of this section commits a class B traffic infraction. ~~In addition to the penalties prescribed for a violation of paragraph (f) or (g) of subsection (1) of this section, the department shall cancel the registration of a noncommercial or recreational vehicle, truck, or truck tractor registered as a collector's item pursuant to section 42-12-102 (1) (c) that has been used to transport cargo or passengers for profit or hire or in a business or commercial enterprise. The department shall cancel the registration of a truck or truck tractor registered as a collector's item pursuant to section 42-12-102 (1) (c) that has been driven for any purpose other than those purposes allowed in section 42-12-102 (1) (c).~~

SECTION 5. 42-4-206 (1) and (4), Colorado Revised Statutes, are amended to read:

42-4-206. Tail lamps and reflectors. (1) TO BE OPERATED ON A ROAD, every motor vehicle, trailer, semitrailer, and pole trailer and any other vehicle ~~which~~ THAT is being drawn at the end of a train of vehicles ~~shall~~ MUST be equipped with at least one tail lamp mounted on the rear, which, when lighted as required in section 42-4-204, ~~shall emit~~ EMITS a red light plainly visible from a distance of five hundred feet to the rear; except that, in the case of a train of vehicles, only the tail lamp on the rear-most vehicle need actually be seen from the distance specified, ~~and~~ except as provided in section ~~42-4-215.5~~ 42-12-204. Furthermore, every ~~such~~ vehicle registered in this state and manufactured or assembled after January 1, 1958, ~~shall~~ MUST be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable, which, when lighted as required in section 42-4-204, ~~shall~~ comply with the provisions of this section.

(4) TO BE OPERATED ON A ROAD, every motor vehicle ~~operated on and after January 1, 1958, upon a highway in the state of Colorado shall~~ MUST carry on the rear, either as part of a tail lamp or separately, one red reflector meeting the requirements of this section; except that vehicles of the type mentioned in section 42-4-207 ~~shall~~ MUST be equipped with reflectors as required in those sections applicable thereto and except as BY LAW UNLESS OTHERWISE provided in section ~~42-4-215.5~~ 42-12-204.

SECTION 6. 42-4-215 (1), (2), and (7), Colorado Revised Statutes, are amended to read:

42-4-215. Signal lamps and devices - additional lighting equipment. (1) TO BE OPERATED ON A ROAD, any motor vehicle may be equipped, and when required under this article ~~shall~~ MUST be equipped, with a stop lamp or lamps on the rear of the vehicle ~~which~~ THAT, except as provided in section ~~42-4-215.5~~, ~~shall~~ 42-12-204, display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight, ~~and which shall be~~ THAT ARE actuated upon application of the service (foot) brake, and ~~which~~ THAT may but need not be incorporated with one or more other rear lamps. Such stop lamp or lamps may also be automatically actuated by a mechanical device when the vehicle is reducing speed or stopping. If two or more stop lamps are installed on any motor vehicle, any device actuating such lamps ~~shall~~ MUST be so designed and installed that all stop lamps are actuated by such device.

(2) Any motor vehicle may be equipped, and when required under this article ~~shall~~ MUST be equipped, with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or to the left. ~~Such~~ THE lamps showing to the front ~~shall~~ MUST be located on the same level and as widely spaced laterally as practicable and when in use ~~shall~~ display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than one hundred feet to the front in normal sunlight, and the lamps showing to the rear ~~shall~~ MUST be located at the same level and as widely spaced laterally as practicable and, except as provided in section ~~42-4-215.5~~ 42-12-204, when in use ~~shall~~ MUST display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight. When actuated, ~~such~~ THE lamps ~~shall~~ MUST indicate the intended direction of turning by flashing the light showing to the front and rear on the side toward which the turn is made.

(7) Any vehicle may be equipped with lamps ~~which~~ THAT may be used for the purpose of warning the operators of other vehicles of the

presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing and, when so equipped and when the said vehicle is not in motion or is being operated at a speed of twenty-five miles per hour or less and at no other time, may display such warning in addition to any other warning signals required by this article. The lamps used to display such warning to the front ~~shall~~ MUST be mounted at the same level and as widely spaced laterally as practicable and ~~shall~~ display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display ~~such~~ THE warning to the rear ~~shall~~ MUST be mounted at the same level and as widely spaced laterally as practicable and, except as provided in section ~~42-4-215.5, shall~~ 42-12-204, show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights ~~shall~~ MUST be visible from a distance of not less than five hundred feet under normal atmospheric conditions at night.

SECTION 7. 42-4-229 (4), Colorado Revised Statutes, is amended to read:

42-4-229. Safety glazing material in motor vehicles. (4) ~~No A~~ person shall NOT operate a motor vehicle on ~~any A~~ highway ~~within this state~~ unless ~~such~~ THE vehicle is equipped with a front windshield as provided in this section, except as provided in section 42-4-232 (1) and except for motor vehicles registered as collector's items under section ~~42-3-219~~ 42-12-301 OR 42-12-302.

SECTION 8. Repeal. 42-4-304 (3) (c), Colorado Revised Statutes, is repealed as follows:

42-4-304. Definitions relating to automobile inspection and readjustment program. As used in sections 42-4-301 to 42-4-316, unless the context otherwise requires:

(3) (c) ~~Effective September 1, 2009, a certification of emissions control that has been issued for any motor vehicle that is registered as a collector's item under the provisions of section 42-12-102 and that is of model year 1976 or later shall be valid until the motor vehicle is sold or transferred.~~

SECTION 9. 42-4-304 (18), Colorado Revised Statutes, is amended to read:

42-4-304. Definitions relating to automobile inspection and readjustment program. As used in sections 42-4-301 to 42-4-316, unless the context otherwise requires:

(18) "Motor vehicle", as applicable to the AIR program, includes only a motor vehicle that is operated with four wheels or more on the ground, self-propelled by a spark-ignited engine burning gasoline, gasoline blends, gaseous fuel, blends of liquid gasoline and gaseous fuels, alcohol, alcohol blends, or other similar fuels, having a personal property classification of A, B, or C pursuant to section 42-3-106, and for which registration in this state is required for operation on the public roads and highways or which motor vehicle is owned or operated or both by a nonresident who meets the requirements set forth in section 42-4-310 (1) (c). "Motor vehicle" does not include kit vehicles; vehicles registered pursuant to section ~~42-3-219~~ 42-12-301 or 42-3-306 (4); vehicles registered pursuant to section ~~42-12-102~~ 42-12-401 that are of model year 1975 or earlier or that have two-stroke cycle engines manufactured prior to 1980; or vehicles registered as street-rods pursuant to section 42-3-201.

SECTION 10. The introductory portion to 42-3-306 (5), Colorado Revised Statutes, is amended to read:

42-3-306. Registration fees - passenger and passenger-mile taxes - fee schedule. (5) The annual registration fee for those trucks and truck tractors operated over the public highways of this state, except trucks that are registered under subsections (4) and (13) of this section and section ~~42-12-102~~ 42-12-401 (1) (c), ~~shall be~~ IS as follows:

SECTION 11. 42-4-310 (1) (d) (II) (B) and (1) (d) (VIII) (A), Colorado Revised Statutes, are amended to read:

42-4-310. Periodic emissions control inspection required. (1) (d) (II) (B) ~~For the basic emissions program, effective January 1, 1994, no emissions-related repair waiver shall be issued for any vehicle that is registered as a collector's item pursuant to the provisions of section 42-12-102 and that is of the model year 1976 or later.~~

(VIII) (A) For the enhanced emissions program except as provided in sub-subparagraph (B) of this subparagraph (VIII), ~~effective January 1, 1995,~~ for businesses that operate nineteen or fewer vehicles

and for private motor vehicles only of a model year 1967 or earlier required to be registered in the enhanced emissions program area, after any adjustments or repairs required pursuant to UNDER section 42-4-306, if total expenditures of at least seventy-five dollars have been made to bring the vehicle into compliance with applicable emissions standards and the vehicle still does not meet the standards, a certification of emissions waiver shall be issued for the vehicle. ~~No emissions-related repair waiver shall be issued for vehicles that are registered as collector's items pursuant to section 42-12-102 and that are of a model year 1976 or later.~~

SECTION 12. The introductory portion to 42-4-311 (2) and 42-4-311 (2) (b) and (3) (a) (II), Colorado Revised Statutes, are amended to read:

42-4-311. Operation of inspection and readjustment stations - inspection-only facilities - fleet inspection stations - motor vehicle dealer test facilities - enhanced inspection centers. (2) A licensed inspection and readjustment ~~stations~~ STATION, inspection-only facilities FACILITY, fleet inspection ~~stations~~, and STATION, motor vehicle dealer test facilities, and FACILITY, OR authorized enhanced inspection centers CENTER shall NOT issue a certification of emissions control to a motor vehicle ~~only~~ EXCEPT upon forms prescribed by the executive director. ~~and a certification of emissions compliance or, if applicable, emissions waiver shall be issued by the licensed inspection and readjustment station, inspection-only facility, fleet inspection station, or motor vehicle dealer test facility or authorized enhanced inspection center to a motor vehicle only after~~ SUCH STATION, FACILITY, OR CENTER SHALL NOT ISSUE A CERTIFICATION OF EMISSIONS COMPLIANCE OR EMISSION WAIVER UNLESS the licensed or authorized emissions inspector or emissions mechanic performing said THE inspection at said station determines that:

(b) The exhaust gas and, if applicable, evaporative emissions from the motor vehicle do not comply with the applicable emissions standards after the adjustments and repairs required in accordance with BY section 42-4-306 have been performed and there is no evidence of emissions system tampering or visible smoke, in which case a certification of emissions waiver shall be issued. A FLEET EMISSION INSPECTOR SHALL NOT ISSUE A certification of emissions waiver ~~shall not be issued by a fleet emissions inspector~~ within the enhanced program area. ~~A certification of emissions waiver shall not be issued for a motor vehicle registered as a collector's item under the provisions of section 42-12-102.~~

(3) (a) (II) No verification of emissions test ~~shall~~ IS REQUIRED TO be issued to or required for any motor vehicle ~~which~~ THAT is registered as a collector's item pursuant to ~~the provisions of section 42-12-102~~ 42-12-401.

SECTION 13. 42-4-401 (5), Colorado Revised Statutes, is amended to read:

42-4-401. Definitions. As used in this part 4, unless the context otherwise requires:

(5) "Diesel powered motor vehicle" or "diesel vehicle" as applicable to opacity inspections, includes only a motor vehicle with four wheels or more on the ground, powered by an internal combustion, compression ignition, diesel fueled engine, and also includes any motor vehicle having a personal property classification of A, B, or C, pursuant to section 42-3-106, as specified on its vehicle registration, and for which registration in this state is required for operation on the public roads and highways. "Diesel vehicle" does not include: ~~the following:~~ Vehicles registered pursuant to UNDER section ~~42-3-219~~ or 42-12-301; VEHICLES TAXED UNDER SECTION 42-3-306 (4); or off-the-road diesel powered vehicles or heavy construction equipment.

SECTION 14. 42-5-101 (11), Colorado Revised Statutes, is amended to read:

42-5-101. Definitions. As used in this part 1, unless the context otherwise requires:

(11) "Vehicle identification number" means any identifying number, serial number, engine number, or other distinguishing number or mark, including letters, if any, that is unique to the identity of a given vehicle or component part thereof that was placed on a vehicle or engine by its manufacturer or by authority of the department of revenue pursuant to section ~~42-5-205~~ 42-12-202 or in accordance with the laws of another state or country.

SECTION 15. 42-5-201 (13), Colorado Revised Statutes, is

amended to read:

42-5-201. Definitions. As used in this part 2, unless the context otherwise requires:

(13) "Vehicle identification number" means any identifying number, serial number, engine number, or other distinguishing number or mark, including letters, if any, that is unique to the identity of a given vehicle or commercial vehicle or component part thereof that was placed on a vehicle, commercial vehicle, or engine by its manufacturer or by authority of the department of revenue pursuant to UNDER section ~~42-5-205~~ 42-12-202 or in accordance with the laws of another state or country.

SECTION 16. 42-6-115 (3), Colorado Revised Statutes, is amended to read:

42-6-115. Furnishing bond for certificates. (3) (a) Except as provided by paragraph (b) of this subsection (3) ~~no~~ OR SECTION 42-12-402, THE DEPARTMENT OR AN AUTHORIZED AGENT SHALL NOT FILE A certificate of title ~~shall be filed~~ under this section until the applicant furnishes evidence of a savings account, deposit, or certificate of deposit meeting the requirements of section 11-35-101, C.R.S., or a good and sufficient bond with a corporate surety, to the state, in an amount to be fixed by the director, not less than twice the reasonable value of the vehicle determined as of the time of application. The applicant and the applicant's surety shall hold harmless any person who suffers loss or damage by reason of the filing of a certificate under this section.

(b) If the vehicle for which the certificate is filed is twenty-five years old or older, the applicant has had a certified vehicle identification number inspection performed on the vehicle, and the applicant presents a notarized bill of sale within twenty-four months after ~~such~~ THE sale with the title application, then the applicant ~~shall not be required to~~ NEED NOT furnish surety pursuant to UNDER this subsection (3). To be excepted from the surety requirement, an applicant shall submit an affidavit to the department that is sworn to under penalty of perjury that states that the required documents submitted are true and correct.

SECTION 17. 42-6-117 (2), Colorado Revised Statutes, is amended to read:

42-6-117. Filing of certificate. (2) No certificate of title may be filed for a vehicle required to have its vehicle identification number inspected pursuant to section 42-5-202 unless a vehicle identification number inspection form has been transmitted to the director or the authorized agent showing the number recorded from the vehicle or the number assigned to the vehicle pursuant to UNDER section ~~42-5-205~~ 42-12-202.

SECTION 18. 42-6-145 (1), Colorado Revised Statutes, is amended to read:

42-6-145. Use of vehicle identification numbers in applications - rules. (1) A person required to apply for a certificate of title or registration of a motor vehicle shall use the identification number placed upon the motor vehicle by the manufacturer or the special vehicle identification number assigned to the motor vehicle by the department pursuant to section ~~42-5-205~~ 42-12-202. The certificate of title and registration card issued by the department shall use the identification number of the motor vehicle.

SECTION 19. 42-9-110, Colorado Revised Statutes, is amended to read:

42-9-110. Exemption - antique motor vehicles. ~~The provisions of This article shall~~ DOES not apply to repairs of any motor vehicle twenty-five or more years old or of any motor vehicle ~~which~~ THAT is a collector's item as defined in section 42-12-101. ~~(2):~~

SECTION 20. 43-4-804 (1) (a) (VI), Colorado Revised Statutes, is amended to read:

43-4-804. Highway safety projects - surcharges and fees - crediting of moneys to highway users tax fund. (1) (a) (VI) The road safety surcharge shall not be imposed on any vehicle for which the department of revenue has issued a horseless carriage special license plate pursuant to section ~~42-3-219 (1) (a)~~ 42-12-301, C.R.S.

SECTION 21. 43-4-805 (5) (g) (VII), Colorado Revised Statutes, is amended to read:

43-4-805. Statewide bridge enterprise - creation - board - funds - powers and duties - reporting requirements - legislative

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	declaration. (5) In addition to any other powers and duties specified in this section, the bridge enterprise board has the following powers and duties:	1
	(g) (VII) The bridge safety surcharge shall IS not be imposed on any vehicle for which the department of revenue has issued a horseless carriage special license plate pursuant to section 42-3-219 (1) (a) 42-12-301, C.R.S.	2 3 4 5 6 7
	SECTION 22. Repeal of provisions being relocated in this act. Sections 42-6-108.5, 42-5-203, 42-5-205, 42-6-108, 42-4-215.5, and 42-3-219, Colorado Revised Statutes, are repealed.	8 9 10
	SECTION 23. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor."	11 12 13 14 15 16 17 18 19 20 21 22
Education	After consideration on the merits, the Committee recommends that SB11-100 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.	23 24 25 26 27
	Amend printed bill, page 2, strike lines 10 through 17 and insert:	28 29
	" SECTION 2. 2-3-1203 (3) (cc), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:	30 31
	2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:	32 33 34
	(cc) July 1, 2016:	35
	(III) THE COUNCIL OF HIGHER EDUCATION REPRESENTATIVES CONVENED PURSUANT TO SECTION 23-1-108.5 (3), C.R.S.;	36 37
	SECTION 3. 23-1-108.5 (3) (a) and (3) (e), Colorado Revised Statutes, are amended to read:	38 39
	23-1-108.5. Duties and powers of the commission with regard to common course numbering system - repeal. (3) (a) On or before July 1, 2001, the commission shall convene a council consisting of representatives from each of the higher education governing boards, each of the four-year higher education institutions, and a representative sample of the two-year higher education institutions; a representative of students enrolled in state-supported state colleges, a representative of students enrolled in state-supported community colleges, and a representative of students enrolled in state-supported universities; and a representative of the commission. THE COMMISSION SHALL CONSULT WITH THE GOVERNING BOARDS WHEN CONVENING REPRESENTATIVES FROM THE HIGHER EDUCATION INSTITUTIONS. BY JULY 1, 2011, THE COUNCIL SHALL CREATE A PROCESS THROUGH WHICH IT SHALL SEEK INPUT FROM AND CONSULT WITH VARIOUS HIGHER EDUCATION STUDENT ORGANIZATIONS FOR EACH ARTICULATION AGREEMENT AND FOR THE REVIEW OF GENERAL EDUCATION COURSES AND THE COURSE NUMBERING SYSTEM AS REQUIRED IN PARAGRAPH (c) OF THIS SUBSECTION (3).	40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56
	(e) This subsection (3) is repealed, effective July 1, 2011 2016. Prior to such repeal, the council of higher education representatives shall be reviewed as provided for in section 2-3-1203, C.R.S.	57 58 59
	SECTION 4. Safety clause. The general assembly hereby finds,".	60 61 62 63
Education	After consideration on the merits, the Committee recommends that SB11-011 be postponed indefinitely.	64 65 66 67
Health & Human	After consideration on the merits, the Committee recommends that SB11-087 be referred to the Committee of the Whole with favorable recommendation and with a	68 69

Services	recommendation that it be placed on the Consent Calendar.	1 2 3
Health & Human Services	After consideration on the merits, the Committee recommends that SB11-105 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	4 5 6 7 8
	Amend printed bill, page 2, after line 1 insert:	9 10
	" SECTION 1. 25.5-6-1202 (3) (a), Colorado Revised Statutes, is amended to read:	11 12
	25.5-6-1202. Definitions. As used in this part 12, unless the context otherwise requires:	13 14
	(3) "Eligible person" means any person who:	15
	(a) Is eligible for home- and community-based services under part PARTS 3 TO 9 of this article or is eligible for the disabled children care program under section 25.5-6-901;".	16 17 18 19
	Renumber succeeding sections accordingly.	20 21 22
Health & Human Services	After consideration on the merits, the Committee recommends that SB11-103 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	23 24 25 26
Health & Human Services	After consideration on the merits, the Committee recommends that SB11-040 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	27 28 29 30
	Amend printed bill, strike everything below the enacting clause and substitute:	31 32 33
	" SECTION 1. Title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:	34 35 36
	ARTICLE 43	37
	Required Head Trauma Guidelines	38
	25-43-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "JAKE SNAKENBERG YOUTH CONCUSSION ACT".	39 40
	25-43-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:	41 42
	(1) "HEALTH CARE PROVIDER" MEANS A DOCTOR OF MEDICINE, DOCTOR OF OSTEOPATHIC MEDICINE, LICENSED NURSE PRACTITIONER, LICENSED PHYSICIAN ASSISTANT, OR LICENSED DOCTOR OF PSYCHOLOGY WITH TRAINING IN NEUROPSYCHOLOGY OR CONCUSSION EVALUATION AND MANAGEMENT.	43 44 45 46 47
	(2) "PUBLIC RECREATION FACILITY" MEANS A RECREATION FACILITY OWNED OR LEASED BY THE STATE OF COLORADO OR A POLITICAL SUBDIVISION THEREOF.	48 49 50
	(3) "YOUTH ATHLETIC ACTIVITY" MEANS AN ORGANIZED ATHLETIC ACTIVITY WHERE THE MAJORITY OF THE PARTICIPANTS ARE ELEVEN YEARS OF AGE OR OLDER AND UNDER NINETEEN YEARS OF AGE, AND ARE ENGAGING IN AN ORGANIZED ATHLETIC GAME OR COMPETITION AGAINST ANOTHER TEAM, CLUB, OR ENTITY OR IN PRACTICE OR PREPARATION FOR AN ORGANIZED GAME OR COMPETITION AGAINST ANOTHER TEAM, CLUB, OR ENTITY. A "YOUTH ATHLETIC ACTIVITY" DOES NOT INCLUDE COLLEGE OR UNIVERSITY ACTIVITIES. "YOUTH ATHLETIC ACTIVITY" DOES NOT INCLUDE AN ACTIVITY THAT IS ENTERED INTO FOR INSTRUCTIONAL PURPOSES ONLY, AN ATHLETIC ACTIVITY THAT IS INCIDENTAL TO A NONATHLETIC PROGRAM, OR A LESSON.	51 52 53 54 55 56 57 58 59 60 61
	25-43-103. Organized school athletic activities - concussion guidelines required. (1) (a) EACH PUBLIC AND PRIVATE MIDDLE SCHOOL, JUNIOR HIGH SCHOOL, AND HIGH SCHOOL SHALL REQUIRE EACH COACH OF A YOUTH ATHLETIC ACTIVITY THAT INVOLVES INTERSCHOLASTIC PLAY TO COMPLETE AN ANNUAL CONCUSSION RECOGNITION EDUCATION COURSE.	62 63 64 65 66
	(b) EACH PRIVATE CLUB OR PUBLIC RECREATION FACILITY AND EACH ATHLETIC LEAGUE THAT SPONSORS YOUTH ATHLETIC ACTIVITIES SHALL REQUIRE EACH VOLUNTEER COACH FOR A YOUTH ATHLETIC	67 68 69

ACTIVITY AND EACH COACH WITH WHOM THE CLUB, FACILITY, OR LEAGUE DIRECTLY CONTRACTS WITH, FORMALLY ENGAGES, OR EMPLOYS WHO COACHES A YOUTH ATHLETIC ACTIVITY TO COMPLETE AN ANNUAL CONCUSSION RECOGNITION EDUCATION COURSE.

(2) (a) THE CONCUSSION RECOGNITION EDUCATION COURSE REQUIRED BY SUBSECTION (1) OF THIS SECTION SHALL INCLUDE THE FOLLOWING:

(I) INFORMATION ON HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF A CONCUSSION;

(II) THE MEANS OF OBTAINING PROPER MEDICAL ATTENTION FOR A PERSON SUSPECTED OF HAVING A CONCUSSION; AND

(III) INFORMATION ON THE NATURE AND RISK OF CONCUSSIONS, INCLUDING THE DANGER OF CONTINUING TO PLAY AFTER SUSTAINING A CONCUSSION AND THE PROPER METHOD OF ALLOWING A YOUTH ATHLETE WHO HAS SUSTAINED A CONCUSSION TO RETURN TO ATHLETIC ACTIVITY.

(b) AN ORGANIZATION OR ASSOCIATION OF WHICH A SCHOOL OR SCHOOL DISTRICT IS A MEMBER MAY DESIGNATE SPECIFIC EDUCATION COURSES AS SUFFICIENT TO MEET THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION.

(3) IF A COACH WHO IS REQUIRED TO COMPLETE CONCUSSION RECOGNITION EDUCATION PURSUANT TO SUBSECTION (1) OF THIS SECTION SUSPECTS THAT A YOUTH ATHLETE HAS SUSTAINED A CONCUSSION FOLLOWING AN OBSERVED OR SUSPECTED BLOW TO THE HEAD OR BODY IN A GAME, COMPETITION, OR PRACTICE, THE COACH SHALL IMMEDIATELY REMOVE THE ATHLETE FROM THE GAME, COMPETITION, OR PRACTICE.

(4) IF A YOUTH ATHLETE IS REMOVED FROM PLAY PURSUANT TO SUBSECTION (3) OF THIS SECTION AND THE SIGNS AND SYMPTOMS CANNOT BE READILY EXPLAINED BY A CONDITION OTHER THAN CONCUSSION, THE SCHOOL COACH OR PRIVATE OR PUBLIC RECREATIONAL FACILITY'S DESIGNATED PERSONNEL SHALL NOT PERMIT THE YOUTH ATHLETE TO RETURN TO PLAY OR PARTICIPATE IN ANY SUPERVISED TEAM ACTIVITIES INVOLVING PHYSICAL EXERTION, INCLUDING GAMES, COMPETITIONS, OR PRACTICES, UNTIL HE OR SHE IS EVALUATED BY A HEALTH CARE PROVIDER AND RECEIVES WRITTEN CLEARANCE TO RETURN TO PLAY FROM THE HEALTH CARE PROVIDER. THE HEALTH CARE PROVIDER EVALUATING A YOUTH ATHLETE SUSPECTED OF HAVING A CONCUSSION OR BRAIN INJURY MAY BE A VOLUNTEER.

(5) NOTHING IN THIS ARTICLE ABROGATES OR LIMITS THE PROTECTIONS APPLICABLE TO PUBLIC ENTITIES AND PUBLIC EMPLOYEES PURSUANT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S.; VOLUNTEERS AND BOARD MEMBERS PURSUANT TO SECTIONS 13-21-115.7 AND 13-21-116, C.R.S.; OR SKI AREA OPERATORS PURSUANT TO SECTIONS 33-44-112 AND 33-44-113, C.R.S.

SECTION 2. Act subject to petition - effective date. This act shall take effect January 1, 2012; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on January 1, 2012, or on the date of the official declaration of the vote thereon by the governor, whichever is later."

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **HB11-1006** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **SB11-030** be postponed indefinitely.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, February 14, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

34th Legislative Day Monday, February 14, 2011

Prayer By the chaplain, Father Eustace Sequeira, St. Ignatius Loyola Catholic Church, Denver.

Call to Order By the President at 10:00 a.m.

Pledge By the Denver Adacemy of Torah, First Grade Group.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Jahn, reading of the Journal of Friday, February 11, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR11-010 and 012; SR11-003.

SENATE SERVICES REPORT

Correctly Engrossed: SB11-81, 86, 93, 104, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 159, 160, 161, 163 and 164.

Correctly Reengrossed: SB11-002 and 021.

Correctly Revised: HB11-1001 and 1011.

Correctly Rerevised: HB11-1009, 1015 and 1023.

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:

HB11-1001 by Representative(s) Gardner B.; also Senator(s) Morse--Concerning the enactment of Colorado Revised Statutes 2010 as the positive and statutory law of the state of Colorado.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-086 by Senator(s) Foster, King K., Nicholson; also Representative(s) Murray--Concerning periods governing the appeal by taxpayers in tax disputes with local governments in connection with the imposition of sales or use tax by such governments.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar

HB11-1011 by Representative(s) Peniston; also Senator(s) Giron--Concerning the participation of additional individuals in a proceeding pending before the board of assessment appeals.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar

SB11-104 by Senator(s) Roberts, Nicholson; also Representative(s) Holbert--Concerning the repeal of the community accountability program advisory board.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-093 by Senator(s) King S., Giron, Newell, Nicholson; also Representative(s) Joshi--Concerning the continuation of the interagency task force on drunk driving.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Guzman, Heath, Hudak, Jahn, Morse and Schwartz.

SB11-163 by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Gerou, Becker, Ferrandino--Concerning the repeal of the alternative fuels rebate program.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Cadman

SB11-161 by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Becker, Gerou, Ferrandino--Concerning the creation of a cash fund for fees collected in connection with the department of public health and environment's laboratories.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-160

by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a clarification regarding the amount of performance-based incentives available for issuance by the Colorado office of film, television, and media.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Guzman, Jahn, Newell, Spence and Williams S.

SB11-155

by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning funding for capital construction, and making supplemental appropriations in connection therewith.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-154

by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of the treasury.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-153 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of state.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-152 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of revenue.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-151 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of regulatory agencies.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Kopp

SB11-150 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of public safety.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-149 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of public health and environment.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-148 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of personnel and administration.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-147 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of natural resources.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Guzman

SB11-146 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of military and veterans affairs.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Heath

SB11-145 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning supplemental appropriation to the department of local affairs.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-143 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of labor and employment.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-142 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the judicial department.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Guzman

SB11-140 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of higher education.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-139 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of health care policy and financing.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-138 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-135 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of agriculture.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

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:

SB11-062 by Senator(s) Cadman; also Representative(s) Murray--Concerning the administrative duties of the office of information technology.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Lambert, Newell, Schwartz and Williams S.

SB11-164 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the augmentation of the general fund through transfers of certain moneys.

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

YES	20	NO	15	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

SB11-136 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker,

Ferrandino--Concerning a supplemental appropriation to the department of corrections.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-137 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of education.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-141 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of human services.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-144 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of law.

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	N
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-157 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning modifications to the "Public School Finance Act of 1994", and making an appropriation in connection therewith.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-159 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning the distribution of fifty percent of the balance remaining in the limited gaming fund that is allocated to the state general fund or such other fund as the general assembly provides as specified in section 9 (5) (b) (II) of article XVIII of the state constitution, and making an appropriation in connection therewith.

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

Third Reading Amendment No. 1, (L.005), by Senator Steadman.

Amend engrossed bill, page 6, line 6, strike "DISCONTINUED," and substitute "DISCONTINUED AS OF THE DATE OF THE TRANSFER," .

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Third Reading Amendment No. 2(L.004), by Senator Nicholson.

Amend engrossed bill, page 6, line 1, strike "ANY AMOUNT" and substitute "THE FIRST THREE MILLION DOLLARS".

Page 6, line 3, strike "STATE GENERAL FUND." and substitute "LOCAL GOVERNMENT LIMITED GAMING IMPACT FUND CREATED IN SECTION 12-47.1-1601, AND ANY AMOUNT OF THE STATE SHARE THAT IS GREATER THAN FIFTY-ONE MILLION FIVE HUNDRED THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE STATE GENERAL FUND."

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

SB11-156 by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Becker, Gerou, Ferrandino--Concerning a reduction in the amount of the general fund reserve required for the 2010-11 state fiscal year.

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

YES	27	NO	8	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	N	Roberts	Y		

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

SB11-081 by Senator(s) White, Jahn, Roberts, Spence; also Representative(s) McCann--Concerning the voluntary contribution designation benefiting the 9Health Fair fund that appears on the

state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

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

YES	14	NO	21	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	N	Scheffel	N
Bacon	N	Harvey	Y	Lambert	N	Schwartz	N
Boyd	N	Heath	N	Lundberg	N	Spence	Y
Brophy	Y	Hodge	N	Mitchell	N	Steadman	Y
Cadman	N	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	Y	Newell	N	White	Y
Foster	Y	Johnston	Y	Nicholson	N	Williams S.	Y
Giron	N	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

IMMEDIATE RECONSIDERATION OF SB11-081

SB11-081 by Senator(s) White, Jahn, Roberts, Spence; also Representative(s) McCann--Concerning the voluntary contribution designation benefiting the 9Health Fair fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **SB11-081**.

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

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB11-081 by Senator(s) White, Jahn, Roberts, Spence; also Representative(s) McCann--Concerning the voluntary contribution designation benefiting the 9Health Fair fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Carroll, Foster, Heath, Newell, Schwartz and Shaffer B.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB11-158** was made Special Orders at 10:52 a.m.

Committee of the Whole The hour of 10:52 a.m. having arrived, Senator Schwartz moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Schwartz was called to the chair to act as Chairman.

SPECIAL 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:

SB11-158 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the read-to-achieve program.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, February 10, pages 140-141 and placed in members' bill files.)

As amended, laid over until Thursday, May 12, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Laid over until Thursday, May 12, retaining its place on the Calendar: SB11-158 as amended.

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-168 by Senator(s) Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Johnston, Morse, Nicholson, Steadman, Tochtrop; also Representative(s) Kefalas, Court, Fields, Fischer, Gardner D., Hullinghorst, Jones, Kagan, Levy, McCann, Miklosi, Pace, Solano, Tyler--Concerning the creation of the Colorado health care authority for the purpose of designing a health care cooperative.
 Business, Labor and Technology

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, February 14 was laid over until Tuesday, February 15, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB11-061, SB11-106, SB11-101, SB11-123.
General Orders -- Second Reading of Bills: SB11-013, SB11-010, SB11-039, SB11-012, SB11-019, SB11-034, SB11-043, HB11-1022, SB11-009, SB11-007, SB11-016, SB11-055, SB11-110, SB11-008, SB11-107.
Consideration of Resolutions: SJR11-005.
Consideration of Governor's Appointments:
Executive Director of the Department of Local Affairs

Senate in recess.

Senate reconvened.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HJR11-1009, 1010.

INTRODUCTION OF RESOLUTIONS

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

SJR11-015

by Senator(s) Kopp; also Representative(s) McNulty--Concerning the opinion of the General Assembly against the proposed Federal Highway Administration regulation that amends the Manual on Uniform Traffic Control Devices.
Transportation

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-169

by Senator(s) Boyd; also Representative(s) Summers--Concerning the regulation of people working within a physical therapist's scope of practice.
Health and Human Services

SB11-170

by Senator(s) Aguilar; also Representative(s) Ferrandino--Concerning the limit on the growth of the general fund share of rates for reimbursing nursing home providers under the "Colorado Medical Assistance Act".
Health and Human Services

SB11-171

by Senator(s) Aguilar; --Concerning a database to track substantiated allegations of mistreatment of at-risk adults by caretakers.
Health and Human Services

SB11-172

by Senator(s) Steadman, Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, Morse, Newell, Nicholson, Shaffer B., Tochtrop, Williams S., Schwartz; also Representative(s) Ferrandino, Court, Duran, Fischer, Gardner D., Hamner, Hullinghorst, Jones, Kagan, Kefalas, Kerr A., Labuda, Lee, Levy, McCann, Miklosi, Pabon, Peniston, Ryden, Schafer S., Tyler, Williams A., Wilson, Casso, Fields, Todd, Vigil--Concerning authorization of civil unions.
Judiciary

HB11-1007

by Representative(s) Bradford; also Senator(s) King S.--Concerning employees of Mesa state college.
State, Veterans & Military Affairs

HB11-1036	by Representative(s) Gardner D.; also Senator(s) King S.--Concerning the creation of an emergency alert system to notify the public immediately of the imminent danger posed by a suspect who has killed or seriously injured a peace officer. Judiciary	1 2 3 4 5
HB11-1049	by Representative(s) Barker; also Senator(s) Roberts--Concerning criminal uses of personal identifying information. Judiciary	6 7 8 9
HB11-1072	by Representative(s) McNulty, Stephens, Liston; also Senator(s) Morse--Concerning the responsibilities of a designated representative of the proponents of an initiative petition. Judiciary	10 11 12 13
HB11-1085	by Representative(s) Schafer S.; also Senator(s) Jahn--Concerning referral of offenders to community corrections. Judiciary	14 15 16 17
HB11-1087	by Representative(s) Vigil; also Senator(s) Giron--Concerning reimbursement to county governments for charges incurred in pest control operations undertaken by the county. Local Government	18 19 20 21
HB11-1093	by Representative(s) Bradford, Sonnenberg; also Senator(s) Cadman--Concerning the payment of specific ownership tax on special mobile machinery. Transportation	22 23 24 25
HB11-1105	by Representative(s) Acree, Balmer, Barker, Baumgardner, Court, Fields, Holbert, Joshi, Kagan, Kerr J., Looper, Massey, McCann, Priola, Todd; also Senator(s) White, Kopp, King S., Tochtrop--Concerning assaults against medical care providers. Health and Human Services	26 27 28 29 30
HB11-1115	by Representative(s) Priola and Soper, Brown, Casso, Gardner B., Kerr A., Liston, Looper, Peniston, Ramirez, Riesberg, Scott, Solano, Swalm, Swerdfeger, Szabo, Wilson; also Senator(s) Tochtrop, Cadman, Jahn, Kopp, Renfroe--Concerning the payment of retainage in construction contracts involving public entities. Business, Labor and Technology Finance	31 32 33 34 35 36 37 38 39 40
<hr/>		
On motion of Senator Steadman, the Senate adjourned until 9:00 a.m., Tuesday, February 15, 2011.		41 42 43
Approved:		44 45 46 47
John P Morse Senate Majority Leader		48 49 50
Attest:		51 52 53 54
Cindi Markwell Secretary of the Senate		55 56

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

35th Legislative Day Tuesday, February 15, 2011

Prayer By the chaplain, Pastor David Almanzar, Canon Community Baptist Church, Canon City.

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

Pledge By Senator Grantham.

Roll Call Present--31
Absent--1, Mitchell.
Excused--3, Brophy, Jahn, Kopp.
Present later--2, Brophy, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Morse, reading of the Journal of Monday, February 14, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Correctly Printed: SB11-168, 169, 170, 171 and 172; SJR11-015.

Correctly Reengrossed: SB11-062, 081, 086, 093, 104, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 159, 160, 161, 163 and 164.

Correctly Rerevised: HB11-1001 and 1011.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR11-016 by Senator(s) Aguilar; also Representative(s) Kerr J.--Concerning Awareness Day for Individuals with Developmental Disabilities.

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

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

GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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:

SB11-061	by Senator(s) Spence; also Representative(s) Ferrandino--Concerning the process for appeals under the "Exceptional Children's Education Act".	1 2 3
	<u>Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.</u> (Printed in Senate Journal, February 10, page 139 and placed in members' bill files.)	4 5 6
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	7 8 9
SB11-106	by Senator(s) Spence, Bacon, Heath, Hudak, Johnston, King K.; also Representative(s) Ferrandino--Concerning the repeal of the science and technology education center grants advisory board.	10 11 12 13
	Ordered engrossed and placed on the calendar for third reading and final passage.	14 15 16
SB11-101	by Senator(s) Spence, Bacon, Heath, Johnston, King K.; also Representative(s) Swalm--Concerning the continuation of the fixed tuition and fee rate program.	17 18 19 20
	Ordered engrossed and placed on the calendar for third reading and final passage.	21 22 23
SB11-123	by Senator(s) Foster; also Representative(s) Summers--Concerning technical changes to child support procedures.	24 25 26
	Ordered engrossed and placed on the calendar for third reading and final passage.	27 28 29
HB11-1037	by Representative(s) Ryden and Fields; also Senator(s) Carroll--Concerning the voluntary contribution designation benefiting the military family relief fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.	30 31 32 33 34
	Ordered revised and placed on the calendar for third reading and final passage.	35 36 37
SB11-031	by Senator(s) Cadman; also Representative(s) Looper--Concerning motor vehicles valued as collector's items for historical reasons.	38 39 40
	<u>Amendment No. 1, Finance Committee Amendment.</u> (Printed in Senate Journal, February 11, page 158 and placed in members' bill files.)	41 42 43
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	44 45 46
SB11-100	by Senator(s) Hudak and King K.; also Representative(s) Murray--Concerning continuation of the council of higher education representatives.	47 48 49 50
	<u>Amendment No. 1, Education Committee Amendment.</u> (Printed in Senate Journal, February 11, page 170 and placed in members' bill files.)	51 52 53
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	54 55 56
SB11-087	by Senator(s) Boyd; --Concerning authority for the public utilities commission to create an exemption from tiered electricity rate plans based on a customer's medical condition.	57 58 59 60
	Ordered engrossed and placed on the calendar for third reading and final passage.	61 62 63
SB11-103	by Senator(s) Lundberg and Foster, Carroll, Newell, Roberts, White; also Representative(s) Scott--Concerning the repeal of the benefit design advisory committee.	64 65 66
	Ordered engrossed and placed on the calendar for third reading and final passage.	67 68 69
HB11-1006	by Representative(s) Coram; also Senator(s) Schwartz--Concerning the composition of a regional tourism authority governing board when the board will be comprised of more than two local governmental entities that are counties.	70 71 72

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

HB11-1022 by Representative(s) Scott, Massey, Holbert, Joshi, McNulty; also Senator(s) Morse, Harvey, Grantham, Steadman--Concerning the exemption from laws regulating mortgage loan originators of certain persons providing seller financing for the sale of a limited number of residential properties.

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	E	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-061 as amended, SB11-106, SB11-101, SB11-123, SB11-031 as amended, SB11-100 as amended, SB11-087, SB11-103, HB11-1037, HB11-1006, HB11-1022.
Laid over to the end of the General Orders -- Second Reading of Bills calendar, Tuesday, February 15: SB11-124.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, February 15 was laid over until Wednesday, February 16, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB11-013, SB11-010, SB11-039, SB11-012, SB11-019, SB11-034, SB11-043, SB11-009, SB11-007, SB11-016, SB11-055, SB11-110, SB11-008, SB11-107, SB11-025, SB11-040, SB11-124.
Consideration of Resolutions: SJR11-005.
Consideration of Governor's Appointments:
Executive Director of the Department of Local Affairs

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB11-1050** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary After consideration on the merits, the Committee recommends that **SB11-096** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary

After consideration on the merits, the Committee recommends that **SB11-072** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. 24-34-405, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

24-34-405. Relief authorized - short title. (1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "JOB PROTECTION AND CIVIL RIGHTS ENFORCEMENT ACT OF 2011".

(2) (a) IN ADDITION TO THE RELIEF AUTHORIZED BY SECTION 24-34-306(9), THE COMMISSION OR THE COURT MAY ORDER AFFIRMATIVE RELIEF THAT THE COMMISSION OR COURT DETERMINES TO BE APPROPRIATE, INCLUDING, WITHOUT LIMITATION, THE FOLLOWING:

(I) REINSTATEMENT OR HIRING OF EMPLOYEES, WITH OR WITHOUT BACK PAY. IF THE COMMISSION OR COURT ORDERS BACK PAY, THE EMPLOYER, EMPLOYMENT AGENCY, OR LABOR ORGANIZATION RESPONSIBLE FOR THE DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE SHALL PAY THE BACK PAY TO THE PERSON WHO WAS THE VICTIM OF THE PRACTICE.

(II) FRONT PAY; OR

(III) ANY OTHER EQUITABLE RELIEF THE COMMISSION OR COURT DEEMS APPROPRIATE.

(b) IF THE COMMISSION OR COURT ORDERS BACK PAY, THE LIABILITY FOR BACK PAY ACCRUES FROM A DATE NOT MORE THAN TWO YEARS PRIOR TO THE FILING OF A CHARGE WITH THE DIVISION. THE COMMISSION OR COURT SHALL REDUCE AN AWARD OF BACK PAY BY ANY AMOUNT OF ACTUAL EARNINGS OF, OR AMOUNTS THAT COULD HAVE BEEN EARNED WITH REASONABLE DILIGENCE BY, THE PERSON WHO WAS THE VICTIM OF THE DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE.

(3) (a) IN ADDITION TO THE RELIEF AVAILABLE PURSUANT TO SUBSECTION (2) OF THIS SECTION, IN A PROCEEDING OR CIVIL ACTION BROUGHT BY A COMPLAINING PARTY OR PLAINTIFF UNDER THIS PART 4 AGAINST A RESPONDENT OR DEFENDANT WHO IS FOUND TO HAVE ENGAGED IN AN INTENTIONAL DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE, THE COMPLAINING PARTY OR PLAINTIFF MAY RECOVER COMPENSATORY AND PUNITIVE DAMAGES AS SPECIFIED IN THIS SUBSECTION (3). A COMPLAINING PARTY OR PLAINTIFF SHALL NOT BE AWARDED COMPENSATORY OR PUNITIVE DAMAGES WHEN THE RESPONDENT OR DEFENDANT IS FOUND TO HAVE ENGAGED IN AN EMPLOYMENT PRACTICE THAT IS UNLAWFUL SOLELY BECAUSE OF ITS DISPARATE IMPACT.

(b) EXCEPT AS LIMITED BY THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S., A COMPLAINING PARTY OR PLAINTIFF MAY RECOVER PUNITIVE DAMAGES AGAINST A RESPONDENT OR DEFENDANT IF THE COMPLAINING PARTY OR PLAINTIFF DEMONSTRATES BY A PREPONDERANCE OF THE EVIDENCE THAT THE RESPONDENT OR DEFENDANT ENGAGED IN A DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE WITH MALICE OR RECKLESS INDIFFERENCE TO THE RIGHTS OF THE COMPLAINING PARTY OR PLAINTIFF.

(c) A COMPLAINING PARTY OR PLAINTIFF MAY RECOVER COMPENSATORY DAMAGES AGAINST A RESPONDENT OR DEFENDANT FOR OTHER PECUNIARY LOSSES, EMOTIONAL PAIN, SUFFERING, INCONVENIENCE, MENTAL ANGUISH, LOSS OF ENJOYMENT OF LIFE, AND OTHER NONPECUNIARY LOSSES.

(d) THE TOTAL AMOUNT OF COMPENSATORY AND PUNITIVE DAMAGES AWARDED PURSUANT TO THIS SUBSECTION (3) SHALL NOT EXCEED THE AMOUNTS SPECIFIED IN 42 U.S.C. SEC. 1981a (b) (3); EXCEPT THAT, FOR EMPLOYERS THAT EMPLOY FEWER EMPLOYEES THAN THE NUMBER SPECIFIED IN 42 U.S.C. SEC. 1981a (b) (3) (A), THE TOTAL AMOUNT OF COMPENSATORY AND PUNITIVE DAMAGES AWARDED PURSUANT TO THIS SUBSECTION (3) SHALL NOT EXCEED THE AMOUNT SPECIFIED IN 42 U.S.C. SEC. 1981a (b) (3) (A). IN DETERMINING THE APPROPRIATE LEVEL OF DAMAGES TO AWARD A COMPLAINING PARTY OR PLAINTIFF WHO HAS BEEN THE VICTIM OF AN INTENTIONAL

DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE, THE COMMISSION OR COURT SHALL CONSIDER THE SIZE AND ASSETS OF THE RESPONDENT OR DEFENDANT AND THE EGREGIOUSNESS OF THE INTENTIONAL DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE.

(e) COMPENSATORY OR PUNITIVE DAMAGES AWARDED PURSUANT TO THIS SUBSECTION (3) ARE IN ADDITION TO, AND DO NOT INCLUDE, FRONT PAY, BACK PAY, INTEREST ON BACK PAY, OR ANY OTHER TYPE OF RELIEF AWARDED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(f) THE REMEDIES SPECIFIED IN THIS SUBSECTION (3) APPLY TO CAUSES OF ACTION ALLEGING DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICES ACCRUING ON OR AFTER JANUARY 1, 2014.

(4) IF A COMPLAINING PARTY OR PLAINTIFF IN A PROCEEDING BEFORE THE COMMISSION OR IN A CIVIL ACTION FILED UNDER THIS PART 4 SEEKS COMPENSATORY OR PUNITIVE DAMAGES PURSUANT TO SUBSECTION (3) OF THIS SECTION, ANY PARTY IN THE CIVIL ACTION MAY DEMAND A TRIAL BY JURY.

(5) (a) IN ANY PROCEEDING OR CIVIL ACTION UNDER THIS PART 4, THE COMMISSION OR COURT MAY AWARD REASONABLE ATTORNEY FEES AND COSTS TO THE PREVAILING PARTY.

(b) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE COMMISSION'S OR COURT'S DISCRETION TO AWARD REASONABLE ATTORNEY FEES AND COSTS SHALL BE GUIDED BY STANDARDS ESTABLISHED THROUGH JUDICIAL INTERPRETATION OF THE DISCRETION GIVEN TO COURTS TO MAKE SUCH AWARDS IN CASES BROUGHT UNDER TITLE VII OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", 42 U.S.C. SEC. 2000e, AS AMENDED.

(6) IF THE COURT FINDS THAT AN ACTION BROUGHT PURSUANT TO THIS PART 4 WAS FRIVOLOUS, GROUNDLESS, OR VEXATIOUS AS PROVIDED IN ARTICLE 17 OF TITLE 13, C.R.S., THE COURT SHALL AWARD COSTS AND ATTORNEY FEES TO THE DEFENDANT IN THE ACTION.

SECTION 2. 24-34-305 (1) (c), Colorado Revised Statutes, is amended to read:

24-34-305. Powers and duties of commission. (1) The commission has the following powers and duties:

(c) (I) To investigate and study the existence, character, causes, and extent of unfair or discriminatory practices as defined in parts 4 to 7 of this article and to formulate plans for the elimination thereof OF THOSE PRACTICES by educational or other means.

(II) (A) IN FURTHERANCE OF ITS EDUCATIONAL EFFORTS TO REDUCE INSTANCES OF DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICES, THE COMMISSION SHALL CREATE A VOLUNTEER WORKING GROUP REPRESENTING BOTH EMPLOYER AND EMPLOYEE INTERESTS, INCLUDING HUMAN RESOURCE PROFESSIONALS, TO ASSIST IN EDUCATION AND OUTREACH EFFORTS TO FOSTER UNDERSTANDING OF AND COMPLIANCE WITH PART 4 OF THIS ARTICLE. THE COMMISSION MAY ACCEPT GIFTS, GRANTS, AND DONATIONS TO ASSIST IN ITS DUTIES PURSUANT TO THIS SUBPARAGRAPH (II).

(B) THE COMMISSION SHALL CREATE THE VOLUNTEER WORKING GROUP BY SEPTEMBER 1, 2011. THE WORKING GROUP SHALL DEVELOP AND SUBMIT TO THE COMMISSION, BY JANUARY 1, 2012, AN EDUCATION AND OUTREACH PLAN FOR THE COMMISSION TO IMPLEMENT FOR PURPOSES OF EDUCATING EMPLOYERS AND PROVIDING OUTREACH REGARDING THIS PART 4.

(C) IN ADDITION TO THE OUTREACH PLAN REQUIRED BY SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II), THE WORKING GROUP SHALL COMPILE AND PROVIDE TO THE COMMISSION INFORMATION ON RESOURCES AVAILABLE TO EMPLOYERS FOR EDUCATION ABOUT THE REQUIREMENTS OF AND COMPLIANCE WITH THIS PART 4, INCLUDING RESOURCES FOR EMPLOYERS ON PREVENTION OF DISCRIMINATORY EMPLOYMENT PRACTICES. THE COMMISSION SHALL POST THE INFORMATION ON ITS WEB SITE AND SHALL MAKE THE INFORMATION AVAILABLE IN AN ELECTRONIC FORMAT TO ALL STATE DEPARTMENTS AND AGENCIES THAT INTERACT WITH PRIVATE BUSINESSES IN THE STATE, INCLUDING THE DEPARTMENTS OF LABOR AND EMPLOYMENT, REGULATORY AGENCIES, REVENUE, AND STATE AND THE GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT, AND THOSE DEPARTMENTS AND AGENCIES, WITHIN EXISTING RESOURCES, SHALL POST THE INFORMATION PROVIDED BY THE COMMISSION, OR LINKS TO THAT INFORMATION, ON

THEIR WEB SITES.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

(2) The provisions of this act shall apply to causes of action alleging discriminatory or unfair employment practices accruing on or after January 1, 2014."

Judiciary

After consideration on the merits, the Committee recommends that **SB11-068** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 2 through 13.

Renumber succeeding sections accordingly.

Page 2, strike lines 17 through 20 and substitute:

"6-1-113.5. Private cause of action - elements - legislative declaration. (1) TO PREVAIL IN A CLAIM BROUGHT UNDER SECTION 6-1-113, A PLAINTIFF SHALL ESTABLISH THAT:

(a) THE DEFENDANT ENGAGED IN AN UNFAIR OR DECEPTIVE TRADE PRACTICE;

(b) THE CHALLENGED PRACTICE OCCURRED IN THE COURSE OF THE DEFENDANT'S BUSINESS, VOCATION, OR OCCUPATION;

(c) THE PLAINTIFF SUFFERED INJURY IN FACT TO A LEGALLY PROTECTED INTEREST; AND

(d) THE CHALLENGED PRACTICE CAUSED THE PLAINTIFF'S INJURY.

(2) THE GENERAL ASSEMBLY DECLARES THAT ITS PURPOSE IN CREATING THIS SECTION IS TO ELIMINATE THE REQUIREMENT, ARTICULATED BY THE COLORADO SUPREME COURT IN *HALL V. WALTER*, 969 P.2D 224 (1998), THAT, TO PROVE A PRIVATE CAUSE OF ACTION UNDER THIS ARTICLE, A PLAINTIFF MUST ESTABLISH THAT A DEFENDANT'S CHALLENGED PRACTICE SIGNIFICANTLY IMPACTS THE PUBLIC AS ACTUAL OR POTENTIAL CONSUMERS OF THE DEFENDANT'S GOODS, SERVICES, OR PROPERTY."

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, February 16, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

36th Legislative DayWednesday, February 16, 2011

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

Musical By Ransom Notes bluegrass, folk, and Celtic music group, Amanda, Michael, and Amelia Ransom.

Presentation

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

Pledge By Stefanie Holland Hagerty, Centennial.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Jahn, reading of the Journal of Tuesday, February 15, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

February 15, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1159, 1073, 1202, 1176.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1030, amended as printed in House Journal, February 14, page 234.
HB11-1058, amended as printed in House Journal, February 14, page 234.
HB11-1083, amended as printed in House Journal, February 14, page 235.
HB11-1069, amended as printed in House Journal, February 14, page 235.
HB11-1109, amended as printed in House Journal, February 14, page 235.
HB11-1148, amended as printed in House Journal, February 14, pages 235-236.
HB11-1053, amended as printed in House Journal, February 14, page 236.
HB11-1118, amended as printed in House Journal, February 14, page 236.
HB11-1002, amended as printed in House Journal, February 14, page 236.
HB11-1033, amended as printed in House Journal, February 14, page 237.
HB11-1177, amended as printed in House Journal, February 14, page 237.
HB11-1187, amended as printed in House Journal, February 14, page 237.
HB11-1027, amended as printed in House Journal, February 14, page 237.
HB11-1117, amended as printed in House Journal, February 14, page 238.

MESSAGE FROM THE REVISOR OF STATUTES

February 15, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, HB11-1073, 1159, 1176, and 1202.
Without comment, as amended, HB11-1002, 1027, 1030, 1033, 1053, 1058, 1069, 1083, 1109, 1117, 1118, 1148, 1177, and 1187.

SENATE SERVICES REPORT

Correctly Printed: SJR11-016.
Correctly Engrossed: SB11-031, 061, 087, 100, 101, 103, 106 and 123.
Correctly Revised: HB11-1006, 1022 and 1037.

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

SJR11-016 by Senator(s) Aguilar; also Representative(s) Kerr J.--Concerning Awareness Day for Individuals with Developmental Disabilities.

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

Amend printed joint resolution, page 2, line 2, strike "communities" and substitute "families".

Page 2, line 13, strike "and" and substitute "with".

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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:

SB11-061 by Senator(s) Spence; also Representative(s) Ferrandino--Concerning the process for appeals under the "Exceptional Children's Education Act".

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-106 by Senator(s) Spence, Bacon, Heath, Hudak, Johnston, King K.; also Representative(s) Ferrandino--Concerning the repeal of the science and technology education center grants advisory board.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-101
by Senator(s) Spence, Bacon, Heath, Johnston, King K.; also Representative(s) Swalm--Concerning the continuation of the fixed tuition and fee rate program.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-123
by Senator(s) Foster; also Representative(s) Summers--Concerning technical changes to child support procedures.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Newell

HB11-1037
by Representative(s) Ryden and Fields; also Senator(s) Carroll--Concerning the voluntary contribution designation benefiting the military family relief fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Foster, Giron, Guzman, Heath, Johnston, King K., Morse, Newell, Schwartz, Shaffer B., Steadman and Williams S.

SB11-031 by Senator(s) Cadman; also Representative(s) Looper--Concerning motor vehicles valued as collector's items for historical reasons.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd, Scheffel, Tochtrop and Williams S.

SB11-100 by Senator(s) Hudak and King K.; also Representative(s) Murray--Concerning continuation of the council of higher education representatives.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Schwartz and Williams S.

SB11-087 by Senator(s) Boyd; also Representative(s) Beezley--Concerning authority for the public utilities commission to create an exemption from tiered electricity rate plans based on a customer's medical condition.

Laid over until Thursday, February 17, retaining its place on the calendar.

SB11-103 by Senator(s) Lundberg and Foster, Carroll, Newell, Roberts, White; also Representative(s) Scott--Concerning the repeal of the benefit design advisory committee.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

HB11-1006 by Representative(s) Coram; also Senator(s) Schwartz--Concerning the composition of a regional tourism authority governing board when the board will be comprised of more than two local governmental entities that are counties.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Guzman, Jahn, King S. and Newell.

HB11-1022 by Representative(s) Scott, Massey, Holbert, Joshi, McNulty; also Senator(s) Morse, Harvey, Grantham, Steadman--Concerning the exemption from laws regulating mortgage loan originators of certain persons providing seller financing for the sale of a limited number of residential properties.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Giron, Jahn, Newell, Scheffel and Williams S.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, February 16, was laid over until Thursday, February 17, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB11-013, SB11-010, SB11-039,
SB11-012, SB11-019, SB11-034, SB11-043, SB11-009, SB11-007, SB11-016,
SB11-055, SB11-110, SB11-008, SB11-107, SB11-025, SB11-040, SB11-124.
Consideration of Resolutions: SJR11-005.
Consideration of Governor's Appointments:
Executive Director of the Department of Local Affairs

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-098 be postponed indefinitely.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-112 be postponed indefinitely.	20 21 22 23 24 25
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-073 be postponed indefinitely.	26 27 28 29 30 31
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-056 be postponed indefinitely.	32 33 34 35 36 37
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-074 be postponed indefinitely.	38 39 40 41 42 43 44
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-121 be postponed indefinitely.	45 46 47 48 49 50 51 52
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-127 be postponed indefinitely.	53 54 55 56 57 58 59
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SCR11-001 be referred to the Committee of the Whole with favorable recommendation.	60 61 62 63 64 65
Trans- portation	After consideration on the merits, the Committee recommends that SB11-099 be postponed indefinitely.	66 67 68 69

Page 206	Senate Journal-36th Day-February 16, 2011	
Trans- portation	After consideration on the merits, the Committee recommends that SB11-023 be postponed indefinitely.	1 2 3 4 5 6
Finance	After consideration on the merits, the Committee recommends that SB11-108 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	7 8 9 10 11
Finance	After consideration on the merits, the Committee recommends that SB11-089 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	12 13 14 15
Finance	After consideration on the merits, the Committee recommends that HB11-1028 be referred to the Committee of the Whole with favorable recommendation.	16 17 18 19
Finance	After consideration on the merits, the Committee recommends that SB11-082 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	20 21 22 23
	Amend printed bill, page 4, line 3, strike "STATE; AND" and substitute "STATE."	24 25 26
	Page 4, line 6, strike "AGENCY." and substitute "AGENCY; AND (III) AFTER THE STATE AUDITOR AND ANY OTHER PERSON WITH WHOM THE STATE AUDITOR IS REQUIRED TO CONSULT IN ACCORDANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) HAVE AGREED IN WRITING TO RULES GOVERNING THE MANNER IN WHICH THE TESTING OR ASSESSMENT IS TO BE CONDUCTED, INCLUDING A MITIGATION PLAN FOR HANDLING SIGNIFICANT SYSTEM OUTAGES OR DISRUPTIONS IN THE EVENT THEY OCCUR."	27 28 29 30 31 32 33 34 35
Finance	After consideration on the merits, the Committee recommends that SB11-115 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	36 37 38 39
	Amend printed bill, page 2, line 19, strike "THEREOF." and substitute "THEREOF, EXCEPT FOR ANY SPECIAL PURPOSE ENTITY OR STATE ENTITY WHOSE GOVERNING BODY INCLUDES THE STATE AUDITOR AS AN EX OFFICIO MEMBER. THE PROVISIONS OF THIS PARAGRAPH (b) SHALL NOT APPLY TO ANY HOSPITAL THAT IS SUBJECT TO AUDIT UNDER THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4 TO 6 OF TITLE 25.5, C.R.S., OR MEDICARE, TITLE XVIII OF THE FEDERAL "SOCIAL SECURITY ACT", AS AMENDED."	40 41 42 43 44 45 46 47 48 49 50
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-027 be postponed indefinitely.	51 52 53 54 55 56
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-118 be postponed indefinitely.	57 58 59 60 61 62 63 64 65 66

TRIBUTES

Honoring:

Centennial School District R-1, New K-12 School, San Luis, Colorado -- By Senator Schwartz.
Plum Creek Kennel Club -- By Senator Carroll.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, February 17, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

37th Legislative Day Thursday, February 17, 2011

Prayer By Senator Morse.
Call to Order By the President at 9:00 a.m.
Pledge By Senator Grantham.
Roll Call Present--35
Quorum The President announced a quorum present.
Reading of Journal On motion of Senator Morse, reading of the Journal of Wednesday, February 16, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

February 16, 2011

Mr. President:
The House has adopted and returns herewith SJR11-016.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR11-013, 014 and 016.

SENATE SERVICES REPORT

Correctly Engrossed: SJR11-016.
Correctly Reengrossed: SB11-031, 061, 100, 101, 103, 106 and 123.
Correctly Rerevised: HB11-1006, 1022 and 1037.
Correctly Enrolled: SJR11-016.

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:

SB11-087 by Senator(s) Boyd; also Representative(s) Fields and Beezley--Concerning authority for the public utilities commission to create an exemption from tiered electricity rate plans based on a customer's medical condition.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfro	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Carroll, Guzman, Heath, Hudak, Jahn, King S., Newell, Schwartz, Steadman and Tochtrop.

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

GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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:

HB11-1050 by Representative(s) Soper; also Senator(s) Tochtrop--Concerning boiler inspection regulation by the division of oil and public safety.

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

SB11-096 by Senator(s) Steadman, Bacon, Carroll, Giron, Guzman, Hodge, Hudak, Jahn, King K., King S., Mitchell, Morse, Newell, Nicholson, Roberts; also Representative(s) McCann, DelGrosso, Ferrandino, Levy, Nikkel--Concerning excluding a class 6 felony drug possession conviction as a qualifying offense for the habitual criminal statute.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-096, HB11-1050.

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, February 17 was laid over until Friday, February 18, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB11-013, SB11-010, SB11-039, SB11-012, SB11-019, SB11-034, SB11-043, SB11-009, SB11-007, SB11-016, SB11-055, SB11-110, SB11-008, SB11-107, SB11-025, SB11-040, SB11-124, SB11-068.
Consideration of Resolutions: SJR11-005.
Consideration of Governor's Appointments:
Executive Director of the Department of Local Affairs

COMMITTEE OF REFERENCE REPORTS

Local Government After consideration on the merits, the Committee recommends that **SB11-119** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute:

"**SECTION 1.** 39-8-107, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:
39-8-107. Hearings on appeal. (5) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (5), IN ADDITION TO ANY OTHER REQUIREMENTS UNDER LAW, ANY PETITIONER APPEALING A VALUATION OF INCOME-PRODUCING NONRESIDENTIAL REAL PROPERTY TO THE BOARD OF ASSESSMENT APPEALS PURSUANT TO SECTION 39-8-108 (1) SHALL PROVIDE TO THE COUNTY BOARD OF EQUALIZATION OR TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN THE CASE OF AN ABATEMENT, AND NOT TO THE BOARD OF ASSESSMENT APPEALS, THE FOLLOWING INFORMATION, IF APPLICABLE:
(I) DETAILED ACTUAL ANNUAL REAL ESTATE INCOME;
(II) TENANT REIMBURSEMENTS;
(III) ITEMIZED DETAILED EXPENSES;
(IV) DETAILED RENT ROLL DATA, INCLUDING THE NAME OF ANY TENANTS, THE ADDRESS, UNIT, OR SUITE NUMBER OF THE SUBJECT PROPERTY, LEASE START AND END DATES, OPTION TERMS, BASE RENT, SQUARE FOOTAGE LEASED, AND VACANT SPACE FOR TWO FULL YEARS INCLUDING THE BASE YEAR FOR THE RELEVANT PROPERTY TAX YEAR; AND
(V) ANY APPRAISAL RELATED TO THE SUBJECT PROPERTY PREPARED DURING THE BASE YEAR FOR THE RELEVANT PROPERTY TAX YEAR BY A PERSON WHO HOLDS EITHER AN MAI OR SRA MEMBERSHIP AS AWARDED AND DESIGNATED BY THE APPRAISAL INSTITUTE.
(b) IN EXCHANGE FOR OBTAINING THE INFORMATION PROVIDED BY THE PETITIONER PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5), THE ASSESSOR SHALL, UPON REQUEST MADE BY THE PETITIONER, PROVIDE TO THE PETITIONER ALL OF THE UNDERLYING DATA USED BY THE COUNTY IN

CALCULATING THE CAPITALIZATION RATE FOR THE SUBJECT PROPERTY. BEFORE ANY SUCH INFORMATION MAY BE MADE PUBLIC BY THE COUNTY IN CONNECTION WITH A HEARING ON THE APPEAL, THE ASSESSOR SHALL REDACT ALL CONFIDENTIAL INFORMATION CONTAINED THEREIN.

(c) THE PETITIONER SHALL PROVIDE THE INFORMATION REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (5) WITHIN SIXTY DAYS AFTER THE APPEAL HAS BEEN FILED WITH THE BOARD OF ASSESSMENT APPEALS. INTEREST SHALL CEASE TO ACCRUE ON THE UNDERLYING PROPERTY TAX OBLIGATION AS OF THE DATE THE PETITIONER FAILS TO PROVIDE SUCH INFORMATION. THE PETITIONER MAY BE GRANTED AN EXTENSION OF THIRTY DAYS TO PROVIDE SUCH INFORMATION UPON A SHOWING OF GOOD CAUSE.

(d) IF A PETITIONER FAILS TO PROVIDE THE INFORMATION REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (5) BY THE DEADLINE SPECIFIED IN PARAGRAPH (c) OF THIS SUBSECTION (5), THE COUNTY MAY MOVE THE BOARD OF ASSESSMENT APPEALS TO COMPEL DISCLOSURE AND TO ISSUE APPROPRIATE SANCTIONS FOR NONCOMPLIANCE WITH SUCH ORDER. THE MOTION MAY BE MADE DIRECTLY BY THE COUNTY ASSESSOR AND SHALL BE ACCOMPANIED BY A CERTIFICATION THAT THE COUNTY ASSESSOR HAS IN GOOD FAITH CONFERRED OR ATTEMPTED TO CONFER WITH SUCH PETITIONER IN AN EFFORT TO OBTAIN THE INFORMATION WITHOUT ACTION BY THE BOARD OF ASSESSMENT APPEALS. IF AN ORDER COMPELLING DISCLOSURE IS ISSUED UNDER THIS PARAGRAPH (d) AND THE PETITIONER FAILS TO COMPLY WITH SUCH ORDER, THE BOARD OF ASSESSMENT APPEALS MAY MAKE SUCH ORDERS IN REGARD TO THE NONCOMPLIANCE AS ARE JUST AND REASONABLE UNDER THE CIRCUMSTANCES, INCLUDING AN ORDER DISMISSING THE ACTION OR THE ENTRY OF A JUDGMENT BY DEFAULT AGAINST THE PETITIONER.

(e) IN THE NOTICE OF DETERMINATION, THE COUNTY BOARD OF EQUALIZATION SHALL INFORM A TAXPAYER OF THE TAXPAYER'S OBLIGATION TO PROVIDE THE INFORMATION REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (5).

(f) ANY INFORMATION PROVIDED BY A PETITIONER PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL CONSTITUTE PROPRIETARY INFORMATION THAT RELATES SPECIFICALLY AND SOLELY TO THE VALUATION OF THE TAXPAYER'S PROPERTY AND SHALL NOT CONSTITUTE A PUBLIC RECORD WITHIN THE MEANING OF THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S. ALL SUCH INFORMATION SHALL BE AND REMAIN CONFIDENTIAL AND MAY BE USED ONLY BY THE BOARD OF ASSESSMENT APPEALS, THE COUNTY BOARD OF EQUALIZATION, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY, THE ASSESSOR'S OFFICE, OR BY A PERSON HIRED TO APPRAISE THE SUBJECT PROPERTY WHEN SUCH INFORMATION IS PERTINENT TO AN APPEAL.

SECTION 2. 4-72-202 (6) (b) (XII) and (6) (b) (XIII), Colorado Revised Statutes, are amended, and the said 24-72-202 (6) (b) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

24-72-202. Definitions. As used in this part 2, unless the context otherwise requires:

(6) (b) "Public records" does not include:

(XII) Information security audit and assessment reports prepared pursuant to section 24-37.5-403 (2) (d) or 24-37.5-404.5 (2) (d); or

(XIII) State and local applications and licenses for an optional premises cultivation operation as described in section 12-43.3-403, C.R.S., and the location of the optional premises cultivation operation; OR

(XIV) ANY SUBJECT PROPERTY FINANCIAL INFORMATION PRODUCED BY A TAXPAYER IN CONNECTION WITH THE APPEAL OF A VALUATION OF NONRESIDENTIAL REAL PROPERTY IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 39-8-107 (5) (a), C.R.S.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

(2) The provisions of this act shall apply to property tax years commencing on or after January 1, 2011."

Local
Government

After consideration on the merits, the Committee recommends that **SB11-063** 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 10, strike "and".

Page 3, strike line 12 and substitute "accessibility; and

(i) As critical delivery points for the provision of health care and emergency services to a community, and major contributors to a community's workforce, hospitals bring a unique capacity to increase positive health outcomes for Colorado residents and to educate stakeholders about the safety and quality of health care in their community."

Page 3, after line 23 insert:

"(b) Under Senate Bill 08-194, the department of public health and environment was required to develop a comprehensive, statewide public health improvement plan, referred to herein as the "state plan", on or before December 31, 2009, and every five years thereafter, and, as soon as practicable after the approval of each state plan, each county or district public health agency was required to prepare a county or district public health plan, referred to herein as the "local plan", which was required to be consistent with the state plan;"

Reletter succeeding paragraphs accordingly.

Page 4, line 19, strike "11-____," and substitute "11-063,".

Page 4, line 24, strike "11-____" and substitute "11-063".

Page 4, line 27, strike "11-____" and substitute "11-063".

Page 6, after line 4 insert:

"(II) NOTHING IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (h) SHALL BE CONSTRUED TO PRECLUDE THE DEVELOPMENT OF A HEALTH CARE FACILITY OR HOSPITAL THAT IS NOT INCLUDED IN THE MASTER PLAN OF A COUNTY OR REGION, NOR SHALL ANYTHING IN SAID SUBPARAGRAPH (I) BE CONSTRUED AS REQUIRING ANY HOSPITAL OR FACILITY TO OFFER ANY SERVICE THAT IS INCLUDED IN THE PLAN."

(III) TO THE EXTENT PRACTICABLE, A COUNTY OR REGION THAT ELECTS TO INCLUDE A COMMUNITY HEALTH ELEMENT IN ITS MASTER PLAN IS STRONGLY ENCOURAGED TO COLLABORATE WITH A PUBLIC HEALTH AGENCY OF THE COUNTY OR DISTRICT, AS APPLICABLE, IN THE INCLUSION OF SUCH ELEMENT AND TO FURTHER USE INFORMATION CONTAINED IN A PUBLIC HEALTH PLAN GOVERNING THE COUNTY OR REGION PURSUANT TO THE PROVISIONS OF SUBPART 3 OF PART 5 OF ARTICLE 1 OF TITLE 25, C.R.S., IN THE INCLUSION OF SUCH ELEMENT."

Renumber succeeding subparagraph accordingly.

Page 6, line 8, strike "HOSPITALS;"

Page 6, line 11, after "PHARMACIES." add "FOR PURPOSES OF THIS PARAGRAPH (h), "HEALTH CARE FACILITY" SHALL NOT INCLUDE A HOSPITAL, OR ANY FACILITY OWNED OR OPERATED BY A HOSPITAL, THAT IS LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S."

Page 7, after line 22 insert:

(b) TO THE EXTENT PRACTICABLE, A MUNICIPALITY THAT ELECTS TO INCLUDE A COMMUNITY HEALTH ELEMENT IN ITS MASTER PLAN IS STRONGLY ENCOURAGED TO COLLABORATE WITH A PUBLIC HEALTH AGENCY OF THE MUNICIPALITY OR OF THE COUNTY OR DISTRICT WITHIN WHICH THE MUNICIPALITY IS LOCATED, AS APPLICABLE, IN THE INCLUSION OF SUCH ELEMENT AND TO FURTHER USE INFORMATION CONTAINED IN A PUBLIC HEALTH PLAN GOVERNING THE MUNICIPALITY PURSUANT TO THE PROVISIONS OF SUBPART 3 OF PART 5 OF ARTICLE 1 OF TITLE 25, C.R.S., IN

	THE INCLUSION OF SUCH ELEMENT."	1
		2
	"(c) NOTHING IN PARAGRAPH (a) OF THIS SUBSECTION (5.5) SHALL	3
	BE CONSTRUED TO PRECLUDE THE DEVELOPMENT OF A HEALTH CARE	4
	FACILITY OR HOSPITAL THAT IS NOT INCLUDED IN THE MASTER PLAN OF A	5
	MUNICIPALITY, NOR SHALL ANYTHING IN SAID PARAGRAPH (a) BE	6
	CONSTRUED AS REQUIRING ANY HOSPITAL OR FACILITY TO OFFER ANY	7
	SERVICE THAT IS INCLUDED IN THE PLAN."	8
		9
	Reletter succeeding paragraph accordingly.	10
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	Page 7, line 26, strike "HOSPITALS;".	12
		13
	Page 8, line 2, after "PHARMACIES." add "FOR PURPOSES OF THIS	14
	SUBSECTION (5.5), "HEALTH CARE FACILITY" SHALL NOT INCLUDE A	15
	HOSPITAL, OR ANY FACILITY OWNED OR OPERATED BY A HOSPITAL, THAT	16
	IS LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S."	17
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Local Government	After consideration on the merits, the Committee recommends that SB11-060 be referred	19
	to the Committee of the Whole with favorable recommendation.	20
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Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB11-075 be	23
	postponed indefinitely.	24
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-054 be	28
	postponed indefinitely.	29
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-132 be	34
	postponed indefinitely.	35
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-129 be	40
	postponed indefinitely.	41
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-057 be amended	46
	as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with	47
	favorable recommendation.	48
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	Amend printed bill, page 2, line 2, strike "(5) (a) and".	51
		52
	Page 2, line 3, strike "are" and substitute "is".	53
		54
	Page 2, line 4, strike "A NEW PARAGRAPH," and substitute "THE	55
	FOLLOWING NEW PARAGRAPHS,".	56
		57
	Page 2, strike lines 6 through 19 and substitute " manner of election -	58
	notice - permanent mail-in voters. (5) (b) In an election conducted by	59
	the board OF A METROPOLITAN".	60
		61
	Page 3, strike lines 1 through 13.	62
		63
	Page 3, line 27, strike "THE" and substitute "ONE OF THE TWO".	64
		65
	Page 4, line 1, strike "ELECTION;" and substitute "ELECTIONS; AND".	66
		67
	Page 4, strike lines 2 and 3.	68
		69

Renumber succeeding subparagraph.

Page 4, after line 5 insert:

"(b.7) IF A METROPOLITAN DISTRICT CHOOSES NOT TO DELIVER A MAIL-IN BALLOT TO AN ELECTOR BECAUSE THE ELECTOR HAS NOT RETURNED A MAIL-IN BALLOT IN THE TWO MOST RECENT METROPOLITAN DISTRICT ELECTIONS AS SPECIFIED IN SUBPARAGRAPH (I) OF PARAGRAPH (b.5) OF THIS SECTION, THE METROPOLITAN DISTRICT SHALL MAIL TO THE ELECTOR BY FORWARDABLE MAIL, NO LATER THAN FORTY-FIVE DAYS BEFORE THE METROPOLITAN DISTRICT ELECTION, A POSTCARD NOTICE. THE POSTCARD NOTICE SHALL INCLUDE BUT NOT BE LIMITED TO:

(I) A STATEMENT INFORMING THE ELECTOR THAT THE ELECTOR MAY CAST A BALLOT IN PERSON AT ANY POLLING PLACE IN THE METROPOLITAN DISTRICT;

(II) A STATEMENT THAT THE ELECTOR MAY REQUEST A MAIL BALLOT FOR THE ELECTION BY CONTACTING THE DESIGNATED ELECTION OFFICIAL BY PHONE, MAIL, ELECTRONIC MAIL, OR IN PERSON;

(III) CONTACT INFORMATION FOR THE DESIGNATED ELECTION OFFICIAL INCLUDING BUT NOT LIMITED TO A PHONE NUMBER, PHYSICAL ADDRESS, AND ELECTRONIC MAIL ADDRESS; AND

(IV) THE LOCATION OF ANY POLLING PLACE WHERE AN ELECTOR MAY CAST A BALLOT IN PERSON.".

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB11-095** be postponed indefinitely.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB11-125** be referred to the Committee on Finance with favorable recommendation.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB11-114** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, strike lines 23 through 27.

Page 5, strike lines 1 through 3.

Renumber succeeding sections accordingly.

Page 5, line 5, strike "12-22-705 (3) (e) and (3) (f)," and substitute "12-22-705 (3) (d) and (3) (e),".

Page 5, line 7, strike "A NEW PARAGRAPH," and substitute "THE FOLLOWING NEW PARAGRAPHS,".

Page 5, after line 20 insert:

"(d) Licensed pharmacists with statutory authority to dispense controlled substances to the extent the information requested relates specifically to a current patient to whom the pharmacist is dispensing or considering dispensing a controlled substance OR TO WHOM THE PHARMACIST IS PROVIDING CLINICAL PATIENT CARE SERVICES;".

Page 5, line 22, strike "PRACTITIONER".

Page 5, strike lines 25 through 27.

Page 6, line 5, strike "SUBPOENA." and substitute "SUBPOENA; AND

(h) A RESIDENT PHYSICIAN WITH AN ACTIVE PHYSICIAN TRAINING LICENSE ISSUED BY THE COLORADO MEDICAL BOARD AND UNDER THE SUPERVISION OF A LICENSED PHYSICIAN.".

Page 216	Senate Journal-37th Day-February 17, 2011	
Health & Human Services	<p>After consideration on the merits, the Committee recommends that SB11-084 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.</p> <p>Amend printed bill, page 3, line 3, after "(2)" insert "(a)".</p> <p>Page 3, after line 11 insert:</p> <p>"(b) NOTHING IN THIS SUBSECTION (2) SHALL BE CONSTRUED TO PERMIT NONMEDICAL PERSONS TO MAKE MEDICAL DECISIONS IN A LONG-TERM CARE FACILITY."</p>	1 2 3 4 5 6 7 8 9 10 11 12 13 14
Judiciary	<p>After consideration on the merits, the Committee recommends that SB11-049 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.</p> <p>Amend printed bill, strike everything below the enacting clause and substitute:</p> <p>"SECTION 1. Part 1 of article 1 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:</p> <p>26-1-136.5. Prohibition against the use of prone restraints.</p> <p>(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "PRONE RESTRAINT" MEANS A METHOD OR DEVICE USED TO INVOLUNTARILY RESTRICT THE FREEDOM OF MOVEMENT OF A PERSON WHILE THE PERSON IS SECURED IN A FACE-DOWN POSITION, INCLUDING BUT NOT LIMITED TO BODILY PHYSICAL FORCE, MECHANICAL DEVICES, OR CHEMICALS. "PRONE RESTRAINT" DOES NOT INCLUDE THE BRIEF, TEMPORARY FACE-DOWN POSITIONING OF A PERSON BY TRAINED PERSONNEL USING BODILY FORCE TO GAIN CONTROL OF THE PERSON IN ORDER TO PREVENT HARM TO THE PERSON OR TO OTHERS.</p> <p>(2) (a) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE STATE DEPARTMENT, INCLUDING ANY DIVISION THEREOF, A COUNTY DEPARTMENT, A STATE DESIGNATED AGENCY, AND A PERSON EMPLOYED BY OR UNDER CONTRACT WITH SUCH A DEPARTMENT OR AGENCY IS PROHIBITED FROM USING A PRONE RESTRAINT ON A PERSON.</p> <p>(b) NOTWITHSTANDING THE PROHIBITION CONTAINED IN PARAGRAPH (a) OF THIS SUBSECTION (2), THE USE OF A PRONE RESTRAINT IS NOT PROHIBITED:</p> <p>(I) WHEN USED IN A LICENSED OR CERTIFIED HOSPITAL IN THE CONTEXT OF PROVIDING MEDICAL OR DENTAL SERVICES THAT ARE PROVIDED WITH THE CONSENT OF THE PERSON OR THE PERSON'S GUARDIAN; OR</p> <p>(II) WHEN USED AS PART OF A PROTECTIVE DEVICE OR ADAPTIVE DEVICE FOR PROVIDING PHYSICAL SUPPORT, PREVENTION OF INJURY TO THE PERSON, OR VOLUNTARY OR LIFE-SAVING MEDICAL PROCEDURES.</p> <p>SECTION 2. 26-20-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:</p> <p>26-20-102. Definitions. As used in this article, unless the context otherwise requires:</p> <p>(5.5) "PRONE RESTRAINT" MEANS A METHOD OR DEVICE USED TO INVOLUNTARILY RESTRICT THE FREEDOM OF MOVEMENT OF A PERSON WHILE THE PERSON IS SECURED IN A FACE-DOWN POSITION, INCLUDING BUT NOT LIMITED TO BODILY PHYSICAL FORCE, MECHANICAL DEVICES, OR CHEMICALS. "PRONE RESTRAINT" DOES NOT INCLUDE THE BRIEF, TEMPORARY FACE-DOWN POSITIONING OF A PERSON BY TRAINED PERSONNEL USING BODILY FORCE TO GAIN CONTROL OF THE PERSON IN ORDER TO PREVENT HARM TO THE PERSON OR TO OTHERS.</p> <p>SECTION 3. 26-20-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:</p> <p>26-20-103. Basis for use of restraint. (7) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, PURSUANT TO THE PROVISIONS OF SECTION 26-1-136.5, THE DEPARTMENT OF HUMAN SERVICES, INCLUDING ANY DIVISION THEREOF, A COUNTY DEPARTMENT, AS DEFINED IN SECTION 26-1-103, A STATE DESIGNATED AGENCY, AS DEFINED IN SECTION 26-1-103, AND A PERSON EMPLOYED BY OR UNDER</p>	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

CONTRACT WITH SUCH A DEPARTMENT OR AGENCY IS PROHIBITED FROM USING A PRONE RESTRAINT ON A PERSON.

SECTION 4. 27-10.5-115, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

27-10.5-115. Right to humane care and treatment.
(5.5) EXCEPT AS AUTHORIZED PURSUANT TO THE PROVISIONS OF SECTION 26-1-136.5, C.R.S., THE USE OF A PRONE RESTRAINT, AS DEFINED IN SECTION 26-1-136.5, C.R.S., ON A PERSON WITH A DEVELOPMENTAL DISABILITY IS PROHIBITED.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Page 1, line 101, after "OF" insert "PRONE".

Judiciary After consideration on the merits, the Committee recommends that **SB11-122** be postponed indefinitely.

Judiciary After consideration on the merits, the Committee recommends that **SB11-083** 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 printed bill, page 2, after line 1 insert:

"SECTION 1. Article 10 of title 15, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 6

COMPENSATION AND COST RECOVERY

15-10-601. Definitions. AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ESTATE" MEANS THE PROPERTY OF THE DECEDENT, TRUST, OR OTHER PERSON WHOSE AFFAIRS ARE SUBJECT TO THIS CODE AS THE ESTATE IS ORIGINALLY CONSTITUTED AND AS THE ESTATE EXISTS FROM TIME TO TIME DURING ADMINISTRATION. "ESTATE" INCLUDES CUSTODIAL PROPERTY AS DESCRIBED IN THE "COLORADO UNIFORM TRANSFERS TO MINORS ACT," ARTICLE 50 OF TITLE 11, C.R.S.; CUSTODIAL TRUST PROPERTY AS DESCRIBED IN THE "COLORADO UNIFORM CUSTODIAL TRUST ACT," ARTICLE 1.5 OF THIS TITLE; AND THE PROPERTY OF A PRINCIPAL THAT IS SUBJECT TO A POWER OF ATTORNEY.

(2) "FIDUCIARY" MEANS:

(a) A PERSONAL REPRESENTATIVE, GUARDIAN, CONSERVATOR, OR TRUSTEE;

(b) A CUSTODIAN AS DESCRIBED IN THE "COLORADO UNIFORM TRANSFERS TO MINORS ACT", ARTICLE 50 OF TITLE 11, C.R.S.;

(c) A CUSTODIAL TRUSTEE AS DESCRIBED IN THE "COLORADO UNIFORM CUSTODIAL TRUST ACT", ARTICLE 1.5 OF THIS TITLE;

(d) AN AGENT AS DEFINED IN SECTIONS 15-10-201 (1), 15-14-602 (3), AND 15-14-702 (1); AND

(e) A PUBLIC ADMINISTRATOR AS DESCRIBED IN SECTION 15-12-619.

(3) (a) "GOVERNING INSTRUMENT" MEANS A WILL OR A TRUST OR A DONATIVE, APPOINTIVE, OR NOMINATIVE INSTRUMENT OF ANY OTHER TYPE, INCLUDING BUT NOT LIMITED TO:

(I) AN INSTRUMENT THAT CREATES A CUSTODIAL TRANSFER AS DESCRIBED IN THE "COLORADO UNIFORM TRANSFERS TO MINORS ACT", ARTICLE 50 OF TITLE 11, C.R.S.;

(II) A CUSTODIAL TRUST AS DESCRIBED IN THE "COLORADO UNIFORM CUSTODIAL TRUST ACT", ARTICLE 1.5 OF THIS TITLE;

(III) A MEDICAL DURABLE POWER OF ATTORNEY AS DESCRIBED IN SECTION 15-14-506;

(IV) AN AGENCY INSTRUMENT AS DEFINED IN SECTION 15-14-602 (2);

(V) A POWER OF ATTORNEY AS DEFINED IN SECTION 15-14-702 (7);

(VI) A COURT ORDER APPOINTING A GUARDIAN AS DESCRIBED IN PARTS 2 AND 3 OF ARTICLE 14 OF THIS TITLE; AND

(VII) A COURT ORDER APPOINTING A CONSERVATOR AS DESCRIBED

IN PART 4 OF ARTICLE 14 OF THIS TITLE.

(b) "GOVERNING INSTRUMENT" DOES NOT INCLUDE A DEED; AN INSURANCE OR ANNUITY POLICY; A MULTIPLE-PARTY ACCOUNT; A SECURITY REGISTERED IN BENEFICIARY FORM; A PENSION; A PROFIT-SHARING, RETIREMENT, OR SIMILAR BENEFIT PLAN; OR AN INDIVIDUAL RETIREMENT ACCOUNT.

15-10-602. Recovery of reasonable compensation and costs.

(1) A FIDUCIARY AND HIS OR HER LAWYER ARE ENTITLED TO REASONABLE COMPENSATION FOR SERVICES RENDERED ON BEHALF OF AN ESTATE.

(2) A LAWYER HIRED BY A RESPONDENT, WARD, OR PROTECTED PERSON IS ENTITLED TO REASONABLE COMPENSATION AND COSTS INCURRED FOR THE LEGAL REPRESENTATION THE LAWYER PROVIDES FOR THE RESPONDENT, WARD, OR PROTECTED PERSON.

(3) A THIRD PARTY WHO PERFORMS SERVICES AT THE REQUEST OF A COURT IS ENTITLED TO REASONABLE COMPENSATION.

(4) A PERSON'S ENTITLEMENT TO COMPENSATION OR COSTS SHALL NOT LIMIT OR REMOVE A COURT'S INHERENT AUTHORITY, DISCRETION, AND RESPONSIBILITY TO DETERMINE THE REASONABLENESS OF COMPENSATION AND COSTS WHEN APPROPRIATE.

(5) EXCEPT AS LIMITED OR OTHERWISE RESTRICTED BY A COURT ORDER, COMPENSATION AND COSTS THAT MAY BE RECOVERED PURSUANT TO THIS SECTION MAY BE PAID DIRECTLY OR REIMBURSED WITHOUT A COURT ORDER. A COURT SHALL ORDER A PERSON WHO RECEIVES EXCESSIVE COMPENSATION OR PAYMENT FOR INAPPROPRIATE COSTS TO MAKE APPROPRIATE REFUNDS.

(6) EXCEPT AS PROVIDED IN SECTIONS 15-10-605 (4), 15-14-318 (4), AND 15-14-431 (5), IF ANY FIDUCIARY OR PERSON WITH PRIORITY FOR APPOINTMENT AS PERSONAL REPRESENTATIVE, CONSERVATOR, GUARDIAN, AGENT, CUSTODIAN, OR TRUSTEE DEFENDS OR PROSECUTES A PROCEEDING IN GOOD FAITH, WHETHER SUCCESSFUL OR NOT, THE FIDUCIARY OR PERSON IS ENTITLED TO RECEIVE FROM THE ESTATE REIMBURSEMENT FOR NECESSARY COSTS AND DISBURSEMENTS, INCLUDING BUT NOT LIMITED TO REASONABLE ATTORNEY FEES.

(7) (a) EXCEPT AS OTHERWISE PROVIDED IN PART 5 OF THIS ARTICLE OR IN THIS PART 6, A NONFIDUCIARY OR HIS OR HER LAWYER IS NOT ENTITLED TO RECEIVE COMPENSATION FROM AN ESTATE.

(b) IF A LAWYER OR ANOTHER PERSON NOT APPOINTED BY THE COURT PROVIDES SERVICES THAT RESULT IN AN ORDER BENEFICIAL TO THE ESTATE, RESPONDENT, WARD, OR PROTECTED PERSON, THE LAWYER OR OTHER PERSON NOT APPOINTED BY THE COURT MAY RECEIVE COSTS AND REASONABLE COMPENSATION FROM THE ESTATE AS PROVIDED BELOW:

(I) THE LAWYER OR OTHER PERSON SHALL FILE A REQUEST FOR COMPENSATION FOR SERVICES OR COSTS ALLEGED TO HAVE RESULTED IN THE ORDER WITHIN FIFTEEN DAYS AFTER THE ENTRY OF THE ORDER, OR WITHIN A GREATER OR LESSER TIME AS THE COURT MAY DIRECT. ANY OBJECTION THERETO SHALL BE FILED WITHIN FIFTEEN DAYS AFTER THE FILING OF THE REQUEST FOR COMPENSATION OR COSTS.

(II) AFTER A REQUEST FOR COMPENSATION OR COSTS OR AN OBJECTION TO SUCH A REQUEST, IF ANY HAS BEEN FILED, THE COURT SHALL DETERMINE WITHOUT A HEARING, THE BENEFIT, IF ANY, THAT THE ESTATE RECEIVED FROM THE SERVICES PROVIDED.

(III) IF THE COURT DETERMINES THAT A COMPENSABLE BENEFIT RESULTED FROM THE SERVICES, THEN THE PERSON REQUESTING COMPENSATION OR COSTS SHALL SUBMIT TO THE COURT ONLY THOSE FEES OR COSTS PURPORTEDLY INCURRED IN PROVIDING THE BENEFICIAL SERVICES. IF NO OBJECTION TO THOSE FEES AND COSTS IS FILED, THE COURT SHALL DETERMINE THE AMOUNT OF COMPENSATION OR COSTS TO BE AWARDED FOR THE BENEFIT, WITHOUT A HEARING.

(IV) AN INTERESTED PERSON DISPUTING THE REASONABLENESS OF THE AMOUNT OF COMPENSATION OR COSTS REQUESTED FOR THE BENEFICIAL SERVICES MAY FILE AN OBJECTION. IF AN OBJECTION IS FILED, THE PROCEEDINGS TO RESOLVE THE DISPUTE SHALL BE GOVERNED BY SECTION 15-10-604.

(c) IN DETERMINING A REASONABLE AMOUNT OF COMPENSATION OR COSTS, THE COURT MAY TAKE INTO ACCOUNT, IN ADDITION TO THE FACTORS SET FORTH IN SECTION 15-10-603 (3):

(I) THE VALUE OF A BENEFIT TO THE ESTATE, RESPONDENT, WARD, OR PROTECTED PERSON;

(II) THE NUMBER OF PARTIES INVOLVED IN ADDRESSING THE ISSUE;

(III) THE EFFORTS MADE BY THE LAWYER OR PERSON NOT APPOINTED BY THE COURT TO REDUCE AND MINIMIZE ISSUES; AND

(IV) ANY ACTIONS BY THE LAWYER OR PERSON NOT APPOINTED BY THE COURT THAT UNNECESSARILY EXPANDED ISSUES OR DELAYED OR HINDERED THE EFFICIENT ADMINISTRATION OF THE ESTATE.

(d) FOR THE PURPOSES OF THIS SUBSECTION (7), SERVICES RENDERED BY A LAWYER OR A PERSON NOT APPOINTED BY A COURT THAT CONFER A BENEFIT TO AN ESTATE, RESPONDENT, WARD, OR PROTECTED PERSON ARE THOSE SIGNIFICANT, DEMONSTRABLE, AND GENERALLY NONCUMULATIVE SERVICES THAT ASSIST THE COURT IN RESOLVING MATERIAL ISSUES IN THE ADMINISTRATION OF AN ESTATE. BY WAY OF EXAMPLE AND NOT LIMITATION, SUCH BENEFITS MAY RESULT IN SIGNIFICANTLY INCREASING OR PREVENTING A SIGNIFICANT DECREASE IN THE SIZE OF THE ESTATE, PREVENTING OR EXPOSING MALADMINISTRATION OR A MATERIAL BREACH OF FIDUCIARY DUTY, OR CLARIFYING AND UPHOLDING A DECEDENT'S, SETTLORS, PRINCIPAL'S, RESPONDENT'S, WARD'S, OR PROTECTED PERSON'S INTENT WITH RESPECT TO A MATERIAL ISSUE IN DISPUTE.

(8) A FIDUCIARY WHO IS A MEMBER OF A LAW FIRM MAY USE THE SERVICES OF THE LAW FIRM AND CHARGE FOR THE REASONABLE VALUE OF THE SERVICES OF THE MEMBERS AND STAFF OF THE FIRM THAT ASSIST THE FIDUCIARY IN PERFORMING HIS OR HER DUTIES.

(9) EVERY APPLICATION OR PETITION FOR APPOINTMENT OF A FIDUCIARY FILED UNDER THIS CODE, INCLUDING WITHOUT LIMITATION THOSE REQUIRED UNDER SECTIONS 15-12-301, 15-12-402, 15-12-614, 15-12-621, 15-12-622, 15-14-202, 15-14-204, 15-14-304, AND 15-14-403, SHALL INCLUDE A STATEMENT BY THE APPLICANT OR PETITIONER DISCLOSING THE BASIS UPON WHICH ANY COMPENSATION IS TO BE CHARGED TO THE ESTATE BY THE FIDUCIARY AND HIS OR HER OR ITS COUNSEL, OR SHALL STATE THAT THE BASIS HAS NOT YET BEEN DETERMINED. THE DISCLOSURE STATEMENT SHALL SPECIFICALLY DESCRIBE, AS IS APPLICABLE, THE HOURLY RATES TO BE CHARGED, ANY AMOUNTS TO BE CHARGED PURSUANT TO A PUBLISHED FEE SCHEDULE, INCLUDING THE RATES AND BASIS FOR CHARGING FEES FOR ANY EXTRAORDINARY SERVICES, AND ANY OTHER BASES UPON WHICH A FEE CHARGED TO THE ESTATE WILL BE CALCULATED. THIS DISCLOSURE OBLIGATION SHALL BE CONTINUING IN NATURE SO AS TO REQUIRE SUPPLEMENTAL DISCLOSURES IF MATERIAL CHANGES TO THE BASIS FOR CHARGING FEES TAKE PLACE.

15-10-603. Factors in determining the reasonableness of compensation and costs. (1) A COURT MAY REVIEW AND DETERMINE:

(a) THE REASONABLENESS OF THE COMPENSATION OF ANY FIDUCIARY, LAWYER, OR OTHER PERSON WHO:

(I) IS EMPLOYED ON BEHALF OF AN ESTATE, FIDUCIARY, RESPONDENT, WARD, OR PROTECTED PERSON;

(II) IS APPOINTED BY THE COURT; OR

(III) PROVIDES BENEFICIAL SERVICES TO AN ESTATE, RESPONDENT, WARD, OR PROTECTED PERSON; AND

(b) THE APPROPRIATENESS OF ANY COST SOUGHT TO BE PAID BY OR RECOVERED FROM AN ESTATE.

(2) IN CONSIDERING THE REASONABLENESS OF THE COMPENSATION, THERE SHALL BE NO PRESUMPTION THAT ANY METHOD OF CHARGING A FEE FOR SERVICES RENDERED TO AN ESTATE, FIDUCIARY, PRINCIPAL, RESPONDENT, WARD, OR PROTECTED PERSON IS PER SE UNREASONABLE. REGARDLESS OF THE METHOD USED FOR CHARGING A FEE, IN DETERMINING APPROPRIATE COMPENSATION, THE COURT SHALL APPLY THE STANDARD OF REASONABLENESS IN LIGHT OF ALL RELEVANT FACTS AND CIRCUMSTANCES.

(3) THE COURT SHALL CONSIDER ALL OF THE FACTORS DESCRIBED IN THIS SUBSECTION (3) IN DETERMINING THE REASONABLENESS OF ANY COMPENSATION OR COST. THE COURT MAY DETERMINE THE WEIGHT TO BE GIVEN TO EACH FACTOR AND TO ANY OTHER FACTOR THE COURT CONSIDERS RELEVANT IN REACHING ITS DECISION:

(a) THE TIME AND LABOR REQUIRED, THE NOVELTY AND DIFFICULTY OF THE QUESTIONS INVOLVED, AND THE SKILL REQUIRED TO PERFORM THE SERVICE PROPERLY;

(b) THE LIKELIHOOD, IF APPARENT TO THE FIDUCIARY, THAT THE ACCEPTANCE OF THE PARTICULAR EMPLOYMENT WILL PRECLUDE THE PERSON EMPLOYED FROM OTHER EMPLOYMENT;

(c) (I) THE COMPENSATION CUSTOMARILY CHARGED IN THE COMMUNITY FOR SIMILAR SERVICES WITH DUE CONSIDERATION AND ALLOWANCE FOR THE COMPLEXITY OR UNIQUENESS OF ANY ADMINISTRATIVE OR LITIGATED ISSUES, THE NEED FOR AND LOCAL AVAILABILITY OF SPECIALIZED KNOWLEDGE OR EXPERTISE, AND THE NEED FOR AND ADVISABILITY OF RETAINING OUTSIDE FIDUCIARIES OR LAWYERS TO AVOID POTENTIAL CONFLICTS OF INTEREST;

(II) AS USED IN THIS SUBSECTION (3), UNLESS THE CONTEXT OTHERWISE REQUIRES, "COMMUNITY" MEANS THE GENERAL GEOGRAPHICAL AREA IN WHICH THE ESTATE IS BEING ADMINISTERED OR IN WHICH THE RESPONDENT, WARD, OR PROTECTED PERSON RESIDES.

(d) THE NATURE AND SIZE OF THE ESTATE, THE LIQUIDITY OR ILLIQUIDITY OF THE ESTATE, AND THE RESULTS AND BENEFITS OBTAINED DURING THE ADMINISTRATION OF THE ESTATE;

(e) WHETHER AND TO WHAT EXTENT ANY LITIGATION HAS TAKEN PLACE AND THE RESULTS OF SUCH LITIGATION;

(f) THE LIFE EXPECTANCY AND NEEDS OF THE RESPONDENT, WARD, PROTECTED PERSON, DEVISEE, BENEFICIARY, OR PRINCIPAL;

(g) THE TIME LIMITATIONS IMPOSED ON OR BY THE FIDUCIARY OR BY THE CIRCUMSTANCES OF THE ADMINISTRATION OF THE ESTATE;

(h) THE ADEQUACY OF ANY DETAILED BILLING STATEMENTS UPON WHICH THE COMPENSATION IS BASED;

(i) WHETHER THE FIDUCIARY HAS CHARGED VARIABLE RATES THAT REFLECT COMPARABLE PAYMENT STANDARDS IN THE COMMUNITY FOR LIKE SERVICES;

(j) THE EXPERTISE, REPUTATION, AND ABILITY OF THE PERSON PERFORMING THE SERVICES AND, IN THE CASE OF A FIDUCIARY, WHETHER AND TO WHAT EXTENT THE FIDUCIARY HAS HAD ANY PRIOR EXPERIENCE IN ADMINISTERING ESTATES SIMILAR TO THOSE FOR WHICH COMPENSATION IS SOUGHT;

(k) THE TERMS OF A GOVERNING INSTRUMENT;

(l) THE VARIOUS COURSES OF ACTION AVAILABLE TO A FIDUCIARY OR AN INDIVIDUAL SEEKING COMPENSATION FOR A PARTICULAR SERVICE OR ALLEGED BENEFIT AND WHETHER THE COURSE OF ACTION TAKEN WAS REASONABLE AND APPROPRIATE UNDER THE CIRCUMSTANCES EXISTING AT THE TIME THE SERVICE WAS PERFORMED; AND

(m) THE VARIOUS COURSES OF ACTION AVAILABLE TO A FIDUCIARY OR AN INDIVIDUAL SEEKING COMPENSATION FOR A PARTICULAR SERVICE OR ALLEGED BENEFIT AND THE COST-EFFECTIVENESS OF THE ACTION TAKEN UNDER THE CIRCUMSTANCES EXISTING AT THE TIME THE SERVICE WAS PERFORMED.

(4) IF A GOVERNING INSTRUMENT PROVIDES THAT A FIDUCIARY IS ENTITLED TO RECEIVE COMPENSATION IN ACCORDANCE WITH A PUBLISHED FEE SCHEDULE IN EFFECT AT THE TIME THE SERVICES ARE PERFORMED, FEES CHARGED IN ACCORDANCE WITH THE PUBLISHED FEE SCHEDULE SHALL BE PRESUMED TO BE REASONABLE. THE ABSENCE OF SUCH A PROVISION IN A GOVERNING INSTRUMENT SHALL NOT PRECLUDE THE FIDUCIARY FROM RECEIVING COMPENSATION IN ACCORDANCE WITH A PUBLISHED FEE SCHEDULE IN EFFECT AT THE TIME THE SERVICES ARE PERFORMED.

(5) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO PROHIBIT MEMBERS OR EMPLOYEES OF A PROFESSIONAL FIDUCIARY'S ORGANIZATION OR LAW FIRM, INCLUDING PARTNERS, ASSOCIATES, PARALEGALS, LAW CLERKS, TRUST OFFICERS, CAREGIVERS, AND SOCIAL WORKERS, FROM COLLABORATING ON THE SAME SERVICE SO LONG AS THE COLLABORATION IS REASONABLE AND THE TOTAL COMPENSATION CHARGED FOR THE SERVICE IN THE AGGREGATE IS REASONABLE UNDER THE CIRCUMSTANCES.

15-10-604. Fee disputes - process and procedure. (1) A DISPUTE OVER THE REASONABLENESS OF A REQUEST FOR COMPENSATION OR COSTS AUTHORIZED BY THIS PART 6 SHALL BE RESOLVED IN ACCORDANCE WITH THE FACTORS SET FORTH IN SECTION 15-10-603 (3) AND THE PROCESS AND PROCEDURE SET FORTH IN THIS SECTION.

(2) FOR PURPOSES OF THIS SECTION, A FEE DISPUTE SHALL BE DEEMED TO HAVE ARISEN WHEN AN OBJECTION TO COMPENSATION OR COSTS HAS BEEN FILED IN A PROCEEDING.

(3) AFTER THE OBJECTION TO COMPENSATION OR COSTS HAS BEEN FILED, THE PERSON REQUESTING COMPENSATION OR COSTS SHALL HAVE THIRTY DAYS, OR A GREATER OR LESSER TIME AS THE COURT MAY DIRECT, TO MAKE AVAILABLE TO THE OBJECTOR FOR INSPECTION AND COPYING ALL

DOCUMENTATION THAT THE PERSON DEEMS NECESSARY TO ESTABLISH THE REASONABLENESS OF THE COMPENSATION AND COSTS IN CONSIDERATION OF THE FACTORS SET FORTH IN SECTION 15-10-603 (3) AND TO CERTIFY TO THE COURT THAT SUCH DOCUMENTATION WAS MADE AVAILABLE TO THE OBJECTOR ON A CERTAIN DATE. THE OBJECTOR SHALL THEN HAVE FIFTEEN DAYS, OR A GREATER OR LESSER TIME AS THE COURT MAY DIRECT, TO FILE SPECIFIC WRITTEN OBJECTIONS TO SUCH COMPENSATION AND COSTS BASED ON THE FACTORS SET FORTH IN SECTION 15-10-603 (3). THE FIFTEEN DAYS SHALL COMMENCE ON THE DATE THAT THE PERSON MAKES THE DOCUMENTATION AVAILABLE TO THE OBJECTOR OR UPON THE FILING OF THE PERSON'S CERTIFICATION, WHICHEVER IS LATER. THE COURT MAY PERMIT FURTHER DISCOVERY ON THE COMPENSATION AND COST ISSUES RAISED BY THE PLEADINGS ONLY UPON GOOD CAUSE SHOWN.

(4) SUBJECT TO THE COURT'S INHERENT AUTHORITY TO ORDER ALTERNATIVE DISPUTE RESOLUTION METHODS, THE COURT SHALL DETERMINE, AFTER NOTICE AND HEARING, THE AMOUNT OF COMPENSATION AND COSTS IT CONSIDERS TO BE REASONABLE AND SHALL ISSUE ITS FINDINGS OF FACT AND CONCLUSIONS OF LAW REFERENCING THE FACTORS SET FORTH IN SECTION 15-10-603 (3) AND ANY OTHER FACTORS IT DEEMS RELEVANT TO ITS DECISION.

15-10-605. Compensation and costs - assessment - limitations.

(1) IF THE COURT DETERMINES THAT ANY PROCEEDINGS PURSUANT TO THIS CODE OR ANY PLEADINGS FILED IN SUCH PROCEEDINGS WERE BROUGHT, DEFENDED, OR FILED IN BAD FAITH, THE COURT MAY ASSESS THE FEES AND THE COSTS, INCLUDING REASONABLE ATTORNEY FEES, INCURRED BY THE FIDUCIARY AND OTHER AFFECTED PARTIES IN RESPONDING TO THE PROCEEDINGS OR PLEADINGS, AGAINST AN ESTATE, PARTY, PERSON, OR ENTITY THAT BROUGHT OR DEFENDED THE PROCEEDINGS OR FILED THE PLEADINGS IN BAD FAITH. NOTHING IN THIS SECTION IS INTENDED TO LIMIT ANY OTHER REMEDY, SANCTION, OR SURCHARGE PROVIDED BY LAW.

(2) IF ANY PERSON ENTITLED TO COMPENSATION UNDER THIS PART 6 IS REQUIRED TO DEFEND THE REASONABLENESS OF COMPENSATION OR COSTS IN A PROCEEDING, THE COURT MAY REVIEW THE FEES AND COSTS INCURRED BY THE PERSON IN DEFENDING THE COMPENSATION OR COSTS, AND THE FEES INCURRED IN CHALLENGING THE COMPENSATION AND COSTS, AND MAY ASSESS THE REASONABLE FEES AND COSTS INCURRED IN THE PROCEEDING AS THE COURT DEEMS EQUITABLE. THE COURT MAY ALLOCATE FEES OR COSTS ASSESSED PURSUANT TO THIS SUBSECTION (2) IN FAVOR OF OR AGAINST THE ESTATE OR ANY PARTY, PERSON, OR ENTITY INVOLVED IN THE PROCEEDING AS JUSTICE AND EQUITY MAY REQUIRE.

(3) A PERSON WHO IS UNSUCCESSFUL IN DEFENDING THE REASONABLENESS OF COMPENSATION OR COSTS AT A HEARING SHALL NOT BE ENTITLED TO RECOVER THE FEES OR COSTS OF THAT DEFENSE AS THE COURT DEEMS EQUITABLE.

(4) A FIDUCIARY WHO IS UNSUCCESSFUL IN DEFENDING THE FIDUCIARY'S CONDUCT IN A PROCEEDING PURSUANT TO THIS CODE ALLEGING BREACH OF FIDUCIARY DUTY SHALL NOT RECOVER THE FEES OR COSTS OF THAT DEFENSE AS THE COURT DEEMS EQUITABLE.

15-10-606. Applicability. (1) THIS PART 6 APPLIES TO:

(a) AN ESTATE EXISTING BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF THIS PART 6; AND

(b) PROCEEDINGS TO DETERMINE THE REASONABLENESS OF COMPENSATION AND COSTS COMMENCED ON OR AFTER THE EFFECTIVE DATE OF THIS PART 6.

(2) THIS PART 6 DOES NOT APPLY TO PROCEEDINGS TO DETERMINE THE REASONABLENESS OF COMPENSATION AND COSTS COMMENCED BEFORE THE EFFECTIVE DATE OF THIS PART 6 UNLESS THE COURT DETERMINES THAT THE APPLICATION OF THIS PART 6 WOULD NOT PREJUDICE THE RIGHTS OF ANY PARTY TO THE PROCEEDING AND THE COURT DIRECTS OTHERWISE.

SECTION 2. 15-10-504 (2) (b), Colorado Revised Statutes, is amended to read:

15-10-504. Surcharge - contempt - sanctions against fiduciaries. (2) **Surcharge.** (b) In awarding attorney fees and costs pursuant to this section, a court may consider the provisions of ~~sections 15-12-719, 15-12-720, and 15-14-417~~ PART 6 OF THIS ARTICLE."

Renumber succeeding bill sections accordingly.

Page 6, after line 10 insert:

"**SECTION 7.** 15-12-805 (1) (a), Colorado Revised Statutes, is amended to read:
15-12-805. Classification of claims. (1) The allowed claims against the estate of a decedent shall be paid by the personal representative in the following order:

(a) Property held by or in the possession of the deceased person as fiduciary or trustee of a trust, which shall include a resulting trust, as long as the reasonable expenses of administering such property and of investigating and determining such claim, as provided by ~~section 15-12-720~~ SECTION 15-10-602, BUT SUBJECT TO SECTION 15-10-605, shall be paid from such property as determined by the court;".

Renumber succeeding bill sections accordingly.

Page 7, after line 22 insert:

"**SECTION 10.** 15-14-318, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

15-14-318. Termination or modification of guardianship - resignation or removal of guardian. (3.5) THE FOLLOWING PROVISIONS APPLY IN A TERMINATION PROCEEDING THAT IS INITIATED BY THE WARD:

(a) THE GUARDIAN MAY FILE A WRITTEN REPORT TO THE COURT REGARDING ANY MATTER RELEVANT TO THE TERMINATION PROCEEDING, AND THE GUARDIAN MAY FILE A MOTION FOR INSTRUCTIONS REGARDING ANY RELEVANT MATTER INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

(I) WHETHER AN ATTORNEY, GUARDIAN AD LITEM, OR VISITOR SHOULD BE APPOINTED FOR THE WARD;

(II) WHETHER ANY FURTHER INVESTIGATION OR PROFESSIONAL EVALUATION OF THE WARD SHOULD BE CONDUCTED, THE SCOPE OF THE INVESTIGATION OR PROFESSIONAL EVALUATION, AND WHEN THE INVESTIGATION OR PROFESSIONAL EVALUATION SHOULD BE COMPLETED; AND

(III) WHETHER THE GUARDIAN IS TO BE INVOLVED IN THE TERMINATION PROCEEDINGS AND, IF SO, TO WHAT EXTENT;

(b) IF THE GUARDIAN ELECTS TO FILE A WRITTEN REPORT OR A MOTION FOR INSTRUCTIONS, THE GUARDIAN SHALL FILE SUCH INITIAL PLEADINGS WITHIN FIFTEEN DAYS AFTER THE PETITION TO TERMINATE HAS BEEN FILED. ANY INTERESTED PERSON SHALL THEN HAVE TEN DAYS TO FILE A RESPONSE. IF A RESPONSE IS FILED, THE GUARDIAN SHALL HAVE SEVEN DAYS TO FILE A REPLY. IF A MOTION FOR INSTRUCTIONS IS FILED BY THE GUARDIAN AS HIS OR HER INITIAL PLEADING, THE COURT SHALL RULE ON THE MOTION BEFORE THE PETITION FOR TERMINATION OF THE GUARDIANSHIP IS SET FOR HEARING. UNLESS A HEARING ON THE MOTION FOR INSTRUCTIONS IS REQUESTED BY THE COURT, THE COURT MAY RULE ON THE PLEADINGS WITHOUT A HEARING AFTER THE TIME PERIOD FOR THE FILING OF THE LAST RESPONSIVE PLEADING HAS EXPIRED. AFTER THE FILING OF THE GUARDIAN'S INITIAL MOTION FOR INSTRUCTIONS, THE GUARDIAN MAY FILE SUBSEQUENT MOTIONS FOR INSTRUCTION AS APPROPRIATE.

(c) EXCEPT FOR THE ACTIONS AUTHORIZED IN PARAGRAPHS (a), (b), AND (e) OF THIS SUBSECTION (3.5), OR AS OTHERWISE ORDERED BY THE COURT, THE GUARDIAN MAY NOT TAKE ANY ACTION TO OPPOSE OR INTERFERE IN THE TERMINATION PROCEEDING. THE FILING OF THE INITIAL OR SUBSEQUENT MOTION FOR INSTRUCTIONS BY THE GUARDIAN SHALL NOT, IN AND OF ITSELF, BE DEEMED OPPOSITION OR INTERFERENCE.

(d) UNLESS ORDERED BY THE COURT, THE GUARDIAN SHALL HAVE NO DUTY TO PARTICIPATE IN THE TERMINATION PROCEEDING, AND THE GUARDIAN SHALL INCUR NO LIABILITY FOR FILING THE REPORT OR MOTION FOR INSTRUCTION OR FOR FAILING TO PARTICIPATE IN THE PROCEEDING;

(e) NOTHING IN THIS SUBSECTION (3.5) SHALL PREVENT:

(I) THE COURT, ON ITS OWN MOTION AND REGARDLESS OF WHETHER THE GUARDIAN HAS FILED A REPORT OR REQUEST FOR INSTRUCTIONS, FROM ORDERING THE GUARDIAN TO TAKE ANY ACTION THAT THE COURT DEEMS APPROPRIATE OR FROM APPOINTING AN ATTORNEY, GUARDIAN AD LITEM, VISITOR, OR PROFESSIONAL EVALUATOR;

(II) THE COURT FROM ORDERING THE GUARDIAN TO APPEAR AT THE TERMINATION PROCEEDING AND GIVE TESTIMONY; OR

(III) ANY INTERESTED PERSON FROM CALLING THE GUARDIAN AS A WITNESS IN THE TERMINATION PROCEEDING;

(f) ANY INDIVIDUAL WHO HAS BEEN APPOINTED AS A GUARDIAN, AND IS AN INTERESTED PERSON IN HIS OR HER INDIVIDUAL CAPACITY, AND WANTS TO PARTICIPATE IN THE TERMINATION PROCEEDING IN HIS OR HER INDIVIDUAL CAPACITY AND NOT IN HIS OR HER FIDUCIARY CAPACITY MAY DO SO WITHOUT RESTRICTION OR LIMITATION. THE PAYMENT OF ANY FEES AND COSTS TO THAT INDIVIDUAL, RELATED TO HIS OR HER DECISION TO PARTICIPATE IN THE TERMINATION PROCEEDING, SHALL BE GOVERNED BY SECTION 15-10-602 (7) AND NOT BY SECTION 15-10-602 (1).

(6) WHEN A WARD DIES, ALL FEES, COSTS, AND EXPENSES OF THE ADMINISTRATION OF THE GUARDIANSHIP, INCLUDING ANY UNPAID GUARDIAN FEES AND COSTS AND THOSE OF HIS OR HER COUNSEL, MAY BE SUBMITTED TO THE COURT FOR COURT APPROVAL IN CONJUNCTION WITH THE TERMINATION OF THE GUARDIANSHIP. THEREAFTER, ALL COURT-APPROVED FEES, COSTS, AND EXPENSES OF ADMINISTRATION ARISING FROM THE GUARDIANSHIP SHALL BE PAID AS COURT-APPROVED CLAIMS FOR COSTS AND EXPENSES OF ADMINISTRATION IN THE DECEDENT'S ESTATE. IN THE EVENT THAT THERE ARE INSUFFICIENT MONEYS TO PAY ALL CLAIMS IN THE DECEDENT'S ESTATE IN FULL, THE FEES, COSTS, AND EXPENSES OF ADMINISTRATION ARISING FROM THE GUARDIANSHIP SHALL RETAIN THEIR CLASSIFICATION AS "COSTS AND EXPENSES OF ADMINISTRATION" IN THE DECEDENT'S ESTATE AND SHALL BE PAID PURSUANT TO SECTION 15-12-805.

SECTION 11. 15-14-413 (6), Colorado Revised Statutes, is amended to read:

15-14-413. Who may be conservator - priorities - prohibition of dual roles. (6) (a) Unless the court makes specific findings for good cause shown OR THE PERSON IS A FAMILY CAREGIVER AS DEFINED IN SECTION 27-10.5-102 (15.5), C.R.S., the same professional may not act as an incapacitated person's or a protected person's:

- (I) Guardian and conservator; or
- (II) Guardian and direct service provider; or
- (III) Conservator and direct service provider.

(b) In addition, a guardian or conservator may not employ the same person to act as both care manager and direct service provider for the incapacitated person or protected person UNLESS THE PERSON IS A FAMILY CAREGIVER AS DEFINED IN SECTION 27-10.5-102 (15.5), C.R.S."

Renumber succeeding bill sections accordingly.

Page 7, after line 26 insert:

"SECTION 13. 15-14-428, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

15-14-428. Death of protected person. (3) WHEN A PROTECTED PERSON DIES, ALL FEES, COSTS, AND EXPENSES OF ADMINISTRATION OF THE CONSERVATORSHIP, INCLUDING ANY UNPAID CONSERVATOR FEES AND COSTS AND THOSE OF HIS OR HER COUNSEL, MAY BE SUBMITTED TO THE COURT FOR APPROVAL IN CONJUNCTION WITH THE TERMINATION OF THE CONSERVATORSHIP. THEREAFTER, ALL COURT-APPROVED FEES, COSTS, AND EXPENSES OF ADMINISTRATION ARISING FROM THE CONSERVATORSHIP SHALL BE PAID AS COURT-APPROVED CLAIMS FOR COSTS AND EXPENSES OF ADMINISTRATION IN THE DECEDENT'S ESTATE. IN THE EVENT THAT THERE ARE INSUFFICIENT MONEYS TO PAY ALL CLAIMS IN THE DECEDENT'S ESTATE IN FULL, THE FEES, COSTS, AND EXPENSES OF ADMINISTRATION ARISING FROM THE CONSERVATORSHIP SHALL RETAIN THEIR CLASSIFICATION AS "COSTS AND EXPENSES OF ADMINISTRATION" IN THE DECEDENT'S ESTATE AND SHALL BE PAID PURSUANT TO SECTION 15-12-805.

SECTION 14. 15-14-431, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

15-14-431. Termination of proceedings. (4.5) THE FOLLOWING PROVISIONS APPLY IN A TERMINATION PROCEEDING THAT IS INITIATED BY THE PROTECTED PERSON:

(a) THE CONSERVATOR MAY FILE A WRITTEN REPORT TO THE COURT REGARDING ANY MATTER RELEVANT TO THE TERMINATION PROCEEDING, AND THE CONSERVATOR MAY FILE A MOTION FOR

INSTRUCTIONS CONCERNING ANY RELEVANT MATTER INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

(I) WHETHER AN ATTORNEY, GUARDIAN AD LITEM, OR VISITOR SHOULD BE APPOINTED FOR THE PROTECTED PERSON;

(II) WHETHER ANY FURTHER INVESTIGATION OR PROFESSIONAL EVALUATION OF THE PROTECTED PERSON SHOULD BE CONDUCTED, THE SCOPE OF THE INVESTIGATION OR PROFESSIONAL EVALUATION, AND WHEN THE INVESTIGATION OR PROFESSIONAL EVALUATION SHOULD BE COMPLETED; AND

(III) WHETHER THE CONSERVATOR IS TO BE INVOLVED IN THE TERMINATION PROCEEDINGS, AND IF SO, TO WHAT EXTENT.

(b) IF THE CONSERVATOR ELECTS TO FILE A WRITTEN REPORT OR A MOTION FOR INSTRUCTIONS, THE CONSERVATOR SHALL FILE SUCH INITIAL PLEADINGS WITHIN FIFTEEN DAYS AFTER THE PETITION TO TERMINATE HAS BEEN FILED. ANY INTERESTED PERSON SHALL THEN HAVE TEN DAYS TO FILE A RESPONSE. IF A RESPONSE IS FILED, THE CONSERVATOR SHALL HAVE SEVEN DAYS TO FILE A REPLY. IF A MOTION FOR INSTRUCTIONS IS FILED BY THE CONSERVATOR AS HIS OR HER INITIAL PLEADING, THE COURT SHALL RULE ON THAT MOTION BEFORE THE PETITION FOR TERMINATION OF THE CONSERVATORSHIP IS SET FOR HEARING. UNLESS A HEARING ON THE MOTION FOR INSTRUCTIONS IS REQUESTED BY THE COURT, THE COURT MAY RULE ON THE PLEADINGS WITHOUT A HEARING AFTER THE TIME PERIOD FOR THE FILING OF THE LAST RESPONSIVE PLEADING HAS EXPIRED. AFTER THE FILING OF THE CONSERVATOR'S INITIAL MOTION FOR INSTRUCTIONS, THE CONSERVATOR MAY FILE SUBSEQUENT MOTIONS FOR INSTRUCTION AS APPROPRIATE.

(c) EXCEPT FOR THE ACTIONS AUTHORIZED IN PARAGRAPHS (a), (b), AND (e) OF THIS SUBSECTION (4.5) OR AS OTHERWISE ORDERED BY THE COURT, THE CONSERVATOR MAY NOT TAKE ANY ACTION TO OPPOSE OR INTERFERE IN THE TERMINATION PROCEEDING. THE FILING OF THE INITIAL OR SUBSEQUENT MOTION FOR INSTRUCTIONS BY THE CONSERVATOR SHALL NOT, IN AND OF ITSELF, BE DEEMED OPPOSITION OR INTERFERENCE.

(d) UNLESS ORDERED BY THE COURT, THE CONSERVATOR SHALL HAVE NO DUTY TO PARTICIPATE IN THE TERMINATION PROCEEDING AND THE CONSERVATOR SHALL INCUR NO LIABILITY FOR FILING THE REPORT OR MOTION FOR INSTRUCTION OR FOR FAILING TO PARTICIPATE IN THE PROCEEDING.

(e) NOTHING IN THIS SUBSECTION (4.5) SHALL PREVENT:

(I) THE COURT, ON ITS OWN MOTION AND REGARDLESS OF WHETHER THE CONSERVATOR HAS FILED A REPORT OR REQUEST FOR INSTRUCTIONS, FROM ORDERING THE CONSERVATOR TO TAKE ANY ACTION THAT THE COURT DEEMS APPROPRIATE, OR FROM APPOINTING AN ATTORNEY, GUARDIAN AD LITEM, VISITOR, OR PROFESSIONAL EVALUATOR;

(II) THE COURT FROM ORDERING THE CONSERVATOR TO APPEAR AT THE TERMINATION PROCEEDING AND GIVE TESTIMONY; OR

(III) ANY INTERESTED PERSON FROM CALLING THE CONSERVATOR AS A WITNESS IN THE TERMINATION PROCEEDING.

(f) ANY INDIVIDUAL WHO HAS BEEN APPOINTED AS A CONSERVATOR, IS AN INTERESTED PERSON IN HIS OR HER INDIVIDUAL CAPACITY, AND WANTS TO PARTICIPATE IN THE TERMINATION PROCEEDING IN HIS OR HER INDIVIDUAL CAPACITY AND NOT IN HIS OR HER FIDUCIARY CAPACITY, MAY DO SO WITHOUT RESTRICTION OR LIMITATION. THE PAYMENT OF ANY FEES AND COSTS TO THE INDIVIDUAL THAT ARE RELATED TO HIS OR HER DECISION TO PARTICIPATE IN THE TERMINATION PROCEEDING SHALL BE GOVERNED BY SECTION 15-10-602 (7) AND NOT SECTION 15-10-602 (1).".

Renumber succeeding bill sections accordingly.

Page 18, after line 16 insert:

"**SECTION 22. Repeal.** 15-12-719, 15-12-720, 15-12-721, and 15-14-417, Colorado Revised Statutes, are repealed.".

Renumber succeeding bill section accordingly.

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, February 18, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

38th Legislative Day	Friday, February 18, 2011
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Prayer	By the chaplain, Reverend Bo Sosa, New Life Worship Center, Federal Heights.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator Grantham.
Roll Call	Present--35
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Morse, reading of the Journal of Thursday, February 17, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

February 17, 2011
Mr. President:

The House has passed on Third Reading and returns herewith SB11-163, 135, 140, 143, 145, 146, 147, 148, 149, 151, 152, 153, 154, 155, 157, 160,161.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
SB11-159, amended as printed in House Journal, February 16, page 295.
SB11-164, amended as printed in House Journal, February 16, page 296.
SB11-144, amended as printed in House Journal, February 16, page 295.
SB11-137, amended as printed in House Journal, February 16, pages 294-295.
SB11-141, amended as printed in House Journal, February 16, pages 293-294.
SB11-136, amended as printed in House Journal, February 16, pages 292-293.
SB11-156, amended as printed in House Journal, February 16, page 296.
SB11-138, amended as printed in House Journal, February 16, pages 288-289.
SB11-139, amended as printed in House Journal, February 16, pages 289-290.
SB11-150, amended as printed in House Journal, February 16, page 291.
SB11-142, amended as printed in House Journal, February 16, page 293.

MESSAGE FROM THE REVISOR OF STATUTES

February 17, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, as amended, SB11-136, 137, 138, 139, 141, 142, 144, 150, 156, 159, and 164.

SENATE SERVICES REPORT

Correctly Engrossed: SB11-096.
Correctly Reengrossed: SB11-087.
Correctly Revised: HB11-1050.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SCR11-001** was made Special Orders at 9:15 a.m.

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:

HB11-1050 by Representative(s) Soper; also Senator(s) Tochtrop--Concerning boiler inspection regulation by the division of oil and public safety.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	N	Roberts	Y		

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

SB11-096 by Senator(s) Steadman, Bacon, Carroll, Giron, Guzman, Hodge, Hudak, Jahn, King K., King S., Mitchell, Morse, Newell, Nicholson, Roberts; also Representative(s) McCann, DelGrosso, Ferrandino, Levy, Nikkel--Concerning excluding a class 6 felony drug possession conviction as a qualifying offense for the habitual criminal statute.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd and Tochtrop.

Committee of the Whole The hour of 9:15 a.m. having arrived, Senator Schwartz moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Schwartz was called to the Chair to act as Chairman.

SPECIAL 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:

SCR11-001 by Senator(s) Shaffer B. and Spence, Kopp, Brophy, Heath, Jahn, King S., Morse, Roberts, Schwartz, Steadman, Tochtrop, White; also Representative(s) Murray and Court, McNulty, Acree, Barker, Baumgardner, Becker, Brown, Casso, Conti, Coram, Duran, Ferrandino, Fields, Fischer, Gardner D., Hamner, Hullinghorst, Kagan, Kefalas, Kerr A., Labuda, Lee, Levy, Liston, Massey, McCann, McKinley, Miklosi, Pace, Peniston, Priola, Riesberg, Ryden, Schafer S., Scott, Solano, Sonnenberg, Soper, Summers, Swerdfeger, Todd, Tyler, Vigil, Williams A., Wilson--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution concerning ballot measures, and, in connection therewith, increasing the number of votes needed to pass a constitutional amendment from a majority to at least sixty percent of the votes cast; allowing a constitutional amendment passed prior to 2013 to be repealed by a majority of the votes cast; adding a requirement that a minimum number of petition signatures for a citizen-initiated constitutional amendment be gathered from voters who reside in each Colorado congressional district; and increasing the requirement from a majority to a two-thirds vote of the state legislature to change, repeal, or supersede a citizen-initiated law for three years after it becomes effective.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	27	NO	8	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SCR11-001.

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

SB11-013 by Senator(s) Newell; also Representative(s) Lee--Concerning the use of alternative dispute resolution practices.

Laid over until Monday, February 21, retaining its place on the calendar.

SB11-010 by Senator(s) Tochtrop; also Representative(s) Priola--Concerning the trade readjustment allowance program.

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

SB11-039 by Senator(s) Tochtrop; also Representative(s) Massey--Concerning the consequences of default in payments due for storage of personal property in a self-storage facility.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, February 2, page 98 and placed in members' bill files.)

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

SB11-012 by Senator(s) Brophy; also Representative(s) Massey--Concerning a public school student's authority to possess prescription medications at school.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 4, pages 102-103 and placed in members' bill files.)

Amendment No. 2(L.012), by Senator Brophy.

Amend the Senate Education Committee Report dated February 3, 2011, page 2, strike line 24 and substitute:

"(I) REQUIRE A PROCESS BY WHICH THE ADMINISTRATORS OF A STUDENT'S SCHOOL MAKE".

Amendment No. 3(L.013), by Senator Hudak.

Amend the Senate Education Committee Report, dated February 3, 2011, page 2, line 11, strike "PHYSICIAN" and substitute "PHYSICIAN, DENTIST, OR ADVANCED PRACTICE NURSE".

Page 2, line 22, strike "PHYSICIAN" and substitute "PHYSICIAN, DENTIST, OR ADVANCED PRACTICE NURSE".

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

SB11-019 by Senator(s) King K.; also Representative(s) Stephens--Concerning payment of the costs of health insurance coverage to employees of small employers.

Laid over until Monday, February 21, retaining its place on the calendar.

SB11-034 by Senator(s) Nicholson; also Representative(s) Summers--Concerning requiring an educator who provides services through the women, infants, and children program to report child abuse or neglect.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 4, pages 104-105 and placed in members' bill files.)

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

SB11-043 by Senator(s) Steadman; --Concerning a requirement that pharmaceutical manufacturers develop plans for the safe disposal of sharps intended for home use.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 4, page 105 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Steadman.

Amend the Senate Health and Human Services Committee Report, dated February 3, 2011, page 1, strike line 7 and substitute:

"Page 2 of printed bill, strike lines 15 through 22 and substitute:

"(b) A MANUFACTURER SUBJECT TO THIS SECTION SHALL POST TO ITS WEB SITE THE MOST CURRENT VERSION OF THE PLAN REQUIRED UNDER PARAGRAPH (a) OF THIS SUBSECTION (1)."

Page 3 of the bill, strike lines 1 through 4."

Page 1 of the report, after line 9 insert:

"Page 3 of the bill, strike lines 16 through 21 and substitute:

"(III) EDUCATE MEDICAL PERSONNEL AND OTHER STAFF MEMBERS WHO ANSWER THE MANUFACTURER'S TOLL-FREE NUMBER, AND HEALTH CARE PROFESSIONALS WHO INTERACT WITH PATIENTS WHO USE SHARPS AT HOME, REGARDING SAFE SHARPS DISPOSAL METHODS AVAILABLE TO CONSUMERS IN COLORADO; AND".

Page 1 of the report, line 10, strike "3." and substitute "3 and substitute:

"(3) A MANUFACTURER SHALL NOT PASS ON TO CONSUMERS OR RETAILERS THE COSTS OF CREATING OR POSTING THE PLAN REQUIRED UNDER THIS SECTION.".

Page 1 of the report, strike line 11.

Page 2 of the report, line 1, strike ""(4)" and substitute ""(5) (a)".

Page 2 of the report, strike line 7 and substitute "APPROPRIATIONS.

(b) THE DEPARTMENT IS ENCOURAGED TO PROVIDE LINKS ON ITS WEB SITE TO THE PLANS POSTED BY MANUFACTURERS PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION."

As amended, ordered engrossed 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.)

SB11-009 by Senator(s) Steadman, Guzman; also Representative(s) Fischer, Gardner B.--Concerning procedural requirements for payment of costs related to impounded animals.

Laid over until Monday, February 21, retaining its place on the calendar.

SB11-007 by Senator(s) Grantham; also Representative(s) Becker--Concerning the responsibility for the prosecution of a person who is charged with failure to register as a sex offender.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 2, page 93 and placed in members' bill files.)

Amendment No. 2(L.003), by Senator Grantham.

Amend Senate Judiciary Committee Report, dated January 31, 2011, page 1, strike lines 1 through 7 and substitute:

"Amend printed bill, page 2, strike line 9 and substitute "resides, IN THE COUNTY IN WHICH THE".

Page 1, strike lines 11 through 14 and substitute "apprehended.".

As amended, **lost** on second reading.

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

SB11-016 by Senator(s) Grantham; --Concerning increases in the amounts allocated to certain family members during the administration of a decedent's estate.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 2, page 93 and placed in members' bill files.)

Page 232	Senate Journal-38th Day-February 18, 2011	
	<u>Amendment No. 2(L.002), by Senator Steadman.</u>	1
	Amend printed bill, page 2, line 21, strike "SEVENTY-EIGHT" and substitute "THIRTY".	2 3 4 5
	Page 5, line 5, strike "SEVENTY-TWO" and substitute "THIRTY".	6 7
	Page 5, line 6, strike "SIX THOUSAND" and substitute "TWO THOUSAND FIVE HUNDRED".	8 9 10
	As amended, lost on second reading.	11
	(For further action, see amendments to the report of the Committee of the Whole.)	12 13 14 15
SB11-055	by Senator(s) Lundberg, Lambert, Kopp, Renfroe; also Representative(s) Joshi, Holbert, Nikkel, Scott--Concerning notices required prior to the use of security scanning systems in the state.	16 17 18 19
	Laid over until Monday, February 21, retaining its place on the calendar.	20 21 22
SB11-110	by Senator(s) Nicholson; also Representative(s) Coram--Concerning a requirement that certain boards of county commissioners develop an open burning permit system for the purpose of safely disposing of slash.	23 24 25 26
	<u>Amendment No. 1, Local Government Committee Amendment.</u>	27
	(Printed in Senate Journal, February 9, page 125 and placed in members' bill files.)	28 29
	<u>Amendment No. 2(L.003), by Senator Nicholson.</u>	30 31
	Amend printed bill, page 4, strike line 4 and substitute "IS ENCOURAGED TO CONSULT WITH THE COLORADO STATE FOREST SERVICE ESTABLISHED IN SECTION 23-31-302, C.R.S., AND SHALL:".	32 33 34 35
	Page 5, line 16, strike "A SUBSTANTIAL FORESTED AREA" and substitute "AT LEAST FORTY-FOUR PERCENT FOREST COVER".	36 37 38 39
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	40 41 42 43
SB11-008	by Senator(s) Boyd; also Representative(s) Gerou--Concerning aligning medicaid eligibility for children.	44 45 46
	<u>Amendment No. 1, Health & Human Services Committee Amendment.</u>	47
	(Printed in Senate Journal, February 10, pages 138-139 and placed in members' bill files.)	48 49
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	50 51 52 53
SB11-107	by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident.	54 55 56
	Laid over until Monday, February 21, retaining its place on the calendar.	57 58 59
SB11-040	by Senator(s) Spence and Newell; also Representative(s) Summers and Todd--Concerning the requirement that a coach of an organized youth athletic activity follow concussion guidelines, and, in connection therewith, creating the "Jake Snakenberg Youth Concussion Act".	60 61 62 63 64
	Laid over until Monday, February 21, retaining its place on the calendar.	65 66
SB11-124	by Senator(s) Hodge, Lambert, Steadman; also Representative(s) Gerou, Ferrandino--Concerning the transfer of unspent county TANF reserves to a county.	67 68 69
	A majority of all members elected to the Senate having voted in the affirmative, the bill was referred to the Committee on <u>Appropriations</u> .	70 71 72

SB11-068 by Senator(s) Carroll; also Representative(s) Solano--Concerning an increase in consumer protection under the "Colorado Consumer Protection Act".

Laid over until Monday, February 21, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB11-043 by Senator(s) Steadman; --Concerning a requirement that pharmaceutical manufacturers develop plans for the safe disposal of sharps intended for home use.

Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 11-043 did pass.

Amend the Steadman floor amendment (SB043_L.004), page 1, strike lines 15 through 19.

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	16	NO	18	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	E
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

SB11-007 by Senator(s) Grantham; also Representative(s) Becker--Concerning the responsibility for the prosecution of a person who is charged with failure to register as a sex offender.

Senator Grantham moved to amend the Report of the Committee of the Whole to show that SB 11-007, as amended, did pass.

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	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

SB11-016 by Senator(s) Grantham; --Concerning increases in the amounts allocated to certain family members during the administration of a decedent's estate.

Senator Grantham moved to amend the Report of the Committee of the Whole to show that SB 11-016, as amended, did pass.

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	32	NO	2	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	Y	Tochtrop	N
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-010, SB11-039 as amended, SB11-012 as amended, SB11-034 as amended, SB11-043 as amended, SB11-007 as amended, SB11-016 as amended, SB11-110 as amended, SB11-008 as amended.
Laid over until Monday, February 21: SB11-013, SB11-019, SB11-009, SB11-055, SB11-107, SB11-025, SB11-040, SB11-068, HB11-1028, SB11-082, SB11-115.
Referred to Committee on Appropriations: SB11-124.

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, February 18 was laid over until Monday, February 21 retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB11-025, SB11-1028, SB11-082, SB11-115.
Consideration of Resolutions: SJR11-005.
Consideration of Governor's Appointments:
Executive Director of the Department of Local Affairs

MESSAGE FROM THE GOVERNOR

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

February 18, 2011

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:

BOARD OF PINNACOL ASSURANCE

for a term expiring January 1, 2013:

John N. Cevette of Platteville, Colorado, an employee of an employer whose liability is insured by Pinnacol, to fill the vacancy occasioned by the resignation of Holman F. Carter of Boulder, Colorado, appointed;

for a term expiring January 1, 2016:

John C. Plotkin of Lakewood, Colorado, an employer whose liability is insured by Pinnacol, appointed.

I urge your immediate confirmation of these appointments in addition to the confirmation of appointee Blair Richardson.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 2/18/2011
Cindi Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

*Note: Appointments to the Board of Pinnacol Assurance were assigned to committee on Monday, February 21.

COMMITTEE OF REFERENCE REPORTS

Education	After consideration on the merits, the Committee recommends that HB11-1077 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 3, line 11, after "AND" insert "MAY SERVE". Page 12, line 12, after "AND" insert "MAY SERVE".
Finance	After consideration on the merits, the Committee recommends that SB11-004 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.
Finance	After consideration on the merits, the Committee recommends that SB11-102 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.
Finance	After consideration on the merits, the Committee recommends that SB11-026 be postponed indefinitely.
Local Government	After consideration on the merits, the Committee recommends that SB11-117 be postponed indefinitely.
Local Government	After consideration on the merits, the Committee recommends that SB11-015 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

	Amend printed bill, page 4, line 10, after "policies" insert "issued or renewed".	1 2 3 4
	Page 4, strike line 11 and substitute "or after January 1, 2012.".	5 6 7
Agriculture, Natural Resources, and Energy	After consideration on the merits, the Committee recommends that SB11-090 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	8 9 10 11 12
	Amend printed bill, page 2, strike lines 11 through 20.	13
	Renumber succeeding sections accordingly.	14 15
	Page 2, strike lines 21 and 22 and substitute:	16 17
	" SECTION 2. Repeal. 36-20-127, Colorado Revised Statutes, is repealed as follows: 36-20-127. Repeal of article. This article is repealed, effective July 1, 2011. Prior to such repeal, the function of the issuance of permits for specific weather modifications operations through the director shall be reviewed as provided for in section 24-34-104, C.R.S. "	18 19 20 21 22 23 24 25
	Page 3, strike lines 1 through 5.	26
	Page 1, line 103, strike " THE " and substitute "A".	27 28
	Page 1, line 104, strike " RECOMMENDATIONS " and substitute " RECOMMENDATION ".	29 30 31 32
	Page 1, strike line 105 and substitute " AGENCIES AND CONTINUING INDEFINITELY THE "WEATHER MODIFICATION ACT OF 1972". ".	33 34 35 36
Agriculture, Natural Resources, and Energy	After consideration on the merits, the Committee recommends that SB11-050 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	37 38 39 40
	Amend printed bill, page 2, strike lines 2 through 11 and substitute:	41 42
	" SECTION 1. Article 30.5 of title 38, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:	43 44 45 46
	38-30.5-107.1. Condemnation. IF ALL OR A PORTION OF THE PROPERTY SUBJECT TO A CONSERVATION EASEMENT IS CONDEMNED, THE JUST COMPENSATION TO BE PAID FOR THE TAKING OF THE PORTION OF THE PROPERTY OR PROPERTY INTEREST CONDEMNED SHALL BE DETERMINES AS THOUGH THE PROPERTY CONDEMNED IS UNENCUMBERED BY THE CONSERVATION EASEMENT. THE JUST COMPENSATION AWARD SHALL THEREAFTER BE APPORTIONED AS PROVIDED IN SECTION 38-1-105 (3). AS BETWEEN THE INTERESTS OF THE GRANTOR AND GRANTEE OF THE CONSERVATION EASEMENT, THE PROCEEDS SHALL BE APPORTIONED AS SPECIFIED BY THE TERMS OF THE CONSERVATION EASEMENT OR, IF NOT SPECIFIED IN THE CONSERVATION EASEMENT, IN ACCORDANCE WITH 26 CFR 1.170A-14 (g) (6) (ii)."	47 48 49 50 51 52 53 54 55 56 57 58 59 60
Agriculture, Natural Resources, and Energy	After consideration on the merits, the Committee recommends that SB11-091 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	61 62 63 64 65
	Amend printed bill, page 4, line 2, after "(f)," insert "(1) (j)."	66 67
	Page 4, line 4, strike "A" and substitute "THE FOLLOWING" and strike	68 69

"PARAGRAPH," and substitute "PARAGRAPHS,".

Page 4, line 15, strike "on-the-premises" and substitute "~~on-the-premises~~ DIRECT".

Page 5, after line 3 insert:

"(j) Any person from performing duties other than diagnosis, prescription, surgery, or initiating treatment under the direction and ~~on-the-premises~~ supervision of a licensed veterinarian who shall be responsible for such person's performance;".

Page 5, line 23, strike "(4)." and substitute "(4);".

Page 5, after line 23 insert:

"(r) ANY PERSON FROM ASSISTING IN A SURGICAL PROCEDURE UNDER THE IMMEDIATE SUPERVISION OF A LICENSED VETERINARIAN, WHO IS RESPONSIBLE FOR THE PERSON'S PERFORMANCE.".

Page 8, strike lines 18 through 27.

Strike pages 9 through 11.

Page 12, strike lines 1 through 4 and substitute:

"12-64-122. Corporate structure for the practice of veterinary medicine - definitions. (1) A LICENSED VETERINARIAN SHALL NOT PRACTICE VETERINARY MEDICINE IN OR THROUGH A CORPORATION EXCEPT IN ACCORDANCE WITH THIS SECTION.

(2) ONE OR MORE PERSONS MAY FORM OR OWN SHARES IN A CORPORATION FOR THE PRACTICE OF VETERINARY MEDICINE IF THE CORPORATION IS ORGANIZED AND OPERATED IN ACCORDANCE WITH THIS SECTION. A CORPORATION FORMED PURSUANT TO THIS SECTION MAY EXERCISE THE POWERS AND PRIVILEGES CONFERRED UPON CORPORATIONS BY THE LAWS OF COLORADO.

(3) THE PRACTICE OF VETERINARY MEDICINE BY A CORPORATION PURSUANT TO THIS SECTION MUST BE PERFORMED BY OR UNDER THE SUPERVISION OF A LICENSED VETERINARIAN. LAY DIRECTORS, OFFICERS, AND SHAREHOLDERS OF THE CORPORATION SHALL NOT EXERCISE ANY AUTHORITY WHATSOEVER OVER THE INDEPENDENT MEDICAL JUDGMENT OF LICENSED VETERINARIANS PERFORMING OR SUPERVISING THE PRACTICE OF VETERINARY MEDICINE BY OR ON BEHALF OF THE CORPORATION.".

Renumber succeeding subsections accordingly.

Page 12, strike lines 21 through 27.

Page 13, strike lines 1 through 3.

Renumber succeeding subsection accordingly.

Page 13, strike lines 6 through 14 and substitute:

"(a) "CORPORATION" MEANS A DOMESTIC ENTITY, AS DEFINED IN SECTION 7-90-102 (13), C.R.S., A FOREIGN ENTITY, AS DEFINED IN SECTION 7-90-102 (23), C.R.S., REGISTERED TO DO BUSINESS IN COLORADO, OR A SOLE PROPRIETORSHIP.".

Reletter succeeding paragraphs accordingly.

Page 13, strike lines 18 through 26.

Reletter succeeding paragraph accordingly.

Page 14, line 5, strike "PREMISES," and substitute "PREMISES, REGARDLESS OF WHETHER THE PREMISES IS OWNED OR OPERATED BY A LICENSED VETERINARIAN OR BY A CORPORATION OPERATING PURSUANT TO SECTION 12-64-122,".

Page 14, line 6, strike "SCHEDULED" and substitute "DESIGNATED AS RESPONSIBLE FOR THE VETERINARY PREMISES".

Page 14, line 7, strike "CARE." and substitute "CARE PROVIDED TO ANIMALS ON THE VETERINARY PREMISES.".

Page 14, line 23, strike "PROBLEMS" and substitute "CONDITIONS".

Page 15, line 4, strike "PROBLEMS" and substitute "CONDITIONS".

Page 15, line 8, strike "PROBLEMS;" and substitute "CONDITIONS;".

Page 15, line 10, strike "PROBLEMS" and substitute "CONDITIONS".

Page 17, line 21, strike "PROBLEMS." and substitute "CONDITIONS.".

Page 20, line 22, strike "revoke, or suspend, OR REFUSE TO" and substitute "revoke or suspend".

Page 20, line 23, strike "RENEW".

Page 22, line 7, before "(7)," insert "(5)," and after "(c)," insert "(17)".

Page 22, line 8, strike "amended" and substitute "amended, and the said 12-64-103 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS,".

Page 22, after line 10 insert:

 "(4.3) "CLIENT" MEANS THE PATIENT'S OWNER, THE OWNER'S AGENT, OR A PERSON RESPONSIBLE FOR THE PATIENT.

 (4.5) "COMPLAINANT" MEANS THE BOARD OR ANY OTHER PERSON WHO INITIATES A PROCEEDING.

 (5) ~~"Complainant" means the board or any other person who initiates a proceeding.~~ "DIRECT SUPERVISION" MEANS THE SUPERVISING LICENSED VETERINARIAN IS READILY AVAILABLE ON THE PREMISES WHERE THE PATIENT IS BEING TREATED.

 (6.5) "IMMEDIATE SUPERVISION" MEANS THE SUPERVISING LICENSED VETERINARIAN AND ANY PERSON BEING SUPERVISED ARE IN DIRECT CONTACT WITH THE PATIENT.".

Page 22, line 12, strike "board." and substitute "board TO A PERSON TO ENGAGE IN THE PRACTICE OF VETERINARY MEDICINE.".

Page 22, after line 18 insert:

 "(9.7) "PATIENT" MEANS AN ANIMAL THAT IS EXAMINED OR TREATED BY A LICENSED VETERINARIAN AND INCLUDES HERDS, FLOCKS, LITTERS, AND OTHER GROUPS OF ANIMALS.".

Page 22, after line 24 insert:

 "(17) "Veterinary premises" or "premises" means any veterinary office, hospital, clinic, or temporary location in which veterinary medicine is being practiced by or under the direct OR IMMEDIATE supervision of a licensed veterinarian.".

Page 23, line 4, strike "THE FOLLOWING NEW SUBSECTIONS" and substitute "A NEW SUBSECTION".

Page 23, strike lines 6 through 11 and substitute:

"12-64-111. Discipline of licensees. (11) THE BOARD MAY SUSPEND THE LICENSE OF A VETERINARIAN".

Page 23, after line 14 insert:

"SECTION 13. 12-64-113, Colorado Revised Statutes, is amended to read:

12-64-113. Revocation. Any person whose license is suspended or revoked may, at the discretion of the board, be reinstated or relicensed at any time without an examination by majority vote of the board upon written application made to the board justifying relicensing or reinstatement IS INELIGIBLE TO APPLY FOR A LICENSE UNDER THIS ARTICLE FOR AT LEAST TWO YEARS AFTER THE DATE OF REVOCATION OF THE LICENSE. THE BOARD SHALL TREAT A SUBSEQUENT APPLICATION FOR LICENSURE FROM A PERSON WHOSE LICENSE WAS REVOKED AS AN APPLICATION FOR A NEW LICENSE UNDER THIS ARTICLE."

Renumber succeeding sections accordingly.

Page 24, line 4, strike "12-64-107 (5)," and substitute "12-64-107,".

Page 24, line 6, strike "(5) The" and substitute "(1) Any person twenty-one years of age or older desiring a license to practice veterinary medicine in this state shall make written application to the board on forms provided by the board. The application shall be accompanied by a fee in an amount established and published APPLY FOR THE LICENSE IN A MANNER APPROVED by the board.

(2) (Deleted by amendment, L. 91, p. 1470, § 5, effective July 1, 1991.)

(3) IN the application to take the national examination FOR LICENSURE, THE APPLICANT shall show DEMONSTRATE that the applicant is HE OR SHE HAS:

(a) (I) A graduate of GRADUATED FROM an approved ACCREDITED school of veterinary medicine; or

(II) GRADUATED FROM A NONACCREDITED SCHOOL OF VETERINARY MEDICINE AND RECEIVED A CERTIFICATE FROM A NATIONAL PROGRAM APPROVED BY THE BOARD THAT ASSESSES EDUCATIONAL EQUIVALENCY OF GRADUATES FROM NONACCREDITED SCHOOLS OF VETERINARY MEDICINE; AND

(b) A senior student of an approved school of veterinary medicine; or PASSED AN EXAMINATION APPROVED BY THE BOARD.

(c) A graduate of a nonapproved foreign school of veterinary medicine if such school substantially meets the academic requirements of approved schools of veterinary medicine or if the applicant presents proof satisfactory to the board that the applicant possesses credentials and qualifications substantially equivalent to requirements in Colorado for licensure by examination. The board may specify by rule and regulation what shall constitute substantially equivalent credentials and qualifications. In making such determination of the academic requirements of a nonapproved school or the qualifications of an applicant, the board may consider the relevant reports, requirements, or recommendations of any recognized credentialing organization.

(4) Before taking the national exam, student applicants subject to the provisions of paragraph (b) of subsection (3) of this section shall show proof that graduation will be accomplished within one hundred eighty days following such examination. THE BOARD MAY DENY A LICENSE OR MAY GRANT A LICENSE SUBJECT TO TERMS OF PROBATION IF THE BOARD DETERMINES THAT AN APPLICANT FOR A LICENSE:

(a) DOES NOT POSSESS THE QUALIFICATIONS REQUIRED BY THIS ARTICLE;

(b) HAS ENGAGED IN CONDUCT THAT CONSTITUTES GROUNDS FOR DISCIPLINE PURSUANT TO SECTION 12-64-111 (1);

(c) HAS BEEN DISCIPLINED IN ANOTHER STATE OR JURISDICTION WITH RESPECT TO HIS OR HER LICENSE TO PRACTICE VETERINARY MEDICINE IN THAT STATE OR JURISDICTION; OR

(d) HAS NOT ACTIVELY PRACTICED VETERINARY MEDICINE FOR THE TWO-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION OR HAS NOT OTHERWISE MAINTAINED CONTINUED COMPETENCE DURING THAT PERIOD, AS DETERMINED BY THE BOARD.

(5) If the board may deny licensure DENIES A LICENSE to any AN applicant if any of his actions would be grounds for disciplinary action under the provisions of section 12-64-111 OR GRANTS A LICENSE SUBJECT TO TERMS OF PROBATION, THE APPLICANT MAY SEEK REVIEW OF THE BOARD'S DECISION PURSUANT TO SECTION 24-4-104 (9), C.R.S.; EXCEPT THAT, BY ACCEPTING A LICENSE THAT IS SUBJECT TO PROBATIONARY TERMS, THE APPLICANT WAIVES ANY REMEDIES AVAILABLE PURSUANT TO

SECTION 24-4-104 (9), C.R.S."

Page 24, strike lines 7 through 9.

Page 27, after line 1 insert:

"SECTION 20. 12-64-110.5, Colorado Revised Statutes, is amended to read:

12-64-110.5. Inactive license. (1) UPON NOTICE TO THE BOARD, a person licensed to practice veterinary medicine ~~upon written notice to the board by first-class mail~~, shall have his or her name LICENSE transferred to an inactive list. ~~Each such inactive licensee shall continue to meet the registration requirements of section 12-64-110. Such inactive status shall be noted on the face of any license issued thereafter while the licensee remains inactive. Should such~~ STATUS. IF A person wish WHOSE LICENSE IS ON INACTIVE STATUS WISHES to resume the practice of veterinary medicine, ~~within a three-year period after being placed on an inactive list~~, he or she shall file a proper application therefor, pay the registration renewal fee, and meet the cumulative annual continuing education requirements set forth in section 12-64-110 (4) (a) APPLY TO THE BOARD IN A MANNER APPROVED BY THE BOARD AND SHALL DEMONSTRATE, TO THE SATISFACTION OF THE BOARD, CONTINUED COMPETENCY TO PRACTICE VETERINARY MEDICINE. THE BOARD MAY APPROVE THE APPLICATION AND ISSUE A LICENSE OR MAY DENY THE APPLICATION PURSUANT TO SECTION 12-64-107 (4).

(2) ~~If a licensee who remains on inactive status for a period longer than three years wishes to resume the practice of veterinary medicine, such licensee shall be required to file a proper application, pay the examination fee, and retake the national exam~~ THE BOARD MAY PURSUE DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION 12-64-111 AGAINST A VETERINARIAN WHOSE LICENSE IS ON INACTIVE STATUS PURSUANT TO THIS SECTION FOR CONDUCT THAT VIOLATES THIS ARTICLE THAT THE PERSON ENGAGES IN WHILE ON INACTIVE STATUS.

(3) ~~A licensee who has maintained an active license in good standing in another state during the period said licensee's Colorado license is inactive shall not be required to retake the national exam. For purposes of this article, "in good standing" means no disciplinary actions are pending or have been invoked against the licensee."~~

Renumber succeeding sections accordingly.

Page 28, line 2, strike "on-the-premises" and substitute "on-the-premises DIRECT".

Page 28, line 7, strike "direct, on-the-premises" and substitute " direct on-the-premises".

Page 28, line 10, strike "direct," and substitute "direct".

Page 28, line 11, strike "on-the-premises personal" and substitute "on-the-premises personal".

Page 28, strike lines 20 and 21 and substitute "ESTABLISHMENT UNLESS THE VETERINARY STUDENT IS UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN."

Page 30, line 13, after "(f)" insert "(I)".

Page 30, line 15, strike "(I)" and substitute "(A)".

Page 30, line 17, strike "(II)" and substitute "(B)".

Page 30, after line 23 insert:

"(II) AS USED IN THIS PARAGRAPH (f), "ANIMAL MASSAGE" MEANS A METHOD OF TREATING THE BODY OF AN ANIMAL FOR REMEDIAL OR HYGIENIC PURPOSES THROUGH TECHNIQUES THAT INCLUDE RUBBING, STROKING, KNEADING, OR TAPPING WITH THE HAND OR AN INSTRUMENT OR BOTH, WHICH TECHNIQUES MAY BE APPLIED WITH OR WITHOUT THE AID

	OF A MESSAGE DEVICE THAT MIMICS THE ACTIONS POSSIBLE USING HUMAN HANDS."	1
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Education	After consideration on the merits, the Committee recommends that SB11-126 be referred to the Committee on <u>Finance</u> with favorable recommendation.	5
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Education	After consideration on the merits, the Committee recommends that SB11-111 be amended as follows, and as so amended, be referred to the <u>Legislative Council Committee</u> with favorable recommendation.	9
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	Amend printed bill, page 6, line 21, strike "STATE;" and substitute "STATE, INCLUDING PARENTS WHO SERVE ON THE COLORADO STATE ADVISORY COUNCIL FOR PARENT INVOLVEMENT IN EDUCATION CREATED IN SECTION 22-7-303;"	14
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		18
	Page 6, strike line 25 and substitute:	19
		20
	"(V) PERSONS WHO ASSIST STUDENTS, INCLUDING STUDENTS WITH DISABILITIES, IN PLANNING FOR POSTSECONDARY EDUCATION, WHICH PERSONS MAY INCLUDE BUT NEED NOT BE LIMITED TO A PERSON FROM THE DEPARTMENT OF EDUCATION WHO SPECIALIZES IN PROGRAMS AND SERVICES FOR EXCEPTIONAL STUDENTS; PERSONS WITH EXPERTISE IN CREATING AND MAINTAINING INDIVIDUAL CAREER AND ACADEMIC PLANS; HIGH SCHOOL COUNSELORS; REPRESENTATIVES FROM PRECOLLEGIATE PREPARATION PROGRAMS; ADMISSIONS OFFICERS FOR POSTSECONDARY INSTITUTIONS; AND DISABILITY COORDINATORS FOR POSTSECONDARY INSTITUTIONS;"	21
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	Renumber succeeding subparagraph accordingly.	32
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	Page 6, line 27, strike "TWO-YEAR INSTITUTIONS" and substitute "AREA VOCATIONAL SCHOOLS, JUNIOR COLLEGES, TWO-YEAR INSTITUTIONS, FOUR-YEAR INSTITUTIONS, AND THE RESEARCH UNIVERSITIES;"	34
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	Page 7, strike line 1 and substitute:	38
		39
	"(VII) MEMBERS OF THE BUSINESS COMMUNITY; AND	40
	(VIII) REPRESENTATIVES FROM BIPARTISAN OR NONPARTISAN NONPROFIT ORGANIZATIONS THAT STUDY OR ADVOCATE IN EDUCATION ISSUES."	41
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	Page 7, line 13, strike "OCTOBER" and substitute "AUGUST".	45
		46
	Page 7, strike line 16 and substitute:	47
		48
	"(b) IN APPOINTING MEMBERS OF THE TASK FORCE, THE STATE BOARD AND THE COMMISSION MAY APPOINT INDIVIDUAL PERSONS TO SATISFY THE CRITERIA IN MORE THAN ONE OF SUBPARAGRAPHS (I) TO (VIII) OF PARAGRAPH (a). THE MEMBERS OF THE TASK FORCE SHALL SERVE AT THE"	49
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		54
	Page 7, strike lines 18 through 23 and substitute:	55
		56
	"(c) THE STATE BOARD AND THE COMMISSION SHALL JOINTLY APPOINT UP TO THREE MEMBERS OF THE TASK FORCE TO SERVE AS CHAIR OR CO-CHAIRS OF THE TASK FORCE. IF THE STATE BOARD AND THE COMMISSION APPOINT CO-CHAIRS, THE PERSONS APPOINTED SHALL BE REPRESENTATIVE OF THE VARIOUS INTERESTS SERVING ON THE TASK FORCE. THE TASK FORCE SHALL HOLD ITS FIRST MEETING NO LATER THAN SEPTEMBER 1, 2011, AND SHALL SUBSEQUENTLY MEET AT THE CALL OF THE CHAIR OR CO-CHAIRS AS OFTEN AS NECESSARY TO CARRY OUT ITS DUTIES.	57
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	(d) THE CHAIR OR CO-CHAIRS OF THE TASK FORCE MAY APPOINT SUBCOMMITTEES OF THE TASK FORCE AS NECESSARY TO COMPLETE THE DUTIES OF THE TASK FORCE. IN ADDITION TO TASK FORCE MEMBERS, A SUBCOMMITTEE MAY INCLUDE PERSONS SELECTED BY THE CHAIR OR	66
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	CO-CHAIRS BUT WHO ARE NOT APPOINTED MEMBERS OF THE TASK FORCE."	1
		2
	Page 10, line 7, strike "MARCH 1," and substitute "JANUARY 31,".	3
		4
	Page 10, line 8, strike "MARCH 1," and substitute "JANUARY 31,".	5
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		7
Health & Human Services	After consideration on the merits, the Committee recommends that SB11-169 be amended as follows, and as so amended, be referred to the Committee on <u>Finance</u> with favorable recommendation.	8
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	Amend printed bill, page 4, strike lines 8 through 10 and substitute:	11
		12
	" SECTION 4. 12-41-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:".	13
		14
		15
	Page 4, strike lines 15 through 17.	16
		17
		18
	Page 13, line 27, strike " Using " and substitute " Supervising ".	19
		20
	Page 14, strike lines 6 through 12 and substitute: " therapist A PHYSICAL THERAPIST MAY SUPERVISE UP TO FOUR INDIVIDUALS AT ONE TIME WHO ARE NOT PHYSICAL THERAPISTS, INCLUDING CERTIFIED NURSE AIDES, TO ASSIST IN THE THERAPIST'S CLINICAL PRACTICE; EXCEPT THAT THIS LIMIT DOES NOT INCLUDE STUDENT PHYSICAL THERAPISTS AND STUDENT PHYSICAL THERAPIST ASSISTANTS SUPERVISED BY A PHYSICAL THERAPIST FOR EDUCATIONAL PURPOSES. THE BOARD SHALL PROMULGATE RULES GOVERNING THE REQUIRED SUPERVISION. THIS SUBSECTION (1) DOES NOT AFFECT OR LIMIT THE INDEPENDENT PRACTICE OR JUDGEMENT OF OTHER PROFESSIONS REGULATED UNDER THIS TITLE."	21
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	Page 15, line 11, strike "six" and substitute " six SIXTEEN".	32
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	Page 16, line 4, strike "CLAIMS." and substitute "CLAIMS UNLESS THE CORPORATION THAT EMPLOYS THE PHYSICAL THERAPIST MAINTAINS THE INSURANCE REQUIRED BY SECTION 12-41-124."	34
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		36
	Page 18, line 6, after "12-41-115" insert "(1) (c), (1) (d),".	37
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	Page 18, after line 12 insert:	39
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	"(c) Failed to refer a patient to the appropriate licensed health care practitioner PROFESSIONAL when the services required by the patient are beyond the level of competence of the physical therapist or beyond the scope of physical therapy practice;	41
		42
	(d) Abandoned a patient by any means, including but not limited to failure to provide a referral to another physical therapist or to other ANOTHER appropriate health care practitioners PROFESSIONAL when the provision of such referral was necessary to meet generally accepted standards of physical therapy care;"	43
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	Page 20, line 19, strike "PART 1." and substitute "PART 1;"	51
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	Page 20, after line 19 insert:	53
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	"(y) FAILED TO EITHER:	55
	(I) CONFIRM THAT A PATIENT IS UNDER THE CARE OF A PHYSICIAN OR OTHER HEALTH CARE PROFESSIONAL FOR THE UNDERLYING MEDICAL CONDITION WHEN PROVIDING GENERAL WOUND CARE WITHIN THE SCOPE OF THE PHYSICAL THERAPIST'S PRACTICE; OR	56
		57
	(II) REFER THE PATIENT TO A PHYSICIAN OR OTHER APPROPRIATE HEALTH CARE PROFESSIONAL FOR THE TREATMENT OF THE UNDERLYING MEDICAL CONDITION WHEN PROVIDING GENERAL WOUND CARE WITHIN THE SCOPE OF THE PHYSICAL THERAPIST'S PRACTICE.	58
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	SECTION 19. Article 41 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:	64
		65
	12-41-115.5. Protection of medical records - licensee's obligations - verification of compliance - noncompliance grounds for discipline - rules. (1) EACH LICENSED PHYSICAL THERAPIST SHALL DEVELOP A WRITTEN PLAN TO ENSURE THE SECURITY OF PATIENT MEDICAL	66
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RECORDS. THE PLAN MUST ADDRESS AT LEAST THE FOLLOWING:

(a) THE STORAGE AND PROPER DISPOSAL OF PATIENT MEDICAL RECORDS;

(b) THE DISPOSITION OF PATIENT MEDICAL RECORDS IN THE EVENT THE LICENSEE DIES, RETIRES, OR OTHERWISE CEASES TO PRACTICE OR PROVIDE PHYSICAL THERAPY CARE TO PATIENTS; AND

(c) THE METHOD BY WHICH PATIENTS MAY ACCESS OR OBTAIN THEIR MEDICAL RECORDS PROMPTLY IF ANY OF THE EVENTS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1) OCCURS.

(2) UPON INITIAL LICENSURE UNDER THIS PART 1 AND UPON RENEWAL OF A LICENSE, THE APPLICANT OR LICENSEE SHALL ATTEST TO THE BOARD THAT HE OR SHE HAS DEVELOPED A PLAN IN COMPLIANCE WITH THIS SECTION.

(3) A LICENSEE SHALL INFORM EACH PATIENT IN WRITING OF THE METHOD BY WHICH THE PATIENT MAY ACCESS OR OBTAIN HIS OR HER MEDICAL RECORDS IF AN EVENT DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION OCCURS.

(4) THE BOARD MAY ADOPT RULES REASONABLY NECESSARY TO IMPLEMENT THIS SECTION."

Renumber succeeding sections accordingly.

Page 35, line 7, after the period add "AN HEIR WHO IS NOT LICENSED UNDER THIS ARTICLE SHALL NOT EXERCISE ANY AUTHORITY OVER PROFESSIONAL OR CLINICAL MATTERS."

Page 35, line 15, after "MAINTAINS" insert "OR THE SHAREHOLDERS MAINTAIN".

Page 39, strike lines 8 through 27 and substitute:

"12-41-201. Additional board authority - rules. (1) IN ADDITION TO ALL OTHER POWERS AND DUTIES GIVEN TO THE BOARD BY LAW, THE BOARD MAY:

(a) CERTIFY PHYSICAL THERAPIST ASSISTANTS TO PRACTICE;

(b) EVALUATE THE QUALIFICATIONS OF APPLICANTS FOR CERTIFICATION, ISSUE AND RENEW THE CERTIFICATIONS AUTHORIZED UNDER THIS PART 2, AND TAKE THE DISCIPLINARY ACTIONS AUTHORIZED UNDER THIS PART 2;

(c) CONDUCT HEARINGS UPON CHARGES FOR DISCIPLINE OF A CERTIFIED PHYSICAL THERAPIST ASSISTANT AND CAUSE THE PROSECUTION AND ENJOINER OF ALL PERSONS VIOLATING THIS PART 2;

(d) ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD;

(e) APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD;

(f) MAINTAIN A REGISTER LISTING THE NAME, ADDRESS, LAST-KNOWN PLACE OF RESIDENCE, AND CERTIFICATION NUMBER OF EACH CERTIFIED PHYSICAL THERAPIST ASSISTANT;

(g) ESTABLISH FINES UNDER SECTION 12-41-122; AND

(h) PROMOTE CONSUMER PROTECTION AND CONSUMER EDUCATION BY SUCH MEANS AS THE BOARD FINDS APPROPRIATE.

(2) UPON FAILURE OF A WITNESS TO COMPLY WITH A SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD WITH NOTICE TO THE SUBPOENAED PERSON, MAY ISSUE TO THE PERSON AN ORDER REQUIRING THAT PERSON TO APPEAR BEFORE THE BOARD; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. THE COURT MAY PUNISH A FAILURE TO OBEY ITS ORDER AS A CONTEMPT OF COURT.

(3) THE BOARD MAY PROMULGATE RULES NECESSARY TO IMPLEMENT, ADMINISTER, AND ENFORCE THIS PART 2.

12-41-202. Use of titles restricted. A PERSON CERTIFIED AS A PHYSICAL THERAPIST ASSISTANT MAY USE THE TITLE "PHYSICAL THERAPIST ASSISTANT" OR THE LETTERS "P.T.A." OR ANY OTHER GENERALLY ACCEPTED TERMS, LETTERS, OR FIGURES THAT INDICATE THAT THE PERSON IS A PHYSICAL THERAPIST ASSISTANT. NO OTHER PERSON SHALL USE THE TERMS "PHYSICAL THERAPIST ASSISTANT", "CERTIFIED PHYSICAL THERAPIST ASSISTANT", OR ANY LETTERS OR WORDS THAT INDICATE THAT THE PERSON IS A PHYSICAL THERAPIST ASSISTANT.

12-41-203. Limitations on authority. (1) NOTHING IN THIS PART 2 AUTHORIZES A PHYSICAL THERAPIST ASSISTANT TO PERFORM ANY OF THE FOLLOWING ACTS:

- (a) PRACTICE OF MEDICINE, SURGERY, OR ANY OTHER FORM OF HEALING EXCEPT AS AUTHORIZED BY THIS PART 2; OR
- (b) USE OF ROENTGEN RAYS AND RADIOACTIVE MATERIALS FOR THERAPEUTIC PURPOSES, USE OF ELECTRICITY FOR SURGICAL PURPOSES, OR DIAGNOSIS OF DISEASE.

(2) A PHYSICAL THERAPIST ASSISTANT SHALL NOT ASSIST A PHYSICAL THERAPIST IN THE CLINICAL PRACTICE OF PHYSICAL THERAPY UNLESS THE ASSISTANT WORKS UNDER THE SUPERVISION OF A LICENSED PHYSICAL THERAPIST.

12-41-204. Certification required. (1) EXCEPT AS OTHERWISE PROVIDED BY THIS PART 2, A PERSON WHO PRACTICES AS A PHYSICAL THERAPIST ASSISTANT OR WHO REPRESENTS ONESELF AS BEING ABLE TO PRACTICE AS A PHYSICAL THERAPIST ASSISTANT IN THIS STATE MUST POSSESS A VALID CERTIFICATION ISSUED BY THE BOARD UNDER THIS PART 2 AND RULES ADOPTED UNDER THIS PART 2.

(2) A CERTIFIED NURSE AIDE NEED NOT BE CERTIFIED UNDER THIS PART 2 TO ASSIST A PHYSICAL THERAPIST IN THE CLINICAL PRACTICE OF PHYSICAL THERAPY.

12-41-205. Certification by examination. (1) EVERY APPLICANT FOR A CERTIFICATION BY EXAMINATION SHALL:

- (a) QUALIFY AS A PHYSICAL THERAPIST ASSISTANT UNDER SUBSECTION (2) OF THIS SECTION;
- (b) PASS A WRITTEN EXAMINATION THAT IS:
 - (I) APPROVED BY THE BOARD; AND
 - (II) A NATIONAL EXAMINATION ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITING AGENCY;
- (c) SUBMIT AN APPLICATION IN THE FORM AND MANNER DESIGNATED BY THE DIRECTOR; AND
- (d) PAY A FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR.

(2) TO QUALIFY AS A PHYSICAL THERAPIST ASSISTANT, A PERSON MUST HAVE:

- (a) (I) PASSED AN EXAMINATION FOR PHYSICAL THERAPIST ASSISTANTS ADMINISTERED BY A NATIONAL ORGANIZATION CONCERNING THE REGULATION OF PHYSICAL THERAPY; AND
- (II) COMPLETED A PHYSICAL THERAPIST ASSISTANT PROGRAM ACCREDITED BY THE COMMISSION ON ACCREDITATION IN PHYSICAL THERAPY EDUCATION OR ANY COMPARABLE ORGANIZATION AS DETERMINED BY THE BOARD; OR
- (b) QUALIFIED TO TAKE THE PHYSICAL THERAPY EXAMINATION ESTABLISHED UNDER SECTION 12-41-107.

(3) THE BOARD MAY REFUSE TO PERMIT AN APPLICANT TO TAKE THE EXAMINATION IF THE APPLICATION IS INCOMPLETE OR INDICATES THAT THE APPLICANT IS NOT QUALIFIED TO SIT FOR THE EXAMINATION, OR IF THE APPLICANT HAS COMMITTED ANY ACT THAT IS GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-41-210.

(4) WHEN THE APPLICANT HAS FULFILLED ALL THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL ISSUE A CERTIFICATION TO THE APPLICANT; EXCEPT THAT THE BOARD MAY DENY CERTIFICATION IF THE APPLICANT HAS COMMITTED AN ACT THAT IS GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-41-210.

12-41-206. Certification by endorsement. (1) AN APPLICANT FOR CERTIFICATION BY ENDORSEMENT SHALL:

- (a) POSSESS A VALID LICENSE, CERTIFICATION, OR REGISTRATION IN GOOD STANDING FROM ANOTHER STATE OR TERRITORY OF THE UNITED STATES;
- (b) SUBMIT AN APPLICATION IN THE FORM AND MANNER DESIGNATED BY THE DIRECTOR; AND
- (c) PAY A FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR.

(2) UPON RECEIPT OF ALL DOCUMENTS REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE DIRECTOR SHALL REVIEW THE APPLICATION AND MAKE A DETERMINATION OF THE APPLICANT'S QUALIFICATION TO BE CERTIFIED BY ENDORSEMENT.

(3) THE BOARD SHALL ISSUE A CERTIFICATION IF THE APPLICANT FULFILLS THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION AND MEETS ANY ONE OF THE FOLLOWING QUALIFYING STANDARDS:

(a) THE APPLICANT GRADUATED FROM AN ACCREDITED PROGRAM WITHIN THE PAST TWO YEARS AND PASSED AN EXAMINATION SUBSTANTIALLY EQUIVALENT TO THE EXAMINATION SPECIFIED IN SECTION 12-41-205 (1) (b);

(b) THE APPLICANT HAS PRACTICED AS A LICENSED, CERTIFIED, OR REGISTERED PHYSICAL THERAPIST ASSISTANT FOR AT LEAST TWO OF THE FIVE YEARS IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION; OR

(c) THE APPLICANT HAS NOT MET THE REQUIREMENTS OF PARAGRAPH (b) OF THIS SUBSECTION (3), BUT HAS PASSED AN EXAMINATION IN ANOTHER JURISDICTION THAT IS SUBSTANTIALLY EQUIVALENT TO THE EXAMINATION SPECIFIED IN SECTION 12-41-205 (1) (b), AND HAS DEMONSTRATED COMPETENCY THROUGH SUCCESSFUL COMPLETION OF AN INTERNSHIP OR DEMONSTRATED COMPETENCY AS A PHYSICAL THERAPIST ASSISTANT BY FULFILLING THE REQUIREMENTS ESTABLISHED BY RULES OF THE BOARD.

(4) THE BOARD SHALL NOTIFY THE APPLICANT, IN WRITING, OF THE DENIAL OR APPROVAL OF THE APPLICATION.

(5) THE BOARD MAY DENY SUCH CERTIFICATION IF THE APPLICANT HAS COMMITTED AN ACT THAT IS GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-41-210.

12-41-207. Certification of foreign-trained applicants.

(1) EVERY FOREIGN-TRAINED APPLICANT FOR CERTIFICATION BY EXAMINATION SHALL:

(a) HAVE RECEIVED EDUCATION AND TRAINING AS A PHYSICAL THERAPIST ASSISTANT THAT IS SUBSTANTIALLY EQUIVALENT TO THE EDUCATION AND TRAINING REQUIRED BY ACCREDITED PHYSICAL THERAPIST ASSISTANT PROGRAMS IN THE UNITED STATES;

(b) POSSESS AN ACTIVE, VALID LICENSE, CERTIFICATION, OR REGISTRATION IN GOOD STANDING OR OTHER AUTHORIZATION TO PRACTICE AS A PHYSICAL THERAPIST ASSISTANT FROM AN APPROPRIATE AUTHORITY IN THE COUNTRY WHERE THE FOREIGN-TRAINED APPLICANT IS PRACTICING OR HAS PRACTICED;

(c) PASS A WRITTEN EXAMINATION APPROVED BY THE BOARD IN ACCORDANCE WITH SECTION 12-41-205 (1) (b);

(d) SUBMIT AN APPLICATION IN THE FORM AND MANNER DESIGNATED BY THE DIRECTOR; AND

(e) PAY AN APPLICATION FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR.

(2) UPON RECEIPT OF ALL DOCUMENTS AND THE FEE REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE DIRECTOR SHALL REVIEW THE APPLICATION AND DETERMINE IF THE APPLICANT IS QUALIFIED TO BE CERTIFIED BY ENDORSEMENT.

(3) WHEN THE APPLICANT HAS FULFILLED ALL THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL ISSUE A CERTIFICATION TO THE APPLICANT; EXCEPT THAT THE BOARD MAY DENY THE APPLICATION IF THE APPLICANT HAS COMMITTED AN ACT THAT IS GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-41-210.

12-41-208. Expiration and renewal of certification. AN APPLICANT FOR CERTIFICATION SHALL PAY CERTIFICATION, RENEWAL, AND REINSTATEMENT FEES ESTABLISHED BY THE DIRECTOR IN THE SAME MANNER AS IS AUTHORIZED IN SECTION 24-34-105, C.R.S. A CERTIFIED PHYSICAL THERAPIST ASSISTANT SHALL RENEW A CERTIFICATION IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE DIRECTOR PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT UNDER SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW A CERTIFICATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR, THE CERTIFICATION EXPIRES. A PERSON WHOSE CERTIFICATION HAS EXPIRED IS SUBJECT TO THE PENALTIES PROVIDED IN THIS PART 2 AND SECTION 24-34-102 (8), C.R.S.

12-41-209. Scope of part 2 - exclusions. (1) THIS PART 2 DOES NOT PROHIBIT:

- (a) PRACTICE AS A PHYSICAL THERAPIST ASSISTANT IN THIS STATE BY A LEGALLY QUALIFIED PHYSICAL THERAPIST ASSISTANT FROM ANOTHER STATE OR COUNTRY WHOSE EMPLOYMENT REQUIRES THE PHYSICAL THERAPIST ASSISTANT TO ACCOMPANY AND CARE FOR A PATIENT TEMPORARILY RESIDING IN THIS STATE, BUT THE PHYSICAL THERAPIST ASSISTANT SHALL NOT PROVIDE PHYSICAL THERAPY SERVICES FOR ANOTHER INDIVIDUAL NOR SHALL THE PERSON REPRESENT OR HOLD HIMSELF OR HERSELF OUT AS A PHYSICAL THERAPIST ASSISTANT CERTIFIED TO PRACTICE IN THIS STATE;

(b) THE ADMINISTRATION OF MASSAGE, EXTERNAL BATHS, OR EXERCISE THAT IS NOT A PART OF A PHYSICAL THERAPY REGIMEN;

(c) A PERSON REGISTERED, CERTIFIED, OR LICENSED IN THIS STATE UNDER ANY OTHER LAW FROM ENGAGING IN THE PRACTICE FOR WHICH THE PERSON IS REGISTERED, CERTIFIED, OR LICENSED;

(d) PRACTICE AS A PHYSICAL THERAPIST ASSISTANT IN THIS STATE BY A LEGALLY QUALIFIED PHYSICAL THERAPIST ASSISTANT FROM ANOTHER STATE OR COUNTRY FOR THE PURPOSE OF PARTICIPATING IN AN EDUCATIONAL PROGRAM OF NOT MORE THAN SIX WEEKS' DURATION; OR

(e) THE PRACTICE OF A PHYSICAL THERAPIST ASSISTANT LICENSED, CERTIFIED, OR REGISTERED IN THIS OR ANY OTHER STATE OR TERRITORY OF THE UNITED STATES WHO IS EMPLOYED BY THE UNITED STATES GOVERNMENT OR A BUREAU, DIVISION, OR AGENCY THEREOF WHILE WITHIN THE COURSE AND SCOPE OF THE PHYSICAL THERAPIST ASSISTANT'S DUTIES.

(2) THIS PART 2 DOES NOT APPLY TO:

(a) THE GRATUITOUS CARE OF FRIENDS OR FAMILY MEMBERS;

(b) NURSING ASSISTANCE IN THE CASE OF AN EMERGENCY;

(c) A PERSON LICENSED, CERTIFIED, OR REGISTERED BY THE STATE OF COLORADO WHO IS ACTING WITHIN THE SCOPE OF HIS OR HER LICENSE, CERTIFICATE, OR REGISTRATION; OR

(d) ANY PERSON PERFORMING SERVICES PURSUANT TO SECTION 12-38-132 OR 27-10.5-103 (2) (k), C.R.S., OR PART 3 OF ARTICLE 1.5 OF TITLE 25, C.R.S.

12-41-210. Grounds for disciplinary action. (1) THE BOARD MAY TAKE DISCIPLINARY ACTION IN ACCORDANCE WITH SECTION 12-41-211 AGAINST A PERSON WHO HAS:

(a) COMMITTED AN ACT THAT DOES NOT MEET GENERALLY ACCEPTED STANDARDS OF PHYSICAL THERAPIST ASSISTANT PRACTICE OR FAILED TO PERFORM AN ACT NECESSARY TO MEET GENERALLY ACCEPTED STANDARDS OF PHYSICAL THERAPIST ASSISTANT PRACTICE;

(b) ENGAGED IN SEXUAL CONTACT, SEXUAL INTRUSION, OR SEXUAL PENETRATION AS DEFINED IN SECTION 18-3-401, C.R.S., WITH A PATIENT WHILE DURING THE PERIOD OF TIME BEGINNING WITH THE INITIAL EVALUATION THROUGH THE TERMINATION OF TREATMENT;

(c) ABANDONED A PATIENT BY ANY MEANS;

(d) FAILED TO MAKE ESSENTIAL ENTRIES ON PATIENT RECORDS OR FALSIFIED OR MADE INCORRECT ENTRIES OF AN ESSENTIAL NATURE ON PATIENT RECORDS;

(e) (I) COMMITTED ABUSE OF HEALTH INSURANCE AS SET FORTH IN SECTION 18-13-119, C.R.S.; OR

(II) ADVERTISED THROUGH NEWSPAPERS, MAGAZINES, CIRCULARS, DIRECT MAIL, DIRECTORIES, RADIO, TELEVISION, OR OTHERWISE THAT THE CERTIFIED PHYSICAL THERAPIST ASSISTANT WILL PERFORM AN ACT PROHIBITED BY SECTION 18-13-119, C.R.S.;

(f) COMMITTED A FRAUDULENT INSURANCE ACT, AS DEFINED IN SECTION 10-1-128, C.R.S.;

(g) FALSIFIED INFORMATION IN ANY APPLICATION OR ATTEMPTED TO OBTAIN OR OBTAINED A CERTIFICATION BY FRAUD, DECEPTION, OR MISREPRESENTATION;

(h) ENGAGED IN THE HABITUAL OR EXCESSIVE USE OR ABUSE OF ALCOHOL, A HABIT-FORMING DRUG, OR A CONTROLLED SUBSTANCE AS DEFINED IN SECTION 12-22-303;

(i) (I) FAILED TO NOTIFY THE BOARD, AS REQUIRED BY SECTION 12-41-214, OF A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT IMPACTS THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S ABILITY TO PERFORM PHYSICAL THERAPY WITH REASONABLE SKILL AND SAFETY TO PATIENTS;

(II) FAILED TO ACT WITHIN THE LIMITATIONS CREATED BY A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE

CERTIFIED PHYSICAL THERAPIST ASSISTANT UNABLE TO PERFORM PHYSICAL THERAPY WITH REASONABLE SKILL AND SAFETY TO THE PATIENT; OR

(III) FAILED TO COMPLY WITH THE LIMITATIONS AGREED TO UNDER A CONFIDENTIAL AGREEMENT ENTERED INTO UNDER SECTION 12-41-214;

(j) REFUSED TO SUBMIT TO A PHYSICAL OR MENTAL EXAMINATION WHEN SO ORDERED BY THE BOARD UNDER SECTION 12-41-213;

(k) FAILED TO NOTIFY THE BOARD IN WRITING OF THE ENTRY OF A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION AGAINST THE CERTIFIED PHYSICAL THERAPIST ASSISTANT FOR MALPRACTICE OR A SETTLEMENT BY THE CERTIFIED PHYSICAL THERAPIST ASSISTANT IN RESPONSE TO CHARGES OR ALLEGATIONS OF MALPRACTICE, WHICH NOTICE MUST BE GIVEN WITHIN NINETY DAYS AFTER THE ENTRY OF JUDGMENT OR SETTLEMENT AND, IN THE CASE OF A JUDGMENT, MUST CONTAIN THE NAME OF THE COURT, THE CASE NUMBER, AND THE NAMES OF ALL PARTIES TO THE ACTION;

(l) VIOLATED OR AIDED OR ABETTED A VIOLATION OF THIS PART 2, A RULE ADOPTED UNDER THIS PART 2, OR A LAWFUL ORDER OF THE BOARD;

(m) BEEN CONVICTED OF, PLED GUILTY, OR PLED NOLO CONTENDERE TO A CRIME RELATED TO THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S PRACTICE OR A FELONY OR COMMITTED AN ACT SPECIFIED IN SECTION 12-41-216. A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF THE CONVICTION OR PLEA IS CONCLUSIVE EVIDENCE OF THE CONVICTION OR PLEA. IN CONSIDERING THE DISCIPLINARY ACTION, THE BOARD IS GOVERNED BY SECTION 24-5-101, C.R.S.

(n) FRAUDULENTLY OBTAINED, FURNISHED, OR SOLD A PHYSICAL THERAPIST ASSISTANT DIPLOMA, CERTIFICATE, RENEWAL OF CERTIFICATE, OR RECORD, OR AIDED OR ABETTED ANY SUCH ACT;

(o) REPRESENTED, OR HELD HIMSELF OR HERSELF OUT AS, IN ANY MANNER, A PHYSICAL THERAPIST ASSISTANT OR PRACTICED AS A PHYSICAL THERAPIST ASSISTANT WITHOUT A CERTIFICATION, UNLESS OTHERWISE AUTHORIZED UNDER THIS PART 2;

(p) USED IN CONNECTION WITH THE PERSON'S NAME A DESIGNATION IMPLYING THAT THE PERSON IS A PHYSICAL THERAPIST ASSISTANT WITHOUT BEING CERTIFIED UNDER THIS PART 2;

(q) PRACTICED AS A PHYSICAL THERAPIST ASSISTANT DURING THE TIME THE PERSON'S CERTIFICATION WAS EXPIRED, SUSPENDED, OR REVOKED; OR

(r) FAILED TO RESPOND IN AN HONEST, MATERIALLY RESPONSIVE, AND TIMELY MANNER TO A COMPLAINT ISSUED UNDER THIS PART 2.

12-41-211. Disciplinary actions. (1) (a) THE BOARD, IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., MAY ISSUE LETTERS OF ADMONITION; DENY, REFUSE TO RENEW, SUSPEND, OR REVOKE A CERTIFICATION; PLACE A CERTIFIED PHYSICAL THERAPIST ASSISTANT ON PROBATION; OR IMPOSE PUBLIC CENSURE OR A FINE, IF THE BOARD OR THE BOARD'S DESIGNEE DETERMINES AFTER NOTICE AND THE OPPORTUNITY FOR A HEARING THAT THE CERTIFIED PHYSICAL THERAPIST ASSISTANT HAS COMMITTED AN ACT SPECIFIED IN SECTION 12-41-210.

(b) IN THE CASE OF A DELIBERATE AND WILLFUL VIOLATION OF THIS PART 2 OR IF THE PUBLIC HEALTH, SAFETY, AND WELFARE REQUIRE EMERGENCY ACTION, THE BOARD MAY TAKE DISCIPLINARY ACTION ON AN EMERGENCY BASIS UNDER SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(2) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BUT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, THE BOARD MAY SEND A LETTER OF ADMONITION TO THE CERTIFIED PHYSICAL THERAPIST ASSISTANT.

(b) WHEN THE BOARD SENDS A LETTER OF ADMONITION TO A CERTIFIED PHYSICAL THERAPIST ASSISTANT, THE BOARD SHALL NOTIFY THE CERTIFIED PHYSICAL THERAPIST ASSISTANT OF HIS OR HER RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT DESCRIBED IN THE LETTER OF ADMONITION.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION IS VACATED AND THE MATTER MUST BE

PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(3) IN A DISCIPLINARY ORDER THAT ALLOWS A CERTIFIED PHYSICAL THERAPIST ASSISTANT TO CONTINUE TO PRACTICE, THE BOARD MAY IMPOSE UPON THE CERTIFIED PHYSICAL THERAPIST ASSISTANT CONDITIONS THAT THE BOARD DEEMS APPROPRIATE TO ENSURE THAT THE CERTIFIED PHYSICAL THERAPIST ASSISTANT IS PHYSICALLY, MENTALLY, AND PROFESSIONALLY QUALIFIED TO PRACTICE IN ACCORDANCE WITH GENERALLY ACCEPTED PROFESSIONAL STANDARDS. THE CONDITIONS MAY INCLUDE THE FOLLOWING:

(a) EXAMINATION OF THE CERTIFIED PHYSICAL THERAPIST ASSISTANT TO DETERMINE HIS OR HER MENTAL OR PHYSICAL CONDITION, AS PROVIDED IN SECTION 12-41-213, OR TO DETERMINE PROFESSIONAL QUALIFICATIONS;

(b) ANY THERAPY, TRAINING, OR EDUCATION THAT THE BOARD BELIEVES NECESSARY TO CORRECT DEFICIENCIES FOUND EITHER IN A PROCEEDING IN COMPLIANCE WITH SECTION 24-34-106, C.R.S., OR THROUGH AN EXAMINATION UNDER PARAGRAPH (a) OF THIS SUBSECTION (3);

(c) A REVIEW OR SUPERVISION OF A CERTIFIED PHYSICAL THERAPIST ASSISTANT'S PRACTICE THAT THE BOARD FINDS NECESSARY TO IDENTIFY AND CORRECT DEFICIENCIES THEREIN; OR

(d) RESTRICTIONS UPON THE NATURE AND SCOPE OF PRACTICE TO ENSURE THAT THE CERTIFIED PHYSICAL THERAPIST ASSISTANT DOES NOT PRACTICE BEYOND THE LIMITS OF THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S CAPABILITIES.

(4) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE BOARD AND, IN THE OPINION OF THE BOARD, THE COMPLAINT SHOULD BE DISMISSED, BUT THE BOARD HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE CERTIFIED PHYSICAL THERAPIST ASSISTANT THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, THE BOARD MAY SEND A CONFIDENTIAL LETTER OF CONCERN TO THE CERTIFIED PHYSICAL THERAPIST ASSISTANT.

(5) THE BOARD MAY TAKE DISCIPLINARY ACTION AGAINST A CERTIFIED PHYSICAL THERAPIST ASSISTANT FOR FAILURE TO COMPLY WITH ANY OF THE CONDITIONS IMPOSED BY THE BOARD UNDER SUBSECTION (3) OF THIS SECTION.

(6) A PERSON WHOSE CERTIFICATION HAS EXPIRED IS SUBJECT TO THE FEES PROVIDED IN THIS PART 2 AND SECTION 24-34-102 (8), C.R.S.

(7) A PHYSICAL THERAPY ASSISTANT WHOSE CERTIFICATION IS REVOKED OR WHO SURRENDERS HIS OR HER CERTIFICATION TO AVOID DISCIPLINE IS NOT ELIGIBLE TO APPLY FOR A CERTIFICATION FOR TWO YEARS AFTER THE CERTIFICATION IS REVOKED OR SURRENDERED. THE TWO-YEAR WAITING PERIOD APPLIES TO A PERSON WHOSE CERTIFICATION AS A PHYSICAL THERAPY ASSISTANT IS REVOKED BY ANY OTHER LEGALLY QUALIFIED BOARD OR REGULATORY ENTITY.

12-41-212. Disciplinary proceedings - investigations - judicial review.

(1) THE BOARD MAY COMMENCE A PROCEEDING FOR THE DISCIPLINE OF A PHYSICAL THERAPIST ASSISTANT WHEN THE BOARD HAS REASONABLE GROUNDS TO BELIEVE THAT A PHYSICAL THERAPIST ASSISTANT HAS COMMITTED AN ACT ENUMERATED IN SECTION 12-41-210.

(2) IN A PROCEEDING HELD UNDER THIS SECTION, THE BOARD MAY ACCEPT AS PRIMA FACIE EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION ANY DISCIPLINARY ACTION TAKEN AGAINST A PHYSICAL THERAPIST ASSISTANT FROM ANOTHER JURISDICTION IF THE VIOLATION THAT PROMPTED THE DISCIPLINARY ACTION IN THAT JURISDICTION WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS PART 2.

(3) (a) THE BOARD MAY INVESTIGATE POTENTIAL GROUNDS FOR DISCIPLINARY ACTION UPON ITS OWN MOTION OR WHEN THE BOARD IS INFORMED OF DISMISSAL OF A PERSON CERTIFIED UNDER THIS PART 2 IF THE DISMISSAL WAS FOR A MATTER CONSTITUTING A VIOLATION OF THIS PART 2.

(b) A PERSON WHO SUPERVISES A PHYSICAL THERAPIST ASSISTANT SHALL REPORT TO THE BOARD WHEN THE PHYSICAL THERAPIST ASSISTANT HAS BEEN DISMISSED BECAUSE OF INCOMPETENCE OR FAILURE TO COMPLY WITH THIS PART 2. A CERTIFIED PHYSICAL THERAPIST ASSISTANT WHO IS AWARE THAT ANOTHER PERSON IS VIOLATING THIS PART 2 SHALL REPORT THE VIOLATION TO THE BOARD.

(4) (a) THE BOARD OR AN ADMINISTRATIVE LAW JUDGE MAY

ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD UNDER THIS PART 2. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(b) UPON FAILURE OF A WITNESS TO COMPLY WITH A SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR CERTIFIED PHYSICAL THERAPIST ASSISTANT RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD WITH NOTICE TO THE SUBPOENAED PERSON OR CERTIFIED PHYSICAL THERAPIST ASSISTANT, MAY ISSUE AN ORDER REQUIRING THAT PERSON OR CERTIFIED PHYSICAL THERAPIST ASSISTANT TO APPEAR BEFORE THE BOARD; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

(5) THE BOARD MAY KEEP ANY INVESTIGATION AUTHORIZED UNDER THIS PART 2 CLOSED UNTIL THE RESULTS OF THE INVESTIGATION ARE KNOWN AND EITHER THE COMPLAINT IS DISMISSED OR NOTICE OF HEARING AND CHARGES ARE SERVED UPON THE CERTIFIED PHYSICAL THERAPIST ASSISTANT.

(6) (a) THE BOARD, THE DIRECTOR'S STAFF, A WITNESS OR CONSULTANT TO THE BOARD, A WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS PART 2, OR A PERSON WHO LODGES A COMPLAINT UNDER THIS PART 2 IS IMMUNE FROM LIABILITY IN A CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS A BOARD MEMBER, STAFF MEMBER, CONSULTANT, WITNESS, OR COMPLAINANT IF THE INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED WITH THE REASONABLE BELIEF THAT THE ACTION TAKEN WAS WARRANTED BY THE FACTS.

(b) A PERSON MAKING A COMPLAINT OR REPORT IN GOOD FAITH OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS SECTION IS IMMUNE FROM ANY LIABILITY, CIVIL OR CRIMINAL, THAT OTHERWISE MIGHT RESULT BY REASON OF THE PARTICIPATION.

(7) THE BOARD, THROUGH THE DEPARTMENT OF REGULATORY AGENCIES, MAY EMPLOY ADMINISTRATIVE LAW JUDGES APPOINTED PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., ON A FULL-TIME OR PART-TIME BASIS, TO CONDUCT HEARINGS UNDER THIS PART 2 OR ON ANY MATTER WITHIN THE BOARD'S JURISDICTION UPON THE CONDITIONS AND TERMS AS THE BOARD MAY DETERMINE.

(8) FINAL ACTION OF THE BOARD MAY BE JUDICIALLY REVIEWED BY THE COURT OF APPEALS BY APPROPRIATE PROCEEDINGS UNDER SECTION 24-4-106 (11), C.R.S., AND JUDICIAL PROCEEDINGS FOR THE ENFORCEMENT OF AN ORDER OF THE BOARD MAY BE INSTITUTED IN ACCORDANCE WITH SECTION 24-4-106, C.R.S.

(9) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, WARRANTS FORMAL ACTION, THE BOARD SHALL NOT RESOLVE THE COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

(10) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A CERTIFIED PHYSICAL THERAPIST ASSISTANT IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED CERTIFICATION, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST THE ACTIVITY. THE ORDER MUST SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNCERTIFIED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST UNDER PARAGRAPH (a) OF THIS SUBSECTION (10), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS PART 2 HAVE OCCURRED. THE HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(11) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A PERSON HAS VIOLATED THIS PART 2, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED UNDER THIS PART 2, THE BOARD MAY ISSUE TO THE PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNCERTIFIED PRACTICE.

(b) THE BOARD SHALL PROMPTLY NOTIFY A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED UNDER PARAGRAPH (a) OF THIS SUBSECTION (11) OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. THE BOARD MAY SERVE THE NOTICE BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON THE PERSON AGAINST WHOM THE ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (11) CONSTITUTES NOTICE THEREOF TO THE PERSON.

(c) (I) THE BOARD SHALL COMMENCE A HEARING ON AN ORDER TO SHOW CAUSE NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (11). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT IS THE HEARING TO COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11) DOES NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON THE PERSON UNDER PARAGRAPH (b) OF THIS SUBSECTION (11) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER BECOMES FINAL AS TO THAT PERSON BY OPERATION OF LAW. THE BOARD SHALL CONDUCT THE HEARING IN ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED CERTIFICATION, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS PART 2, THE BOARD MAY ISSUE A FINAL CEASE-AND-DESIST ORDER, DIRECTING THE PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNCERTIFIED PRACTICES.

(IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (11), OF THE FINAL CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) IS EFFECTIVE WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(12) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNCERTIFIED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS PART 2, A RULE PROMULGATED UNDER THIS PART 2, AN ORDER ISSUED UNDER THIS PART 2, OR AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION UNDER THIS PART 2, THE BOARD MAY ENTER INTO A STIPULATION WITH THE PERSON.

(13) IF A PERSON FAILS TO COMPLY WITH A FINAL CEASE-AND-DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST

THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER. UPON RECEIVING THE REQUEST, THE ATTORNEY GENERAL OR DISTRICT ATTORNEY SHALL BRING THE SUIT AS REQUESTED.

12-41-213. Mental and physical examination of certified physical therapist assistants. (1) IF THE BOARD HAS REASONABLE CAUSE TO BELIEVE THAT A CERTIFIED PHYSICAL THERAPIST ASSISTANT IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY, THE BOARD MAY REQUIRE THE CERTIFIED PHYSICAL THERAPIST ASSISTANT TO TAKE A MENTAL OR PHYSICAL EXAMINATION BY A HEALTH CARE PROVIDER DESIGNATED BY THE BOARD. IF THE CERTIFIED PHYSICAL THERAPIST ASSISTANT REFUSES TO UNDERGO THE MENTAL OR PHYSICAL EXAMINATION, UNLESS DUE TO CIRCUMSTANCES BEYOND THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S CONTROL, THE BOARD MAY SUSPEND THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S CERTIFICATION UNTIL THE RESULTS OF THE EXAMINATION ARE KNOWN AND THE BOARD HAS MADE A DETERMINATION OF THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S FITNESS TO PRACTICE. THE BOARD SHALL PROCEED WITH AN ORDER FOR EXAMINATION AND DETERMINATION IN A TIMELY MANNER.

(2) AN ORDER ISSUED TO A CERTIFIED PHYSICAL THERAPIST ASSISTANT UNDER SUBSECTION (1) OF THIS SECTION TO UNDERGO A MENTAL OR PHYSICAL EXAMINATION MUST CONTAIN THE BASIS OF THE BOARD'S REASONABLE CAUSE TO BELIEVE THAT THE CERTIFIED PHYSICAL THERAPIST ASSISTANT IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY. FOR THE PURPOSES OF A DISCIPLINARY PROCEEDING AUTHORIZED BY THIS PART 2, THE CERTIFIED PHYSICAL THERAPIST ASSISTANT IS DEEMED TO HAVE WAIVED ALL OBJECTIONS TO THE ADMISSIBILITY OF THE EXAMINING HEALTH CARE PROVIDER'S TESTIMONY OR EXAMINATION REPORTS ON THE GROUND THAT THEY ARE PRIVILEGED COMMUNICATIONS.

(3) THE CERTIFIED PHYSICAL THERAPIST ASSISTANT MAY SUBMIT TO THE BOARD TESTIMONY OR EXAMINATION REPORTS FROM A HEALTH CARE PROVIDER CHOSEN BY THE CERTIFIED PHYSICAL THERAPIST ASSISTANT PERTAINING TO THE CONDITION THAT THE BOARD HAS ALLEGED MAY PRECLUDE THE CERTIFIED PHYSICAL THERAPIST ASSISTANT FROM PRACTICING WITH REASONABLE SKILL AND SAFETY. THE BOARD MAY CONSIDER SUCH TESTIMONY OR EXAMINATION REPORTS IN CONJUNCTION WITH, BUT NOT IN LIEU OF, TESTIMONY AND EXAMINATION REPORTS OF THE HEALTH CARE PROVIDER DESIGNATED BY THE BOARD.

(4) A PERSON SHALL NOT USE THE RESULTS OF ANY MENTAL OR PHYSICAL EXAMINATION ORDERED BY THE BOARD AS EVIDENCE IN ANY PROCEEDING OTHER THAN ONE BEFORE THE BOARD. THE EXAMINATION RESULTS ARE NOT PUBLIC RECORDS AND ARE NOT AVAILABLE TO THE PUBLIC.

12-41-214. Examinations - notice - confidential agreements.

(1) IF A CERTIFIED PHYSICAL THERAPIST ASSISTANT SUFFERS FROM A PHYSICAL OR MENTAL ILLNESS OR CONDITION RENDERING THE CERTIFIED PHYSICAL THERAPIST ASSISTANT UNABLE TO PRACTICE WITH REASONABLE SKILL AND PATIENT SAFETY, THE CERTIFIED PHYSICAL THERAPIST ASSISTANT SHALL NOTIFY THE BOARD OF THE ILLNESS OR CONDITION IN A MANNER AND WITHIN A PERIOD OF TIME DETERMINED BY THE BOARD. THE BOARD MAY REQUIRE THE CERTIFIED PHYSICAL THERAPIST ASSISTANT TO SUBMIT TO AN EXAMINATION, OR THE BOARD MAY EVALUATE THE EXTENT OF THE ILLNESS OR CONDITION AND ITS IMPACT ON THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S ABILITY TO PRACTICE WITH REASONABLE SKILL AND SAFETY TO PATIENTS.

(2) (a) UPON DETERMINING THAT A CERTIFIED PHYSICAL THERAPIST ASSISTANT WITH A PHYSICAL OR MENTAL ILLNESS OR CONDITION IS ABLE TO RENDER LIMITED PHYSICAL THERAPY WITH REASONABLE SKILL AND PATIENT SAFETY, THE BOARD MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE CERTIFIED PHYSICAL THERAPIST ASSISTANT IN WHICH THE CERTIFIED PHYSICAL THERAPIST ASSISTANT AGREES TO LIMIT HIS OR HER PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY THE ILLNESS OR CONDITION, AS DETERMINED BY THE BOARD.

(b) THE AGREEMENT MUST SPECIFY THAT THE CERTIFIED PHYSICAL THERAPIST ASSISTANT IS SUBJECT TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED APPROPRIATE BY THE BOARD.

(c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR OF MONITORING.

(d) BY ENTERING INTO AN AGREEMENT WITH THE BOARD UNDER THIS SUBSECTION (2) TO LIMIT HIS OR HER PRACTICE, THE CERTIFIED PHYSICAL THERAPIST ASSISTANT IS NOT ENGAGING IN UNPROFESSIONAL CONDUCT. THE AGREEMENT IS AN ADMINISTRATIVE ACTION AND DOES NOT CONSTITUTE A RESTRICTION OR DISCIPLINE BY THE BOARD. HOWEVER, IF THE CERTIFIED PHYSICAL THERAPIST ASSISTANT FAILS TO COMPLY WITH THE TERMS OF AN AGREEMENT ENTERED INTO PURSUANT TO THIS SUBSECTION (2), THE FAILURE CONSTITUTES GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-41-210 (1) (i) AND THE CERTIFIED PHYSICAL THERAPIST ASSISTANT IS SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-41-211.

(3) THIS SECTION DOES NOT APPLY TO A PHYSICAL THERAPIST ASSISTANT SUBJECT TO DISCIPLINE UNDER SECTION 12-41-210 (1) (h).

12-41-215. Reports by insurance companies. (1) (a) EACH INSURANCE COMPANY LICENSED TO DO BUSINESS IN THIS STATE AND ENGAGED IN THE WRITING OF MALPRACTICE INSURANCE FOR PHYSICAL THERAPIST ASSISTANTS SHALL SEND TO THE BOARD INFORMATION ABOUT ANY MALPRACTICE CLAIM THAT INVOLVES A PHYSICAL THERAPIST ASSISTANT AND IS SETTLED OR IN WHICH JUDGMENT IS RENDERED AGAINST THE INSURED.

(b) IN ADDITION, THE INSURANCE COMPANY SHALL SUBMIT SUPPLEMENTARY REPORTS CONTAINING THE DISPOSITION OF THE CLAIM TO THE BOARD WITHIN NINETY DAYS AFTER SETTLEMENT OR JUDGMENT.

(2) REGARDLESS OF THE DISPOSITION OF ANY CLAIM, THE INSURANCE COMPANY SHALL PROVIDE SUCH INFORMATION AS THE BOARD FINDS REASONABLY NECESSARY TO CONDUCT ITS OWN INVESTIGATION AND HEARING.

12-41-216. Unauthorized practice - penalties. ANY PERSON WHO VIOLATES SECTION 12-41-202 OR 12-41-203 WITHOUT AN ACTIVE CERTIFICATION ISSUED UNDER THIS PART 2 COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

12-41-217. Violation - fines. (1) NOTWITHSTANDING SECTION 12-41-216, THE BOARD MAY ASSESS A FINE FOR A VIOLATION OF THIS PART 2 OR A RULE ADOPTED UNDER THIS PART 2.

(2) THE FINE SHALL NOT BE GREATER THAN ONE THOUSAND DOLLARS AND SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE GENERAL FUND.

(3) ALL FINES MUST BE IMPOSED AT A HEARING HELD IN ACCORDANCE WITH SECTION 24-4-105, C.R.S., BUT ARE NOT A SUBSTITUTE OR WAIVER OF A CRIMINAL PENALTY.

12-41-218. Injunctive proceedings. THE BOARD MAY, IN THE NAME OF THE PEOPLE OF THE STATE OF COLORADO, THROUGH THE ATTORNEY GENERAL OF COLORADO, APPLY FOR AN INJUNCTION TO A COURT TO ENJOIN A PERSON FROM COMMITTING AN ACT DECLARED TO BE A MISDEMEANOR BY THIS PART 2. IF IT IS ESTABLISHED THAT THE DEFENDANT HAS BEEN OR IS COMMITTING AN ACT DECLARED TO BE A MISDEMEANOR BY THIS PART 2, THE COURT SHALL ENTER A DECREE PERPETUALLY ENJOINING THE DEFENDANT FROM FURTHER COMMITTING THE ACT. IF A PERSON VIOLATES AN INJUNCTION ISSUED UNDER THIS SECTION, THE COURT MAY TRY AND PUNISH THE OFFENDER FOR CONTEMPT OF COURT. AN INJUNCTION PROCEEDING IS IN ADDITION TO, AND NOT IN LIEU OF, ALL PENALTIES AND OTHER REMEDIES PROVIDED IN THIS PART 2.

12-41-219. Limitation on authority. THE AUTHORITY GRANTED TO THE BOARD BY THIS PART 2 DOES NOT AUTHORIZE THE BOARD TO ARBITRATE OR ADJUDICATE FEE DISPUTES BETWEEN PHYSICAL THERAPIST ASSISTANTS OR BETWEEN A PHYSICAL THERAPIST ASSISTANT AND ANOTHER PARTY.

12-41-220. Fees and expenses. ALL FEES COLLECTED UNDER THIS PART 2 SHALL BE DETERMINED, COLLECTED, AND APPROPRIATED IN THE SAME MANNER AS SET FORTH IN SECTION 24-34-105, C.R.S..

Strike pages 40 through 54.

Page 55, strike lines 1 through 24.

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Page 55, line 25, strike "**12-41-216.**" and substitute "**12-41-221.**"

After consideration on the merits, the Committee recommends that **SB11-120** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 9, strike "FOLLOWING RIGHTS:" and substitute "FOLLOWING:".

Page 3, strike lines 20 through 23.

Reletter succeeding paragraphs accordingly.

Page 5, after line 23 insert:

"(y) TO BE INVOLVED IN MEETINGS AT WHICH DECISIONS ABOUT HIS OR HER FUTURE ARE BEING MADE, AND TO HAVE THE CHILD WELFARE AGENCY BRING TOGETHER THE YOUTH'S FAMILY GROUP AND OTHER SUPPORTERS TO DECISION-MAKING MEETINGS AT WHICH THE GROUP CREATES A PLAN FOR THE YOUTH'S FUTURE;".

Reletter succeeding paragraphs accordingly.

Page 6, line 1, strike "PLACEMENT" and substitute "LIVE WITH OR BE VISITED BY HIS OR HER SIBLINGS AND TO BE PLACED".

Page 7, line 17, after "CHECKS" insert "FOR ENTITIES PROVIDING EXTRACURRICULAR ACTIVITIES".

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After consideration on the merits, the Committee recommends that **SB11-094** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 12, line 6, after "APPLICABLE" insert "FEDERAL AND COLORADO".

Page 12, line 16, strike "AND".

Page 12, line 18, strike "DRUGS." and substitute "DRUGS;

- (V) EPILATION;
- (VI) DILATION AND IRRIGATION OF THE LACRIMAL SYSTEM;
- (VII) PUNCTAL PLUG INSERTION AND REMOVAL;
- (VIII) ANTERIOR CORNEAL PUNCTURE;
- (IX) CORNEAL SCRAPING FOR CULTURES;
- (X) DEBRIDEMENT OF CORNEAL EPITHELIUM; AND
- (XI) REMOVAL OF CORNEAL EPITHELIUM."

Page 12, line 27, strike "INCLUDE" and substitute "INCLUDE:

- (I) SURGERY OF OR INJECTIONS INTO THE GLOBE, ORBIT, EYELIDS, OR OCULAR ADNEXA. "SURGERY" MEANS ANY PROCEDURE IN WHICH HUMAN TISSUE IS CUT, ALTERED, OR OTHERWISE INFILTRATED BY MECHANICAL OR LASER MEANS.
- (II) THE USE OF SCHEDULE I OR II NARCOTICS;
- (III) TREATMENT OF POSTERIOR UVEITIS; OR
- (IV) THE USE OF INJECTABLE DRUGS, EXCEPT FOR THE USE OF AN EPINEPHRINE AUTO-INJECTOR TO COUNTERACT ANAPHYLACTIC REACTION."

Page 13, strike lines 1 through 3.

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After consideration on the merits, the Committee recommends that **SB11-088** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 5, line 13, strike "USE OR".

Page 5, strike line 14 and substitute "OBTAIN AND ADMINISTER."

Page 7, strike line 24 and substitute "amended, and the said 12-37-104 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:".

Page 8, after line 11 insert:

"(g) A STATEMENT INDICATING WHETHER OR NOT THE DIRECT-ENTRY MIDWIFE WILL ADMINISTER VITAMIN K TO THE CLIENT'S NEWBORN INFANT AND, IF NOT, A LIST OF QUALIFIED HEALTH CARE PRACTITIONERS WHO CAN PROVIDE THAT SERVICE;

(h) A STATEMENT INDICATING WHETHER OR NOT THE DIRECT-ENTRY MIDWIFE WILL ADMINISTER RHO(D) IMMUNE GLOBULIN TO THE CLIENT IF SHE IS DETERMINED TO BE RH-NEGATIVE AND, IF NOT, A LIST OF QUALIFIED HEALTH CARE PRACTITIONERS WHO CAN PROVIDE THAT SERVICE; AND

(i) A STATEMENT INDICATING WHETHER OR NOT THE DIRECT-ENTRY MIDWIFE WILL PERFORM SUTURING OF PERINEAL TEARS AND, IF SO, WHAT TRAINING THE DIRECT-ENTRY MIDWIFE HAS HAD IN PERFORMING THE SERVICE, THE NUMBER OF CLIENTS FOR WHOM HE OR SHE HAS DONE SO, AND THE RISKS OF HAVING PERINEAL TEARS SUTURED OUTSIDE OF A HOSPITAL OR OTHER MEDICAL FACILITY."

Page 8, line 17, before "(5) (a) (III) (D)," insert "(5) (a) (III) (C),".

Page 8, line 18, after "(6)," insert "(7),".

Page 9, after line 7 insert:

"(C) A DESCRIPTION OF the available alternatives to direct-entry midwifery care, INCLUDING A STATEMENT THAT THE CLIENT UNDERSTANDS SHE IS NOT RETAINING A CERTIFIED NURSE MIDWIFE OR A NURSE MIDWIFE;".

Page 10, after line 5 insert:

"(7) A direct-entry midwife shall prepare and transmit appropriate specimens for newborn screening in accordance with section 25-4-1004, C.R.S., AND SHALL REFER EVERY NEWBORN CHILD FOR EVALUATION, WITHIN SEVEN DAYS AFTER BIRTH, TO A LICENSED HEALTH CARE PROVIDER WITH EXPERTISE IN PEDIATRIC CARE."

Page 11, strike lines 2 through 27.

Page 12, strike lines 1 through 8 and substitute:

"12-37-105.5. Limited use of certain medications - limited use of sutures - limited administration of intravenous fluids - emergency medical procedures - legislative declaration - rules. (1) A REGISTRANT MAY OBTAIN PRESCRIPTION MEDICATIONS TO TREAT CONDITIONS SPECIFIED IN THIS SECTION FROM A REGISTERED PRESCRIPTION DRUG OUTLET, REGISTERED MANUFACTURER, OR REGISTERED WHOLESALER. AN ENTITY THAT PROVIDES A PRESCRIPTION MEDICATION TO A REGISTRANT IN ACCORDANCE WITH THIS SECTION, AND WHO RELIES IN GOOD FAITH UPON THE REGISTRATION INFORMATION PROVIDED BY THE REGISTRANT, IS NOT SUBJECT TO LIABILITY FOR PROVIDING THE MEDICATION.

(2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION, A REGISTRANT MAY OBTAIN AND ADMINISTER:

(a) VITAMIN K TO NEWBORNS BY INTRAMUSCULAR INJECTION;
(b) RHO(D) IMMUNE GLOBULIN TO RH-NEGATIVE MOTHERS BY INTRAMUSCULAR INJECTION;

(c) POSTPARTUM ANTIHEMORRHAGIC DRUGS TO MOTHERS;
(d) EYE PROPHYLAXIS, APPROVED PURSUANT TO SECTION 25-4-303, C.R.S., TO NEWBORNS; AND

(e) SUTURING MATERIALS AND LOCAL ANESTHETIC FOR MINOR SUTURING IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION.

(3) (a) IF A CLIENT REFUSES A MEDICATION LISTED IN PARAGRAPH

(a) OR (b) OF SUBSECTION (2) OF THIS SECTION, THE REGISTRANT SHALL PROVIDE THE CLIENT WITH AN INFORMED CONSENT FORM CONTAINING A DETAILED STATEMENT OF THE BENEFITS OF THE MEDICATION AND THE RISKS OF REFUSAL, AND SHALL RETAIN A COPY OF THE FORM ACKNOWLEDGED AND SIGNED BY THE CLIENT.

(b) IF A CLIENT EXPERIENCES UNCONTROLLABLE POSTPARTUM HEMORRHAGE AND REFUSES TREATMENT WITH ANTIHEMORRHAGIC DRUGS, THE REGISTRANT SHALL IMMEDIATELY INITIATE THE TRANSPORTATION OF THE CLIENT IN ACCORDANCE WITH THE EMERGENCY PLAN.

(4) A REGISTRANT MAY EMPLOY SUTURES FOR THE LIMITED PURPOSE OF REPAIRING PERINEAL TEARS AND MAY ADMINISTER LOCAL ANESTHETIC IN CONNECTION WITH THE PROCEDURE.

(5) A REGISTRANT SHALL, AS PART OF THE EMERGENCY MEDICAL PLAN REQUIRED BY SECTION 12-37-105 (6), INFORM THE CLIENT THAT:

(a) IF SHE EXPERIENCES UNCONTROLLABLE POSTPARTUM HEMORRHAGE, THE REGISTRANT IS REQUIRED BY COLORADO LAW TO INITIATE EMERGENCY MEDICAL TREATMENT, WHICH MAY INCLUDE THE ADMINISTRATION OF AN ANTIHEMORRHAGIC DRUG BY THE REGISTRANT TO MITIGATE THE POSTPARTUM HEMORRHAGING WHILE INITIATING THE IMMEDIATE TRANSPORTATION OF THE CLIENT IN ACCORDANCE WITH THE EMERGENCY PLAN.

(b) IF SHE EXPERIENCES POSTPARTUM HEMORRHAGE, THE REGISTRANT IS PREPARED AND EQUIPPED TO ADMINISTER INTRAVENOUS FLUIDS TO RESTORE VOLUME LOST DUE TO EXCESSIVE BLEEDING.

(c) IF SHE EXPERIENCES PERINEAL TEARING, THE REGISTRANT IS PREPARED AND EQUIPPED TO EMPLOY SUTURES AND ADMINISTER LOCAL ANESTHETIC TO REPAIR THE TEARS OR, UNDER CIRCUMSTANCES TO BE DETERMINED BY THE CLIENT IN ADVANCE, WILL INITIATE THE TRANSPORTATION OF THE CLIENT TO A HOSPITAL OR OTHER MEDICAL FACILITY FOR SUTURING.

(6) THE DIRECTOR SHALL PROMULGATE RULES TO IMPLEMENT THIS SECTION. IN PROMULGATING SUCH RULES, THE DIRECTOR SHALL SEEK THE ADVICE OF KNOWLEDGEABLE MEDICAL PROFESSIONALS TO SET STANDARDS FOR EDUCATION, TRAINING, AND ADMINISTRATION THAT REFLECT CURRENT GENERALLY ACCEPTED PROFESSIONAL STANDARDS FOR THE SAFE AND EFFECTIVE USE OF THE MEDICATIONS, METHODS OF ADMINISTRATION, AND PROCEDURES DESCRIBED IN THIS SECTION. THE DIRECTOR SHALL ESTABLISH A PREFERRED DRUG LIST THAT DISPLAYS THE MEDICATIONS THAT A REGISTRANT CAN OBTAIN."

Page 17, line 20, strike "12-37-109 (1) (a) and (3)," and substitute "12-37-109,".

Page 17, line 21, strike "are" and substitute "is".

Page 17, strike lines 22 through 27.

Page 18, strike lines 1 through 18 and substitute:

"12-37-109. Assumption of risk - no vicarious liability - legislative declaration. (1) (a) ~~The general assembly hereby finds, determines, and declares that the authority granted in this article for the provision of unlicensed midwifery services does not constitute an endorsement of such practices, and that it is incumbent upon the individual seeking such services to ascertain the qualifications of the registrant direct-entry midwife.~~ It is the policy of this state that registrants shall be liable for their acts or omissions in the performance of the services that they provide, and that no licensed physician, nurse, prehospital emergency medical personnel, or health care institution shall be liable for any act or omission resulting from the administration of services by any registrant. ~~The provisions of This subsection (1) shall~~ DOES not relieve any physician, nurse, prehospital emergency personnel, or health care institution from liability for any willful and wanton act or omission or any act or omission constituting gross negligence, or under circumstances where a registrant has a business or supervised relationship with any such physician, nurse, prehospital emergency personnel, or health care institution. A physician, nurse, prehospital emergency personnel, or health care institution may provide consultation or education to the registrant without establishing a business or supervisory

relationship, AND IS ENCOURAGED TO ACCEPT REFERRALS FROM REGISTRANTS PURSUANT TO THIS ARTICLE.

~~(b) The general assembly further finds, determines, and declares that the limitation on liability provided in section 13-64-302, C.R.S., is predicated upon full licensure, discipline, and regulatory oversight and that the practice of unlicensed midwifery by registrants pursuant to this article is authorized as an alternative to such full licensure, discipline, and regulatory oversight and is therefore not subject to the limitations provided in section 13-64-302, C.R.S.~~

~~(2) Nothing in this article shall be construed to indicate or imply that a registrant providing services under this article is a licensed health care provider for the purposes of reimbursement by any health insurer, third party payer, or governmental health care program."~~

Page 19, strike lines 13 through 20 and substitute:

"SECTION 15. Effective date. This act shall take effect July 1, 2011.

SECTION 16. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, February 21, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

41st Legislative Day	Monday, February 21, 2011
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- | | |
|--------------------|---|
| Prayer | By Senator Foster. |
| Call to Order | By the President at 10:00 a.m. |
| Pledge | By Senator Giron. |
| Roll Call | Present--34
Excused--1, Hodge. |
| Quorum | The President announced a quorum present. |
| Reading of Journal | On motion of Senator King S., reading of the Journal of Friday, February 18, 2011, was dispensed with and the Journal was approved as corrected by the Secretary. |

MESSAGE FROM THE GOVERNOR

- | | |
|-------------|--|
| Appointment | A letter of designation and appointment from Governor John Hickenlooper was read and assigned to committee as follows: |
|-------------|--|

January 10, 2011

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
PINNACOL ASSURANCE BOARD OF DIRECTORS**

for a term expiring January 1, 2016:

Blair E. Richardson of Denver, Colorado, to serve as an employee of an employer whose liability is insured by Pinnacol, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/10/11
Cindi Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

September 9, 20101

To the Honorable2

Colorado Senate3

Colorado General Assembly4

State Capitol Building5

Denver, CO 802036

Ladies and Gentlemen:7

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of8

Colorado, I have the honor to designate, reappoint and submit to your consideration, the9

following:10

MEMBERS OF THE11

FIRE AND POLICE PENSION ASSOCIATION12

BOARD OF DIRECTORS13

for terms expiring September 1, 2014:14

Jack E. Blumenthal of Denver, Colorado, a person from the state's financial or business15

community experienced in personnel or corporate administration, reappointed;16

Monica Cortez-Sangster of Aurora, Colorado, who has experience in insurance17

disability claims, reappointed;18

Susan R. Eaton of Denver, Colorado, a representative of Colorado municipal employers,19

reappointed.20

Sincerely,21

(signed)22

Bill Ritter, Jr.23

Governor24

Rec'd: 9/24/1025

Cindi Markwell, Asst. Secretary26

Committee on State, Veterans, & Military Affairs27

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS28

The President has signed: HB11-1001, 1009, 1015, 1023, 1006, 1022, 1037.29

SENATE SERVICES REPORT30

Correctly Engrossed: SB11-007, 008, 010, 012, 016, 034, 039, 043 and 110; SCR11-001.31

Correctly Reengrossed: SB11-096.32

Correctly Rerevised: HB11-1050.33

Call of the Senate.34

Call raised.35

THIRD READING OF BILLS -- FINAL PASSAGE36

On third reading, the titles of the following bills were publicly read, the reading at length37

having been dispensed with by unanimous consent:38

SCR11-001 by Senator(s) Shaffer B. and Spence, Kopp, Brophy, Heath, Jahn, King S., Morse, Roberts,39

Schwartz, Steadman, Tochtrop, White; also Representative(s) Murray and Court, McNulty,40

Acree, Barker, Baumgardner, Becker, Brown, Casso, Conti, Coram, Duran, Ferrandino,41

Fields, Fischer, Gardner D., Hamner, Hullinghorst, Kagan, Kefalas, Kerr A., Labuda, Lee,42

Levy, Liston, Massey, McCann, McKinley, Miklosi, Pace, Peniston, Priola, Riesberg,43

Ryden, Schafer S., Scott, Solano, Sonnenberg, Soper, Summers, Swerdfeger, Todd, Tyler, Vigil, Williams A., Wilson--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution concerning ballot measures, and, in connection therewith, increasing the number of votes needed to pass a constitutional amendment from a majority to at least sixty percent of the votes cast; allowing a constitutional amendment passed prior to 2013 to be repealed by a majority of the votes cast; adding a requirement that a minimum number of petition signatures for a citizen-initiated constitutional amendment be gathered from voters who reside in each Colorado congressional district; and increasing the requirement from a majority to a two-thirds vote of the state legislature to change, repeal, or supersede a citizen-initiated law for three years after it becomes effective.

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

YES	25	NO	9	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	E	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A constitutional two-thirds of all members elected to the Senate having voted in the affirmative, the concurrent resolution was **passed**.

Co-sponsors added: Bacon, Boyd, Foster, Hudak, Johnston, Newell, Nicholson and Williams S.

SB11-010 by Senator(s) Tochtrop; also Representative(s) Priola--Concerning the trade readjustment allowance program.

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	E	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

Co-sponsors added: Newell

SB11-039 by Senator(s) Tochtrop; also Representative(s) Massey--Concerning the consequences of default in payments due for storage of personal property in a self-storage facility.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Williams S.

SB11-012 by Senator(s) Brophy; also Representative(s) Massey--Concerning a public school student's authority to possess prescription medications at school.

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

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

Amend the engrossed bill, page 3, line 14, strike "PHYSICIAN" and substitute "LICENSED HEALTH CARE PRACTITIONER".

Page 3, line 17, strike "PHYSICIAN, DENTIST, OR ADVANCED" and substitute "LICENSED HEALTH CARE PRACTITIONER".

Page 3, line 18, strike "PRACTICE NURSE".

Page 4, strike line 1 and substitute "'LICENSED HEALTH CARE PRACTITIONER TO BE USED BY THE".

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	32	NO	2	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	N	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Spence and White.

SB11-034 by Senator(s) Nicholson; also Representative(s) Summers--Concerning requiring an educator who provides services through the women, infants, and children program to report child abuse or neglect.

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

YES	25	NO	9	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	E	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	Y	King S.	N	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Giron, Guzman, Heath, Hudak, Jahn, Johnston, Morse, Newell, Schwartz, Shaffer B., Steadman, Tochtrop and Williams S.

SB11-043 by Senator(s) Steadman; also Representative(s) Massey--Concerning a requirement that pharmaceutical manufacturers develop plans for the safe disposal of sharps intended for home use.

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

YES	22	NO	12	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	E	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hudak, Nicholson and Shaffer B.

SB11-007 by Senator(s) Grantham; also Representative(s) Becker--Concerning the responsibility for the prosecution of a person who is charged with failure to register as a sex offender.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar and Brophy.

SB11-016 by Senator(s) Grantham; --Concerning increases in the amounts allocated to certain family members during the administration of a decedent's estate.

Laid over until Tuesday, February 22, retaining its place on the calendar.

SB11-110 by Senator(s) Nicholson; also Representative(s) Coram--Concerning a requirement that certain boards of county commissioners develop an open burning permit system for the purpose of safely disposing of slash.

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

YES	21	NO	13	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	E	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

Co-sponsors added: Foster, Guzman and Schwartz.

SB11-008 by Senator(s) Boyd; also Representative(s) Gerou--Concerning aligning medicaid eligibility for children.

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

YES	23	NO	11	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	E	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Carroll, Foster, Guzman, Heath, Hudak, Newell, Schwartz, Shaffer B., Steadman, Tochtrop and Williams S.

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 House amendments to Senate bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-159 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning the distribution of fifty percent of the balance remaining in the limited gaming fund that is allocated to the state general fund or such other fund as the general assembly provides as specified in section 9 (5) (b) (II) of article XVIII of the state constitution, and making an appropriation in connection therewith.

Senator Steadman moved that the Senate not concur in House amendments to **SB11-159**, as printed in House journal, February 16, page(s) 295, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The President appointed Senators Steadman, Chair, Hodge, and Lambert as Senate conferees on the first conference committee on **SB11-159**.

Senator Steadman moved that the Senate conferees on the first conference committee on **SB11-159** be granted permission to go beyond the scope of the differences between the two houses. The motion was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

SB11-164 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the augmentation of the general fund through transfers of certain moneys.

Senator Steadman moved that the Senate not concur in House amendments to **SB11-164**, as printed in House journal, February 16, page(s) 296, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

YES	21	NO	13	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	E	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

The President appointed Senators Hodge, Chair, Steadman, and Lambert as Senate conferees on the first conference committee on **SB11-164**.

SB11-144 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of law.

Senator Lambert moved that the Senate not concur in House amendments to **SB11-144**, as printed in House journal, February 16, page(s) 295, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The President appointed Senators Hodge, Chair, Steadman, and Lambert as Senate conferees on the first conference committee on **SB11-144**.

SB11-137 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of education.

Senator Steadman moved that the Senate not concur in House amendments to **SB11-137**, as printed in House journal, February 16, page(s) 294-295, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The President appointed Senators Hodge, Chair, Steadman, and Lambert as Senate conferees on the first conference committee on **SB11-137**.

SB11-141 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of human services.

Senator Lambert moved that the Senate not concur in House amendments to **SB11-141**, as printed in House journal, February 16, page(s) 292-293, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The President appointed Senators Hodge, Chair, Steadman, and Lambert as Senate conferees on the first conference committee on **SB11-141**.

SB11-136 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of corrections.

Senator Steadman moved that the Senate not concur in House amendments to **SB11-136**, as printed in House journal, February 16, page(s) 292-293, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The President appointed Senators Hodge, Chair, Steadman, and Lambert as Senate conferees on the first conference committee on **SB11-136**.

SB11-156 by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Becker, Gerou, Ferrandino--Concerning a reduction in the amount of the general fund reserve required for the 2010-11 state fiscal year.

Senator Lambert moved that the Senate not concur in House amendments to **SB11-156**, as printed in House journal, February 16, page(s) 292-293, and that a conference committee be appointed.

On a substitute motion, Senator Morse moved that the Senate concur in House amendments to **SB11-156**. The motion was **adopted** by the following roll call vote:

YES	32	NO	2	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	20	NO	14	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	E	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

SB11-138 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting.

Senator Steadman moved that the Senate concur in House amendments to **SB11-138**, as printed in House journal, February 16, page(s) 288-289. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-139

by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of health care policy and financing.

Senator Lambert moved that the Senate concur in House amendments to **SB11-139**, as printed in House journal, February 16, page(s) 289-290. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-150

by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of public safety.

Senator Steadman moved that the Senate concur in House amendments to **SB11-150**, as printed in House journal, February 16, page(s) 291. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-142 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the judicial department.

Senator Lambert moved that the Senate not concur in House amendments to **SB11-142**, as printed in House journal, February 16, page(s) 293, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The President appointed Senators Hodge, Chair, Steadman, and Lambert as Senate conferees on the first conference committee on **SB11-142**.

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

GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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:

SB11-084 by Senator(s) Boyd; also Representative(s) Summers--Concerning the employment of physicians at long-term care facilities.

Upon request of Senator Morse, **SB11-084** was removed from the General Orders--Second Reading of Bills Consent Calendar of Monday, February 21 and was placed at the end of the General Orders--Second Reading of Bills Calendar of Monday, February 21.

SB11-083 by Senator(s) Roberts; --Concerning provisions relating to the Colorado probate code.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 17, pages 217-224 and placed in members' bill files.)

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-083 as amended.
Laid over to the end of the General Orders -- Second Reading of Bills calendar, Monday, February 22: SB11-084.

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

SB11-013 by Senator(s) Newell; also Representative(s) Lee--Concerning the use of alternative dispute resolution practices.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, January 27, page 66 and placed in members' bill files.)

Amendment No. 2(L.005), by Senator Newell.

Amend printed bill, page 2, line 10, strike "restorative mediation practices" and substitute "other restorative processes may".

Page 2 of the bill, line 12, strike "restorative mediation practices" and substitute "other restorative processes".

Page 2 of the bill, strike lines 15 through 17 and substitute:

"SECTION 2. 13-22-302, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:".

Amend the Judiciary Committee Report, dated January 26, 2011, page 1, strike lines 4 through 18.

Page 2 of the bill, strike lines 20 through 26.

Page 3 of the bill, strike lines 1 through 18 and substitute:

"(94.1) "RESTORATIVE JUSTICE PRACTICE" MEANS, IN THE CONTEXT OF A CIVIL CLAIM, FACILITATED MEETINGS ATTENDED VOLUNTARILY BY THE PARTIES AND OTHER APPROPRIATE INDIVIDUALS THAT PROVIDE THE OPPORTUNITY FOR A VOLUNTARY ACKNOWLEDGMENT OF RESPONSIBILITY AND A DISCUSSION CONCERNING THE REPAIR OF ANY HARM, DAMAGE, OR LOSS.".

Page 2 of the report, strike lines 1 through 14 and substitute:

"SECTION 3. 13-22-307, Colorado Revised Statues, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

13-22-307. Confidentiality. (6) IN ANY CIVIL ACTION OR ARBITRATION PROCEEDING BROUGHT".

Page 2 of the report, line 15, strike "THE" and substitute "A".

Page 2 of the report, line 18, strike "BY A PARTY TO THE" and substitute "DURING THE MEDIATION IN THE CIVIL ACTION OR ARBITRATION PROCEEDING BY THAT PARTY".

Page 2 of the report, line 19, strike "MEDIATION OR THE" and substitute "OR THAT" and after "INADMISSIBLE" insert "AGAINST THAT PARTY".

Page 2 of the report, strike line 23.

Page 2 of the report, line 26, strike "OR RESTORATIVE MEDIATION PROCESS" and substitute "PRACTICE".

Page 2 of the report, line 31, strike "OR RESTORATIVE MEDIATION PROCESS" and substitute "PRACTICE".

Page 2 of the report, line 32, strike "PROCESS." and substitute "RESTORATIVE JUSTICE PRACTICE.".

Page 4 of the bill, line 10, strike "MEDIATION,".

Page 4 of the bill, line 11, strike the second "RESTORATIVE".

Page 4 of the bill, line 12, strike "MEDIATION".

Page 2 of the report, line 34, strike "6." and substitute "5.".

Page 3 of the report, strike lines 1 through 3 and substitute:

"13-22-314. Participation in a restorative justice practice. IF, PRIOR TO A".

Page 3 of the report, line 5, strike "OR RESTORATIVE MEDIATION PROCESS," and substitute "PRACTICE,".

Page 3 of the report, line 6, strike "PROCESS" and substitute "RESTORATIVE JUSTICE PRACTICE".

Page 3 of the report, line 10, strike "OR" and substitute "PRACTICE.".

Page 3 of the report, strike line 11.

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

SB11-019 by Senator(s) King K.; also Representative(s) Stephens--Concerning payment of the costs of health insurance coverage to employees of small employers.

Laid over until Tuesday, February 22, retaining its place on the calendar.

SB11-009 by Senator(s) Steadman, Guzman; also Representative(s) Fischer, Gardner B.--Concerning procedural requirements for payment of costs related to impounded animals.

Amendment No. 1, Judiciary Committee Amendment. (Printed in Senate Journal, January 25, page 55 and placed in members' bill files.)

Amendment No. 2(L.005), by Senator Steadman.

Amend the Judiciary Committee Report, dated January 24, 2011, page 1, before line 1 insert:

"Amend printed bill, page 3, line 10, after "PAYMENT," insert "AND AFTER THE TEN-DAY PERIOD IN WHICH THE OWNER OR CUSTODIAN SHALL FILE THE

INITIAL PAYMENT HAS ELAPSED,".

Page 3, line 24, strike "THE" and substitute "WITHIN TEN DAYS AFTER THE IMPOUNDMENT, THE".

Page 3, line 25, strike "JURISDICTION" and substitute "JURISDICTION.".

Page 3, line 26, strike "WITHIN TEN DAYS AFTER IMPOUNDMENT.".

Page 1 of the committee report, line 1, strike "Amend printed bill, page" and substitute "Page".

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

SB11-055 by Senator(s) Lundberg, Lambert, Kopp, Renfroe; also Representative(s) Joshi, Holbert, Nikkel, Scott--Concerning notices required prior to the use of security scanning systems in the state.

Laid over until Tuesday, February 22, retaining its place on the calendar.

SB11-107 by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident.

Laid over until Friday, February 25, retaining its place on the calendar.

SB11-040 by Senator(s) Spence and Newell; also Representative(s) Summers and Todd--Concerning the requirement that a coach of an organized youth athletic activity follow concussion guidelines, and, in connection therewith, creating the "Jake Snakenberg Youth Concussion Act".

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 11, pages 171-172 and placed in members' bill files.)

Amendment No. 2(L.013), by Senator Spence.

Amend the Health and Human Services Committee Report, dated February 10, 2011, page 2, line 40, after "(4)" insert "(a)".

Page 3, after line 10 insert:

"(b) AN ORGANIZATION OR ASSOCIATION OF WHICH A SCHOOL OR SCHOOL DISTRICT IS A MEMBER, A PRIVATE OR PUBLIC SCHOOL, A PRIVATE CLUB, A PUBLIC RECREATION FACILITY, OR AN ATHLETIC LEAGUE MAY ALLOW A REGISTERED ATHLETIC TRAINER TO MANAGE THE GRADUATED RETURN TO PLAY AND PROVIDE CLEARANCE TO RETURN TO PLAY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) AFTER THE CONCUSSED ATHLETE HAS BEEN EVALUATED BY A HEALTH CARE PROVIDER AND HAS BEEN RELEASED TO THE CARE OF THE ATHLETIC TRAINER WITH SPECIFIC KNOWLEDGE OF THE ATHLETE'S CONDITION.".

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

SB11-025 by Senator(s) Carroll; also Representative(s) Ferrandino--Concerning accountability for state procurement, and, in connection therewith, enacting the "Colorado Taxpayer Empowerment Act of 2011".

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, February 11, pages 157-158 and placed in members' bill files.)

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

- HB11-1028

by Representative(s) Liston, Bradford, Levy, Massey, McCann, Murray, Peniston, Schafer S., Todd; also Senator(s) Johnston and Newell--Concerning the voluntary contribution designation benefiting the Alzheimer's Association fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

Ordered revised and placed on the calendar for third reading and final passage.
- SB11-068

by Senator(s) Carroll; also Representative(s) Solano--Concerning an increase in consumer protection under the "Colorado Consumer Protection Act".

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 15, page 198 and placed in members' bill files.)

As amended, ordered engrossed 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.)
- SB11-119

by Senator(s) Guzman; --Concerning procedures governing the appeal of a valuation of income-producing commercial real property.

Laid over until Friday, February 25, retaining its place on the calendar.
- SB11-063

by Senator(s) Giron and Newell; --Concerning the promotion of health care accessibility by encouraging local governments to consider the health care needs of their communities in the composition of their master land use plans.

Laid over until Friday, February 25, retaining its place on the calendar.
- SB11-060

by Senator(s) Boyd and White; also Representative(s) Gardner B. and Kerr A.--Concerning the alcohol content of alcohol beverages that are available for consumption on a licensed premises.

Laid over until Monday, February 28, retaining its place on the calendar.
- SB11-049

by Senator(s) Williams S.; also Representative(s) Ryden--Concerning the use of restraints on persons.

Laid over until Tuesday, February 22, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

- SB11-068

by Senator(s) Carroll; also Representative(s) Solano--Concerning an increase in consumer protection under the "Colorado Consumer Protection Act".

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the following Mitchell floor amendment, (L.007) to SB 11-068, did pass.

Amend printed bill, page 2, after line 20 insert:

"SECTION 3. Article 1 of title 6, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 12

ENERGY COSTS

6-1-1201. New energy technologies - consideration by commission. THE COMMISSION SHALL GIVE THE FULLEST POSSIBLE CONSIDERATION TO THE COST-EFFECTIVE IMPLEMENTATION OF NEW CLEAN ENERGY AND ENERGY-EFFICIENT TECHNOLOGIES IN ITS CONSIDERATION OF GENERATION ACQUISITIONS FOR ELECTRIC UTILITIES, BEARING IN MIND THE BENEFICIAL CONTRIBUTIONS SUCH TECHNOLOGIES MAKE TO COLORADO'S ENERGY SECURITY, ECONOMIC PROSPERITY, ENVIRONMENTAL PROTECTION, AND INSULATION FROM FUEL PRICE INCREASES. THE

COMMISSION SHALL CONSIDER UTILITY INVESTMENTS IN ENERGY EFFICIENCY TO BE AN ACCEPTABLE USE OF RATEPAYER MONEYS.

6-1-1202. Renewable energy standard - definitions - net metering - legislative declaration. (1) EACH PROVIDER OF RETAIL ELECTRIC SERVICE IN THE STATE OF COLORADO THAT SERVES OVER FORTY THOUSAND CUSTOMERS IS A QUALIFYING RETAIL UTILITY. EACH QUALIFYING RETAIL UTILITY, WITH THE EXCEPTION OF COOPERATIVE ELECTRIC ASSOCIATIONS THAT HAVE VOTED TO EXEMPT THEMSELVES FROM COMMISSION JURISDICTION PURSUANT TO SECTION 40-9.5-104 AND MUNICIPALLY OWNED UTILITIES, IS SUBJECT TO THE RULES ESTABLISHED UNDER THIS ARTICLE BY THE COMMISSION. NO ADDITIONAL REGULATORY AUTHORITY OF THE COMMISSION OTHER THAN THAT SPECIFICALLY CONTAINED IN THIS SECTION IS PROVIDED OR IMPLIED. IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., THE COMMISSION SHALL REVISE OR CLARIFY EXISTING RULES TO ESTABLISH THE FOLLOWING:

(a) **Electric resource standards.** (I) THE ELECTRIC RESOURCE STANDARDS SHALL REQUIRE EACH QUALIFYING RETAIL UTILITY TO GENERATE, OR CAUSE TO BE GENERATED, ELECTRICITY FROM ELIGIBLE RENEWABLE ENERGY RESOURCES IN THE FOLLOWING MINIMUM AMOUNTS:

(A) THREE PERCENT OF ITS RETAIL ELECTRICITY SALES IN COLORADO FOR THE YEAR 2007;

(B) FIVE PERCENT OF ITS RETAIL ELECTRICITY SALES IN COLORADO FOR THE YEARS 2008 THROUGH 2010; AND

(C) TEN PERCENT OF ITS RETAIL ELECTRICITY SALES IN COLORADO FOR THE YEARS 2011 AND THEREAFTER.

(II) OF THE AMOUNTS IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), AT LEAST FOUR PERCENT SHALL BE DERIVED FROM SOLAR ELECTRIC TECHNOLOGIES LOCATED ON-SITE AT CUSTOMERS' FACILITIES. AT LEAST ONE-HALF OF THIS FOUR PERCENT SHALL BE DERIVED FROM SOLAR ELECTRIC TECHNOLOGIES LOCATED ON-SITE AT CUSTOMERS' FACILITIES.

(III) EACH KILOWATT-HOUR OF RENEWABLE ELECTRICITY GENERATED IN COLORADO SHALL BE COUNTED AS ONE AND ONE-QUARTER KILOWATT-HOURS FOR THE PURPOSES OF COMPLIANCE WITH THIS STANDARD.

(IV) TO THE EXTENT THAT THE ABILITY OF A QUALIFYING RETAIL UTILITY TO ACQUIRE ELIGIBLE RENEWABLE ELECTRIC GENERATION IS LIMITED BY A REQUIREMENTS CONTRACT WITH A WHOLESALE ELECTRIC SUPPLIER, THE QUALIFYING RETAIL UTILITY SHALL ACQUIRE THE MAXIMUM AMOUNT ALLOWED BY THE CONTRACT. FOR ANY SHORTFALLS TO THE AMOUNTS ESTABLISHED BY THE COMMISSION PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), THE QUALIFYING RETAIL UTILITY SHALL ACQUIRE AN EQUIVALENT AMOUNT OF EITHER RENEWABLE ENERGY CREDITS, DOCUMENTED AND VERIFIED ENERGY SAVINGS THROUGH ENERGY EFFICIENCY AND CONSERVATION PROGRAMS, OR A COMBINATION OF BOTH. ANY CONTRACT ENTERED INTO BY A QUALIFYING RETAIL UTILITY AFTER DECEMBER 1, 2004, SHALL NOT CONFLICT WITH THIS ARTICLE."

Renumber succeeding sections 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	19	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following Renfroe floor amendment, (L.008) to SB 11-068, did pass.

Amend printed bill, page 2, after line 20 insert:

"SECTION 3. Article 1 of title 6, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 12
NEW ENERGY TECHNOLOGIES
6-1-1201. Commission consideration of new energy technologies - least-cost planning. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, THE COMMISSION SHALL GIVE THE FULLEST POSSIBLE CONSIDERATION TO THE COST-EFFECTIVE IMPLEMENTATION OF NEW CLEAN ENERGY AND ENERGY-EFFICIENT TECHNOLOGIES IN ITS CONSIDERATION OF GENERATION ACQUISITIONS FOR ELECTRIC UTILITIES, BEARING IN MIND THE BENEFICIAL CONTRIBUTIONS SUCH TECHNOLOGIES MAKE TO COLORADO'S ENERGY SECURITY, ECONOMIC PROSPERITY, ENVIRONMENTAL PROTECTION, AND INSULATION FROM FUEL PRICE INCREASES. THE COMMISSION SHALL CONSIDER UTILITY INVESTMENTS IN ENERGY EFFICIENCY, AND IN RESOURCE ACQUISITIONS NECESSARY TO MEET THE RENEWABLE ENERGY PORTFOLIO STANDARDS SET FORTH IN SECTION 40-2-124, TO BE AN ACCEPTABLE USE OF RATEPAYER MONEYS SO LONG AS SUCH INVESTMENTS COMPLY WITH THE COMMISSION'S LEAST-COST RESOURCE PLANNING RULES ADOPTED PURSUANT TO SUBSECTION (2) OF THIS SECTION.
(2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR RESOURCE PLANNING PURPOSES, THE COMMISSION SHALL DEVELOP AND IMPLEMENT LEAST-COST PLANNING RULES REQUIRING JURISDICTIONAL UTILITIES TO USE A LEAST-COST PORTFOLIO UNDER A NET PRESENT VALUE REVENUE REQUIREMENT OVER THE EXPECTED LIFE OF THE GENERATION ASSETS, WITH THE ADDITIONAL REQUIREMENTS THAT:
(a) THE PLANNING RULES MUST BE NEUTRAL WITH REGARD TO FUEL TYPE AND RESOURCE TECHNOLOGY;
(b) COSTS THAT ARE NOT IDENTIFIED AS THOSE THAT WILL BE ACTUALLY INCURRED BY THE ELECTRIC UTILITY MAY NOT BE INCLUDED IN THE REVENUE REQUIREMENT ANALYSES;
(c) FUEL SUPPLY COSTS MAY NOT BE MODIFIED BEYOND THE KNOWN ACTUAL COSTS OR BEST ESTIMATED COSTS. BEST ESTIMATED COSTS MAY NOT BE MODIFIED TO REFLECT ANY EXTERNAL FACTORS NOT DEFINITELY REQUIRED BY FEDERAL OR STATE LAW.
(d) FOR RESOURCES OWNED BY THE ELECTRIC UTILITY, THE COSTS FOR TRANSMISSION FACILITIES REQUIRED TO DELIVER ENERGY FROM THE PROPOSED RESOURCE TO THE CONNECTION WITH THE TRANSMISSION SYSTEM OF THE ELECTRIC UTILITY MUST BE INCLUDED IN THE REVENUE REQUIREMENTS ANALYSES; AND
(e) FOR RESOURCES PURCHASED FROM OTHER SUPPLIERS, THE COSTS INCURRED FOR DELIVERY TO THE CONNECTION OWNED BY THE ELECTRIC UTILITY MUST BE BORNE BY THE SELLING PARTY AND INCLUDED IN THE PRICE OF DELIVERED POWER AND ENERGY."

Renumber succeeding sections accordingly.

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

YES	14	NO	19	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Kopp	*	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-013 as amended, SB11-009 as amended, SB11-040 as amended, SB11-025 as amended, SB11-068 as amended, HB11-1028.
Laid over until Tuesday, February 22: SB11-019, SB11-055, SB11-082, SB11-115, SB11-049, SB11-084.
Laid over until Friday, February 25: SB11-107, SB11-119, SB11-063.
Laid over until Monday, February 28: SB11-060.

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, February 21 was laid over until Tuesday, February 22, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005.
Consideration of Governor's Appointments:
Executive Director of the Department of Local Affairs

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

February 21, 2011

Mr. President:

The Speaker has appointed Representatives Gerou, chairman, Becker, and Ferrandino as House conferees on the First Conference Committee on SB11-159.
The Speaker has appointed Representatives Gerou, chairman, Becker, and Ferrandino as House conferees on the First Conference Committee on SB11-164.
The Speaker has appointed Representatives Gerou, chairman, Becker, and ferrandino as House conferees on the First Conference Committee on SB11-144.
The Speaker has appointed Representatives Gerou, chairman, Becker, and Ferrandino as House conferees on the First Conference Committee on SB11-137.
The Speaker has appointed Representatives Gerou, chairman, Becker, and Ferrandino as House conferees on the First Conference Committee on SB11-141.

The Speaker has appointed Representatives Gerou, chairman, Becker, and Ferrandino as House conferees on the First Conference Committee on SB11-136.
In response to the request of the Senate, the Speaker has appointed Representatives Gerou, chairman, Becker, and Ferrandino as House conferees on the First Conference Committee on SB11-142.

COMMITTEE OF REFERENCE REPORTS

- JudiciaryAfter consideration on the merits, the Committee recommends that **HB11-1051** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
- JudiciaryAfter consideration on the merits, the Committee recommends that **HB11-1041** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB11-173**by Senator(s) King S., King K., Morse, Shaffer B., Cadman, Carroll, Giron, Kopp, Roberts, Spence; --Concerning interoperable communications in schools.
Education
- SB11-174**by Senator(s) Heath; also Representative(s) Gerou and Riesberg--Concerning a state fund of funds.
Business, Labor and Technology
- SB11-175**by Senator(s) Carroll; --Concerning enactment of the insurable interest amendments to the uniform trust code.
Judiciary
- SB11-176**by Senator(s) Carroll; also Representative(s) Levy--Concerning appropriate use of restrictive confinement.
Judiciary
- SB11-177**by Senator(s) Nicholson, Aguilar, Boyd, Carroll, Foster, Newell; also Representative(s) Nikkel--Concerning the teen pregnancy and dropout prevention program, and, in connection therewith, continuing the program.
Health and Human Services
- HB11-1002**by Representative(s) Nikkel; also Senator(s) Kopp--Concerning the creation of an on-line database for the department of transportation's financial information, and making an appropriation therefor.
Transportation
- HB11-1027**by Representative(s) Looper; also Senator(s) Newell--Concerning the creation of the department of defense quality child care standards pilot program.
State, Veterans & Military Affairs
- HB11-1030**by Representative(s) Gardner B.; also Senator(s) Boyd--Concerning modifications to the set aside program that requires a state agency to first solicit bids for certain services from nonprofit agencies that employ persons with severe disabilities.
Health and Human Services
- HB11-1033**by Representative(s) Williams A.; also Senator(s) Jahn--Concerning the elimination of the requirement that certain insurers file Colorado-specific financial information with the commissioner of insurance.
Health and Human Services
- HB11-1053**by Representative(s) Solano, Massey; also Senator(s) Steadman--Concerning court proceedings initiated to compel a minor to attend school.
Education

- HB11-1058** by Representative(s) Pabon; also Senator(s) Jahn--Concerning a requirement that the entity that administers the electronic public assistance benefits transfer service prohibit recipients from accessing cash benefits at specified locations.
Health and Human Services
- HB11-1069** by Representative(s) Massey and Fields; also Senator(s) Aguilar--Concerning measures to increase physical activity in public schools.
Education
- HB11-1073** by Representative(s) Barker; also Senator(s) Morse--Concerning peace officer designation for United States marshals.
Judiciary
- HB11-1083** by Representative(s) Swerdfeger, Brown, Coram, Gardner B., Joshi, Liston, Looper, Massey, Ramirez, Sonnenberg, Soper, Szabo; also Senator(s) Giron and Grantham--Concerning the consideration of new hydroelectricity projects, and, in connection therewith, allowing the public utilities commission to consider hydroelectricity and pumped hydroelectricity for the generation of electricity.
Agriculture, Natural Resources, and Energy
- HB11-1109** by Representative(s) Liston, Balmer, Bradford, DelGrosso, Holbert, Kerr J., Looper, Nikkel, Priola, Ramirez, Schafer S., Stephens; also Senator(s) Giron--Concerning the authority for a local government to create an exemption from local sales tax for the sale of equipment used directly in the provision of telecommunications services.
Local Government
- HB11-1117** by Representative(s) McCann and Court, Gardner B., Kagan, Kerr A., Lee, Liston, Looper, Ryden, Waller; also Senator(s) King S.--Concerning subpoenas issued by administrative law judges in campaign finance proceedings.
Judiciary
- HB11-1118** by Representative(s) Kerr J., Acree, Gardner D., Miklosi; also Senator(s) Carroll, Tochtrop--Concerning authorization for the state auditor to conduct a performance audit of a public highway authority.
Transportation
- HB11-1148** by Representative(s) Labuda and Nikkel, Summers, Acree, Kagan; also Senator(s) Boyd--Concerning the disclosure of employment information to an employer regarding a health care worker, and, in connection therewith, granting immunity from civil liability for the disclosure of information and creating an exception from the prohibition against blacklisting for the disclosure of information.
Health and Human Services
- HB11-1159** by Representative(s) Coram; also Senator(s) Schwartz--Concerning a requirement that the commissioner of agriculture license grain protein analyzers prior to commercial use, and, in connection therewith, exempting grain protein analyzers from the requirement that a certificate of conformance be issued prior to use for commercial or law enforcement purposes.
Agriculture, Natural Resources, and Energy
- HB11-1176** by Representative(s) Ramirez; also Senator(s) Renfroe--Concerning an exemption of crude oil from designated routes set by the state patrol for the transportation of hazardous substances by motor vehicle.
Transportation
- HB11-1177** by Representative(s) Sonnenberg and Jones; also Senator(s) Schwartz and White--Concerning an extension of the ability to make voluntary contributions via income tax to the Colorado healthy rivers fund.
Finance
- HB11-1187** by Representative(s) Sonnenberg; also Senator(s) Brophy--Concerning personnel employed to operate the public golfing club at Northeastern junior college.
Business, Labor and Technology
- HB11-1202** by Representative(s) Labuda, Casso, Soper; also Senator(s) Tochtrop--Concerning a requirement that a public entity have appropriations available to it prior to the performance of any work conducted by a contractor pursuant to a change order.
Business, Labor and Technology

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, February 22, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

42nd Legislative Day Tuesday, February 22, 2011

Prayer By the chaplain, Father Eustace Sequeira, St. Ignatius Loyola Catholic Church, Denver.

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

Pledge By Jessica and Rebecca Morcom.

Roll Call Present--34
Excused--1, Bacon.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator King S., reading of the Journal of Monday, February 21, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Correctly Printed: SB11-173, 174, 175, 176 and 177.

Correctly Engrossed: SB11-009, 013, 025, 040, 068 and 083.

Correctly Reengrossed: SB11-007, 008, 010, 012, 034, 039, 043 and 110; SCR11-001.

Correctly Revised: HB11-1028.

Correctly Enrolled: SB11-135, 140, 143, 145, 146, 147, 148, 149, 151, 152, 153, 154, 155, 157, 160, 161 and 163.

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:

SB11-083 by Senator(s) Roberts; also Representative(s) Barker--Concerning provisions relating to the Colorado probate code.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	E	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

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:

SB11-016 by Senator(s) Grantham; also Representative(s) Barker--Concerning increases in the amounts allocated to certain family members during the administration of a decedent's estate.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	E	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Roberts and Steadman.

SB11-009 by Senator(s) Steadman, Guzman; also Representative(s) Fischer, Gardner B.--Concerning procedural requirements for payment of costs related to impounded animals.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	E	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Cadman, Schwartz, Tochtrop and White.

SB11-025 by Senator(s) Carroll; also Representative(s) Ferrandino--Concerning accountability for state procurement, and, in connection therewith, enacting the "Colorado Taxpayer Empowerment Act of 2011".

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

YES	21	NO	13	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	Y
Bacon	E	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

Co-sponsors added: Boyd and Newell.

HB11-1028 by Representative(s) Liston, Bradford, Levy, Massey, McCann, Murray, Peniston, Schafer S., Todd; also Senator(s) Johnston and Newell--Concerning the voluntary contribution designation benefiting the Alzheimer's Association fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

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

YES	29	NO	5	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	E	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Carroll, Harvey, Heath, King S., Roberts, Shaffer B., White and Williams S.

SB11-068 by Senator(s) Carroll; also Representative(s) Solano--Concerning an increase in consumer protection under the "Colorado Consumer Protection Act".

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

YES	19	NO	15	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	E	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

Co-sponsors added: Aguilar, Boyd, Giron, Heath, Hudak, Nicholson, Schwartz, Steadman, Tochtrop and Williams S.

SB11-013by Senator(s) Newell; also Representative(s) Lee--Concerning the use of alternative dispute resolution practices.

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.006), by Senator Newell.

Amend corrected engrossed, page 4, line 12, strike "JUSTICE," and substitute "JUSTICE PRACTICE,".

The amendment was passed on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	E	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	30	NO	4	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	E	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd, Guzman, Heath, Hudak, Nicholson, Steadman and Williams S.

SB11-040by Senator(s) Spence and Newell; also Representative(s) Summers and Todd--Concerning the requirement that a coach of an organized youth athletic activity follow concussion guidelines, and, in connection therewith, creating the "Jake Snakenberg Youth Concussion Act".

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

Third Reading Amendment No. 1(L.014), by Senator Mitchell.

Amend engrossed bill, page 5, after line 22 insert:

"(6) A PAID COACH SHALL NOT BE HELD LIABLE FOR ANY CIVIL DAMAGES FOR ACTS OR OMISSIONS MADE IN GOOD FAITH AS A RESULT OF ANY ACT OR FAILURE TO ACT WHILE COACHING A YOUTH ATHLETIC ACTIVITY UNLESS THE ACTS OR OMISSIONS WERE GROSSLY NEGLIGENT OR WILFUL OR WANTON.".

The amendment was lost on the following roll call vote:

YES	12	NO	22	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	E	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	N
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	N
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	N	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	26	NO	8	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	Y
Bacon	E	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Guzman, Heath, Hudak, Johnston, Nicholson, Schwartz, Shaffer B., Tochtrop and White.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, February 22 was laid over until Wednesday, February 23, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1077.
General Orders -- Second Reading of Bills: SB11-019, SB11-055, SB11-049, SB11-082, SB11-115, SB11-084, SB11-015, SB11-050, SB11-120.
Consideration of Resolutions: SJR11-005.
Consideration of Governor's Appointments:
Executive Director of the Department of Local Affairs
Conference Committees to Report: SB11-159, SB11-164, SB11-144, SB11-137, SB11-141, SB11-136, SB11-142.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs
After consideration on the merits, the Committee recommends that **HB11-1035** 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 2, strike line 18 and substitute "REFERRED TO".

State, Veterans, & Military Affairs
After consideration on the merits, the Committee recommends that **SB11-079** be postponed indefinitely.

Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB11-067 be postponed indefinitely.	1 2 3 4 5		
	Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB11-1110 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	6 7 8 9 10	
		<hr/>		11
		On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, February 23, 2011.	12 13 14 15	
		Approved:	16 17 18 19	
Brandon C. Shaffer President of the Senate		20 21 22		
Attest:		23 24 25 26		
Cindi Markwell Secretary of the Senate		27 28		

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

43rd Legislative DayWednesday, February 23, 2011

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

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

Pledge By Senator Morse.

Roll Call Present--34
Excused--1, Harvey.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator King S., reading of the Journal of Tuesday, February 22, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

February 22, 2011

Mr. President:

The House has voted to grant the House conferees on the First Conference Committee on SB11-159 to consider matters not at issue between the two houses.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1122.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1004, amended as printed in House Journal, February 21, page 354.
HB11-1151, amended as printed in House Journal, February 21, page 354.
HB11-1111, amended as printed in House Journal, February 21, page 354.
HB11-1079, amended as printed in House Journal, February 21, page 355.
HB11-1185, amended as printed in House Journal, February 21, page 355.
HB11-1153, amended as printed in House Journal, February 21, page 355.
HB11-1082, amended as printed in House Journal, February 21, pages 355-356.
HB11-1161, amended as printed in House Journal, February 21, page 356.
HB11-1003, amended as printed in House Journal, February 21, page 356.
HB11-1126, amended as printed in House Journal, February 21, pages 356-358.
HB11-1095, amended as printed in House Journal, February 21, page 358.
HB11-1097, amended as printed in House Journal, February 21, pages 358-359.

The House has passed on Third Reading and returns herewith SB11-028.

The House has voted to concur in the Senate amendments to HB11-1011 and has repassed the bill as so amended.

MESSAGE FROM THE REVISOR OF STATUTES

February 22, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, HB11-1122.
Without comment, as amended, HB11-1003, 1004, 1079, 1082, 1095, 1097, 1111, 1126, 1151, 1153, 1161, and 1185.

SENATE SERVICES REPORT

Correctly Printed: SB11-173, 174, 175, 176 and 177.
Correctly Engrossed: SB11-009, 013, 025, 040, 068 and 083.
Correctly Reengrossed: SB11-007, 008, 010, 012, 034, 039, 043 and 110; SCR11-001.
Correctly Revised: HB11-1028.
Correctly Enrolled: SB11-135, 140, 143, 145, 146, 147, 148, 149, 151, 152, 153, 154, 155, 157, 160, 161 and 163.

INTRODUCTION OF RESOLUTIONS

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

SJR11-017 by Senator(s) Brophy; also Representative(s) Sonnenberg--Concerning the designation of the week of February 19 through 26 as "National FFA Week".

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

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, February 23 was laid over until Thursday, February 24, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1077, HB11-1041, HB11-1051.
General Orders -- Second Reading of Bills: SB11-019, SB11-055, SB11-049, SB11-082, SB11-115, SB11-084, SB11-015, SB11-050, SB11-120.
Consideration of Resolutions: SJR11-005.
Consideration of Governor's Appointments:
Executive Director of the Department of Local Affairs
Conference Committees to Report: SB11-159, SB11-164, SB11-144, SB11-137, SB11-141, SB11-136, SB11-142.

COMMITTEE OF REFERENCE REPORTS

Local Government After consideration on the merits, the Committee recommends that **HB11-1031** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 9, line 11, strike "C.R.S." and substitute "C.R.S., WITHOUT THE CONSENT OF THE APPLICABLE ELIGIBLE LOCAL

	GOVERNMENTAL ENTITY OR ENTITIES, AS DEFINED IN SECTION 12-47.1-1601 (4) (b), C.R.S., INSIDE THE TERRITORIAL BOUNDARIES OF WHICH THE CREATIVE DISTRICT IS LOCATED."	1
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	Page 9, line 13, after "BUSINESS" insert "OR THE DEVELOPMENT OF RESIDENTIAL REAL PROPERTY".	5
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	Page 9, line 14, after "OPERATION" insert "OR USE".	8
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	Page 9, line 15, after "BUSINESS" insert "OR PARCEL OF RESIDENTIAL REAL PROPERTY LOCATED".	10
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Local Government	After consideration on the merits, the Committee recommends that HB11-1113 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	14
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Local Government	After consideration on the merits, the Committee recommends that HB11-1021 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	20
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Local Government	After consideration on the merits, the Committee recommends that HB11-1087 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	25
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Finance	After consideration on the merits, the Committee recommends that SJR11-009 be referred to the Senate for final action.	30
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Finance	After consideration on the merits, the Committee recommends that SB11-125 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	34
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Finance	After consideration on the merits, the Committee recommends that SB11-126 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	38
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	Amend printed bill, page 3, line 7, after "STUDENT" insert "EITHER".	42
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Judiciary	After consideration on the merits, the Committee recommends that HB11-1018 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	45
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	TRIBUTES	53
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	Honoring:	55
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	Regis Jesuit Boys Tennis Team Class 5A State Champions -- By Senator Shaffer.	57
	Multicultural Mosaic Foundation -- By Senator Morse.	58
	D'Evelyn Swimming and Diving -- By Senator Kopp.	59
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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, February 24, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

44th Legislative Day Thursday, February 24, 2011

- 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 Giron.
- Roll Call Present--33
Excused--2, Harvey, Hodge.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator King S., reading of the Journal of Wednesday, February 23, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

February 23, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1260, 1203, 1226, 1183.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1188, amended as printed in House Journal, February 22, pages 383-384.
HB11-1042, amended as printed in House Journal, February 22, page 384.
HB11-1144, amended as printed in House Journal, February 22, page 385.
HB11-1186, amended as printed in House Journal, February 22, page 385.
HB11-1101, amended as printed in House Journal, February 22, page 385.
HB11-1155, amended as printed in House Journal, February 22, pages 385-386.
HB11-1178, amended as printed in House Journal, February 22, page 386.
HB11-1189, amended as printed in House Journal, February 22, page 387.
HB11-1210, amended as printed in House Journal, February 22, page 388.
HB11-1071, amended as printed in House Journal, February 22, page 388.
HB11-1181, amended as printed in House Journal, February 22, page 388.

MESSAGE FROM THE REVISOR OF STATUTES

February 23, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

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Without comment, HB11-1203, 1226, and 1260.

Without comment, as amended, HB11-1042, 1071, 1101, 1144, 1155, 1178, 1181, 1186, 1188, 1189, and 1210.

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MESSAGE FROM THE GOVERNOR

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Appointment

Letters of designation and appointment from Governor Bill Ritter, Jr., were read and assigned to committee as follows:

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January 4, 2011

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To the Honorable

Colorado Senate

Colorado General Assembly

State Capitol Building

Denver, CO 80203

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Ladies and Gentlemen:

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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:

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MEMBERS OF THE

BOARD OF TRUSTEES FOR

ADAMS STATE COLLEGE

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for terms expiring December 31, 2014:

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Liane "Buffie" McFadyen of Pueblo West, Colorado, a Democrat, appointed;

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Timothy L. Walters of Alamosa, Colorado, a Republican, reappointed.

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Sincerely,

(signed)

Bill Ritter, Jr.

Governor

Rec'd: 1/10/11

Cindi Markwell, Secretary of the Senate

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Committee on Education

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August 16, 2010

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To the Honorable

Colorado Senate

Colorado General Assembly

State Capitol Building

Denver, CO 80203

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Ladies and Gentlemen:

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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:

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MEMBER OF THE

COLLEGEINVEST BOARD OF DIRECTORS

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for a term expiring July 31, 2014:

David L. Stevens of Denver, Colorado, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 8/25/10
Cindi Markwell, Asst. Secretary

Committee on Education

January 4, 2011

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
COLLEGEINVEST BOARD OF DIRECTORS

for a term expiring July 31, 2014:

Charles W. Kercheval of Parker, Colorado, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/10/11
Cindi Markwell, Secretary of the Senate

Committee on Education

November 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
COLLEGEINVEST BOARD OF DIRECTORS

for a term expiring July 31, 2014:

Courtney Cowgill of Centennial, Colorado, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 11/29/10
Cindi Markwell, Secretary of the Senate

Committee on Education

December 20, 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
COLLEGEINVEST BOARD OF DIRECTORS

for a term expiring July 31, 2012:

Angela A. Gripenstraw of Greenwood Village, Colorado, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/3/11
Cindi Markwell, Secretary of the Senate

Committee on Education

January 4, 2011

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
BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE

for terms expiring December 31, 2014:

Peter R. Decker of Ridgway, Colorado, a Democrat, reappointed;

Matthew S. Wassam of Sedalia, Colorado, a Republican, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/10/11
Cindi Markwell, Secretary of the Senate

Committee on Education

December 20, 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, reappoint and submit to your consideration, the following:

MEMBERS OF THE
BOARD OF TRUSTEES FOR MESA STATE COLLEGE

effective December 31, 2010, for terms expiring December 31, 2014:

Honorable Jose D.L. Marquez of Englewood, Colorado, a Democrat, reappointed;

Kathleen S. Eck of Edwards, Colorado, a Republican, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/3/11
Cindi Markwell, Secretary of the Senate

Committee on Education

January 4, 2011

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

MEMBERS OF THE
BOARD OF TRUSTEES OF METROPOLITAN
STATE COLLEGE OF DENVER

for terms expiring December 31, 2014:

Terrance D. Carroll of Denver, Colorado, a Democrat, appointed;

Ellen S. Robinson of Denver, Colorado, a Democrat, reappointed;

Michelle M. Lucero of Littleton, Colorado, a Democrat, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/10/11
Cindi Markwell, Secretary of the Senate

Committee on Education

November 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, reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO SCHOOL OF MINES, BOARD OF TRUSTEES

for a term expiring December 31, 2012:

Frances M. Vallejo of Houston, Texas, a Republican who is a graduate of the Colorado School of Mines, to fill the vacancy occasioned by the resignation of Maria T. Fox of Wheat Ridge, Colorado, appointed;

for a term expiring December 31, 2014:

Richard H. Truly of Golden, Colorado, an Unaffiliated who is not a graduate of the Colorado School of Mines, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 11/29/10
Cindi Markwell, Secretary of the Senate

Committee on Education

January 4, 2011

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:

MEMBERS OF THE
BOARD OF TRUSTEES FOR
WESTERN STATE COLLEGE OF COLORADO

for terms expiring December 31, 2014:

Linda A. Clark of Denver, Colorado, a Democrat, appointed;

Todd M. Wheeler of Castle Rock, Colorado, a Republican, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/11/10
Cindi Markwell, Secretary of the Senate

Committee on Education

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-135, 140, 143, 145, 146, 147, 148, 149, 151, 152, 153, 154, 155, 157, 160, 161 and 163.

SENATE SERVICES REPORT

Correctly Printed: SJR11-017.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR11-018 by Senator(s) Schwartz; also Representative(s) Bradford--Concerning recognition of the Ice Age discovery in Snowmass Village.

On motion of Senator Schwartz, the resolution was read at length.

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

Amend printed joint resolution, page 4, line 21, after "Construction;" insert "Paul Jacobson, Project Manager on the Ziegler Reservoir project;"

The amendment was passed on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	E	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Senate in recess. Senate reconvened.

On motion of Senator Schwartz, the resolution, as amended, was adopted by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	E	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Heath, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

SJR11-017 by Senator(s) Brophy; also Representative(s) Sonnenberg--Concerning the designation of the week of February 19 through 26 as "National FFA Week".

On motion of Senator Brophy, the resolution was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	E	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Heath, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB11-1115** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 11 through 18.

Renumber succeeding sections accordingly.

Page 3, line 14, strike "PARAGRAPH (d) OR (e)" and substitute "SUBPARAGRAPH (II) OF PARAGRAPH (c)".

Page 3, strike lines 19 through 23 and substitute:

"(c) (I) IF THE PUBLIC ENTITY OCCUPIES OR BEGINS TO USE THE WORK, IMPROVEMENT, OR CONSTRUCTION FOR ITS INTENDED PURPOSE AFTER IT IS SUBSTANTIALLY COMPLETED BUT BEFORE THE CONTRACT IS FINALLY ACCEPTED BY THE PUBLIC ENTITY, THE PUBLIC ENTITY SHALL RELEASE THE WITHHELD PERCENTAGE IN ACCORDANCE WITH".

Page 3, line 25, strike "PARAGRAPH (d) OF THIS SUBSECTION (1)." and substitute "SUBPARAGRAPH (II) OF THIS PARAGRAPH (c)".

Page 4, line 3, strike "(d)" and substitute "(II)".

	Page 4, line 4, strike "PARAGRAPH (c) OF THIS SUBSECTION (1)" and substitute "SUBPARAGRAPH (I) OF THIS PARAGRAPH (c)".	1 2 3
	Page 4, line 10, strike "(e)" and substitute "(d)".	4 5
	Page 4, line 11, strike " may SHALL," and substitute "may,".	6 7 8
Agriculture, Natural Resources, and Energy	After consideration on the merits, the Committee recommends that HB11-1040 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	9 10 11 12 13 14
Business, Labor, & Technology	The Committee on <u>Business Labor and Technology</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	15 16 17 18 19
	<p style="text-align: center;">MEMBERS OF THE PINNACOL ASSURANCE BOARD OF DIRECTORS</p>	20 21 22 23
	for a term expiring January 1, 2013:	24 25
	John N. Cevette of Platteville, Colorado, an employee of an employer whose liability is insured by Pinnacol, to fill the vacancy occasioned by the resignation of Holman F. Carter of Boulder, Colorado, appointed;	26 27 28 29
	for terms expiring January 1, 2016:	30 31 32
	John C. Plotkin of Lakewood, Colorado, an employer whose liability is insured by Pinnacol, appointed.	33 34 35
	Blair E. Richardson of Denver, Colorado, to serve as an employee of an employer whose liability is insured by Pinnacol, appointed.	36 37 38 39
Health & Human Services	After consideration on the merits, the Committee recommends that SB11-128 be amended as follows, and as so amended, be referred to the Committee on <u>Finance</u> with favorable recommendation.	40 41 42 43
	Amend printed bill, page 3, line 4, after "COURT" insert "OR ADMINISTRATIVE".	44 45 46
	Page 3, strike lines 14 and 15 and substitute "AT LEAST ONE CHILD-ONLY PLAN. THE CARRIER SHALL ISSUE EVERY CHILD-ONLY PLAN PURSUANT TO THIS SECTION. A CARRIER SHALL ACCEPT AN".	47 48 49 50
	Page 3, strike lines 20 through 27.	51 52
	Page 4, strike lines 1 through 4.	53 54
	Renumber succeeding subsections accordingly.	55 56
	Page 4, line 5, strike "SUBSECTION (4)" and substitute "SUBSECTION (3)".	57 58
	Page 4, strike lines 10 and 11 and substitute "AFTER THE EFFECTIVE DATE OF THIS SECTION. IN EACH YEAR THEREAFTER, THE OPEN ENROLLMENT PERIODS SHALL BE IN JANUARY AND JULY. EACH PERIOD MUST LAST ONE".	59 60 61 62
	Page 4, line 16, strike "BASIS, WITHOUT LIMITATIONS OR".	63 64
	Page 4, strike line 17 and substitute "BASIS.".	65 66
	Page 5, strike lines 18 through 21 and substitute:	67 68
	"(4) EACH CARRIER THAT PARTICIPATES IN THE INDIVIDUAL	69

	MARKET IN COLORADO SHALL SUBMIT TO THE COMMISSIONER THE FOLLOWING INFORMATION AT THE TIME THE CARRIER SUBMITS THE INFORMATION REQUIRED IN SECTION 10-16-111 (4) (a):".	1 2 3 4 5
Education	After consideration on the merits, the Committee recommends that HB11-1017 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	6 7 8 9 10
Education	After consideration on the merits, the Committee recommends that SB11-069 be amended as follows, and as so amended, be referred to the Committee on <u>Finance</u> with favorable recommendation.	11 12 13 14
	Amend printed bill, strike everything below the enacting clause and substitute:	15 16 17
	" SECTION 1. The introductory portion to 22-30.5-104.5 (3) and 22-30.5-104.5 (3) (f), Colorado Revised Statutes, are amended, and the said 22-30.5-104.5 (3) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:	18 19 20 21
	22-30.5-104.5. Charter school and charter authorizer standards review committee - creation - duties - repeal. (3) On or before August 1, 2011, the committee shall complete its work and submit recommendations to the state board and the education committees of the house of representatives and the senate, or any successor committees, concerning the following issues related to standards for charter schools and charter school authorizers, including standards for individual schools and charter EDUCATIONAL management organizations:	22 23 24 25 26 27 28 29
	(f) Ethical issues, including but not limited to excess benefits, executive compensation, nepotism, and conflicts of interest in charter school governance; and	30 31 32
	(h) WHETHER THE EDUCATIONAL MANAGEMENT ORGANIZATIONS OPERATING IN THE STATE SHOULD BE SUBJECT TO STATE-LEVEL REGULATION; AND	33 34 35
	(i) BEST PRACTICES FOR CONTRACTING WITH EDUCATIONAL MANAGEMENT ORGANIZATIONS.	36 37
	SECTION 2. 22-30.5-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:	38 39
	22-30.5-103. Definitions. As used in this part 1, unless the context otherwise requires:	40 41
	(3.5) "EDUCATIONAL MANAGEMENT ORGANIZATION", COMMONLY REFERRED TO AS AN "EDUCATION SERVICES PROVIDER", MEANS A NONPROFIT, NOT-FOR-PROFIT, OR FOR-PROFIT ENTITY, OTHER THAN A CHARTER SCHOOL, THAT CONTRACTS WITH A SCHOOL DISTRICT, THE STATE CHARTER SCHOOL INSTITUTE, A BOARD OF COOPERATIVE SERVICES, OR A CHARTER SCHOOL TO DIRECTLY OPERATE ONE OR MORE PUBLIC SCHOOLS.	42 43 44 45 46 47
	SECTION 3. Part 1 of article 2 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:	48 49 50
	22-2-140. Educational management organizations - report.	51
	(1) ON OR BEFORE JANUARY 15, 2012, AND ON OR BEFORE JANUARY 15 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL POST ON ITS WEB SITE A REPORT CONCERNING EDUCATIONAL MANAGEMENT ORGANIZATIONS, WHICH REPORT SHALL SPECIFY, BUT NEED NOT BE LIMITED TO, THE FOLLOWING INFORMATION:	52 53 54 55 56
	(a) THE NAME OF EACH EDUCATIONAL MANAGEMENT ORGANIZATION THAT OPERATED IN THE STATE IN THE PREVIOUS CALENDAR YEAR;	57 58 59
	(b) WITH REGARD TO EACH EDUCATIONAL MANAGEMENT ORGANIZATION, THE NAME OF THE PUBLIC SCHOOLS OPERATED BY THE EDUCATIONAL MANAGEMENT ORGANIZATION, IDENTIFYING FOR EACH PUBLIC SCHOOL:	60 61 62 63
	(I) EITHER THE SCHOOL DISTRICT OF WHICH IT IS A PART OR THAT IT IS AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE; AND	64 65
	(II) THE NUMBER OF STUDENTS ENROLLED IN THE PUBLIC SCHOOL.	66
	(2) FOR PURPOSES OF THIS SECTION, "EDUCATIONAL MANAGEMENT ORGANIZATION" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 22-30.5-103 (3.5).	67 68 69

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.".

Judiciary After consideration on the merits, the Committee recommends that **SB11-165** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Trans-Portation The Committee on Transportation has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF TRANSPORTATION

effective February 14, 2011, for a term expiring at the pleasure of the Governor:
Don Hunt, of Denver, Colorado.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB11-1089** be referred to the Committee on Education with favorable recommendation.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

SB11-164 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the augmentation of the general fund through transfers of certain moneys.

Senator Steadman moved that the Senate conferees on the first conference committee on **SB-164** be granted permission to go beyond the scope of the differences between the two houses.

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

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, February 24 was laid over until Friday, February 25, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1077, HB11-1041, HB11-1051, HB11-1035, HB11-1110.

General Orders -- Second Reading of Bills: SB11-019, SB11-055, SB11-049, SB11-082, SB11-115, SB11-084, SB11-015, SB11-050, SB11-120.

Consideration of Resolutions: SJR11-005.

Consideration of Governor's Appointments:

Executive Director of the Department of Local Affairs

Conference Committees to Report: SB11-159, SB11-164, SB11-144, SB11-137, SB11-141, SB11-136, SB11-142.

Senator Foster requested her name be removed as co-prime sponsor on HB11-1220 and will abstain from any votes on said bill under Senate Rule 17(c).

Upon announcement of President Shaffer, Senator Foster was removed as Senate co-prime sponsor on HB11-1220. Senator Williams S. will remain as Senate prime sponsor for HB11-1220.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, February 25, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

45th Legislative Day	Friday, February 25, 2011
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Prayer	By the chaplain, Pastor Mark Phillips, Berean Bible Church, Haxtun.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator Giron.
Roll Call	Present--33 Excused--2, Hodge, Mitchell. Present later--1, Mitchell.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator King S., reading of the Journal of Thursday, February 24, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

February 24, 2011

Mr. President:

The House has granted authorization to go beyond the scope of the differences on SB11-164.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1192, amended as printed in House Journal, February 21, pages 354-355.
HB11-1084, amended as printed in House Journal, February 21, page 383.
HB11-1220, amended as printed in House Journal, February 21, pages 388-389.

The House has adopted and returns herewith SJR11-017, and SJR11-018.

MESSAGE FROM THE REVISOR OF STATUTES

February 24, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, as amended, HB11-1084, 1192, and 1220.

MESSAGE FROM THE GOVERNOR

Appointment

Letters of designation and appointment from Governor Bill Ritter, Jr., were read and assigned to committees as follows:

December 20, 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
COLORADO CIVIL RIGHTS COMMISSION

for a term expiring March 13, 2011:

A. Susie Velasquez of Greeley, Colorado, to fill the vacancy occasioned by the resignation of Anthony R. Aragon of Denver, Colorado, and to serve as a representative for local (or state) government entities, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/3/11
Cindi Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

May 13, 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:

MEMBER OF THE
EXAMINING BOARD OF PLUMBERS

for a term expiring July 1, 2014:

Donald P. Crandell of Denver, Colorado, a person engaged in the construction of residential or commercial buildings as a plumbing contractor, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 5/19/10
Karen Goldman, Secretary of the Senate

Committee on Business, Labor, & Technology

November 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
SECURITIES BOARD**

for a term expiring July 1, 2013:

Scott R. Saltzman of Denver, Colorado, a certified public accountant, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 11/29/10
Cindi Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

November 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
COLORADO STATE FAIR AUTHORITY
BOARD OF COMMISSIONERS**

for terms expiring November 1, 2014:

Paul Bernklau of Rifle, Colorado, a Republican from the 3rd Congressional District, who resides on the western slope of the state, reappointed;

Edward B. Cordes of Littleton, Colorado, a Republican from the 6th Congressional District, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 11/29/10
Cindi Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, & Energy

December 3, 2010

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

Ladies and Gentlemen:

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

MEMBERS OF THE
COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY

for terms expiring October 1, 2014:

- Steven C. Harris of Durango, Colorado, to serve as a representative from the San Miguel-Dolores-San Juan drainage basin, and as a representative with experience in the engineering aspects of water projects, reappointed;
- Stephen T. LaBonde of Grand Junction, Colorado, to serve as a representative from the Main Colorado drainage basin, and as a representative with experience in public health issues related to drinking water or water quality matters, reappointed;
- Gregory J. Higel of Alamosa, Colorado, to serve as a representative of the Rio Grande drainage basin, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/3/11
Cindi Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, & Energy

November 1, 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:

MEMBERS OF THE
COLORADO TRAUMATIC BRAIN INJURY BOARD

for terms expiring June 30, 2013:

Rhesia-Maria R. Ochoa of Centennial, Colorado, appointed;

Lt. Aaron D. Sanchez of Littleton, Colorado, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 11/9/10
Cindi Markwell, Secretary of the Senate

Committee on Health & Human Services

June 7, 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
COLORADO TRAUMATIC BRAIN INJURY BOARD

effective June 30, 2010 for terms expiring June 30, 2013:

Kimberly A. Gorgens of Denver, Colorado, to serve as a psychologist, reappointed;
Holly Ann Batal of Denver, Colorado, to serve as a family member of an individual with a brain injury, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 6/22/10
Cindi Markwell, Asst. Secretary

Committee on Health & Human Services

May 13, 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
GROUND WATER COMMISSION

for a term expiring May 1, 2014:

Virgil F. Valdez of Alamosa, Colorado, to fill the vacancy occasioned by the passing of Douglas L. Shriver of Monte Vista, Colorado, and to serve as a representative from Water Division 3 and as an Agriculturist, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 5/19/10
Karen Goldman, Secretary of the Senate

Committee on Agriculture, Natural Resources, & Energy

November 1, 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
WASTE TIRE ADVISORY COMMITTEE

for a term expiring September 9, 2012:

Larry G. Hudson of Denver, Colorado, to serve as a representative of tire manufacturers, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 11/9/10
Cindi Markwell, Secretary of the Senate

Committee on Health & Human Services

September 9, 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:

MEMBERS OF THE
WASTE TIRE ADVISORY COMMITTEE

for terms expiring September 9, 2011:

Verne A. Stuessy of Pueblo West, Colorado, to serve as a representative of waste tire monofills that are operating in compliance with their certificates of designation, appointed;

Michael "Scott" Skorka of Golden, Colorado, to serve as a tire retailer, appointed;

for terms expiring September 9, 2012:

Deputy Sheriff William E. Spalding of Kersey, Colorado, to serve as a representative of law enforcement from jurisdictions that have a waste tire facility, appointed;

Christopher B. Houtchens of Colorado Springs, Colorado, to serve as a waste tire hauler, appointed;

for terms expiring September 9, 2013:

Joel F. Bolduc of Colorado Springs, Colorado, to serve as a waste tire end user, appointed;

Richard K. Welle of Centennial, Colorado, to serve as a waste tire processor, appointed;
James A. Reid of Colorado Springs, Colorado, to serve as a representative of a local fire authority from a jurisdiction that has a waste tire facility, appointed.

Sincerely,

(signed)

Bill Ritter, Jr.

Governor

Rec'd: 9/24/10

Cindi Markwell, Asst. Secretary

Committee on Health & Human Services

November 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
COVERCOLORADO BOARD OF DIRECTORS

for a term expiring July 1, 2011:

Gary S. Carlson of Castle Rock, Colorado, representing individuals who are currently insured under the program, to fill the vacancy occasioned by the resignation of Jayne R. Howard of Columbine Valley, Colorado, appointed.

Sincerely,

(signed)

Bill Ritter, Jr.

Governor

Rec'd: 11/29/10

Cindi Markwell, Secretary of the Senate

Committee on Health & Human Services

July 6, 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:

James A. Keown of Thornton, Colorado, to fill the vacancy occasioned by the resignation of Dean J. Conder of Denver, Colorado, and to serve as a representative from the Colorado Department of Labor and Employment, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 7/12/10
Karen Goldman, Secretary of the Senate

Committee on Judiciary

January 4, 2011

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:

MEMBERS OF THE
JUVENILE PAROLE BOARD

for terms expiring at the pleasure of the Governor:

Paula Ramaekers-Mattas of Grand Junction, Colorado, to fill the vacancy occasioned by the resignation of Mary Beth Buescher of Grand Junction, Colorado, and to serve as a public at-large member from the Western Slope, appointed;

Charles F. Garcia of Denver, Colorado, to fill the vacancy occasioned by Allison A. Brittsan of Denver, Colorado, and to serve as a public member, appointed;

Carmen Q. Nelson of Denver, Colorado, to fill the vacancy occasioned by the resignation of Suzanne S. Ageton of Boulder, Colorado, and to serve as a public member, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/10/11
Cindi Markwell, Secretary of the Senate

Committee on Judiciary

December 3, 2010

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

Ladies and Gentlemen:

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

MEMBER OF THE
ADVISORY COMMITTEE TO THE PROPERTY
TAX ADMINISTRATOR

for a term expiring September 1, 2014:

Christopher M. Woodruff of Greeley, Colorado, to serve as an assessor from a county of seventy-five thousand or more population according to the most recent federal census, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/3/11
Cindi Markwell, Secretary of the Senate

Committee on Local Government

SENATE SERVICES REPORT

Correctly Printed: SJR11-018.
Correctly Engrossed: SJR11-017 and 018.
Correctly Enrolled: SJR11-017 and 018.

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

GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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:

HB11-1077 by Representative(s) Peniston, Massey, Hamner, Murray, Ramirez, Schafer S., Solano, Summers, Todd; also Senator(s) Spence--Concerning the "Exceptional Children's Educational Act" as it refers to gifted children.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 18, page 235 and placed in members' bill files.)

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

HB11-1041 by Representative(s) Riesberg, Gardner B., McCann, Swalm; also Senator(s) Harvey--
Concerning the Colorado insurance guaranty association.

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

HB11-1051 by Representative(s) Swerdfeger, Waller; also Senator(s) King S.--Concerning clarification
that a DNA sample expungement is never available for a felony conviction.

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

HB11-1035 by Representative(s) Court; also Senator(s) Carroll--Concerning an informative statement to
be included in the ballot information booklet preceding each measure that is to appear on
the ballot.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, February 22, page 283 and placed in members' bill files.)

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

HB11-1110 by Representative(s) Acree, Balmer, Holbert, Massey, Murray, Solano; also Senator(s)
Harvey, Carroll, Renfroe--Concerning the rights of members of nonprofit corporations in
which residency is a qualification for membership.

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

HB11-1113 by Representative(s) Holbert; also Senator(s) Foster--Concerning the provision of
information pertaining to impact fees imposed by local governments.

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

HB11-1021 by Representative(s) Todd; also Senator(s) Steadman, Cadman--Concerning the fiscal year
of the Colorado channel authority.

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

HB11-1087 by Representative(s) Vigil; also Senator(s) Giron--Concerning reimbursement to county
governments for charges incurred in pest control operations undertaken by the county.

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

HB11-1018 by Representative(s) Tyler; also Senator(s) King S.--Concerning electronically transmitted
court documents.

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB11-1077 as amended, HB11-1041, HB11-1051, HB11-1035 as amended, HB11-1110, HB11-1113, HB11-1021, HB11-1087, HB11-1018.

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

SB11-019 by Senator(s) King K.; also Representative(s) Stephens--Concerning payment of the costs of health insurance coverage to employees of small employers.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 4, page 104 and placed in members' bill files.)

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

SB11-055 by Senator(s) Lundberg, Lambert, Kopp, Renfroe; also Representative(s) Joshi, Holbert, Nikkel, Scott--Concerning notices required prior to the use of security scanning systems in the state.

Laid over until Monday, February 28, retaining its place on the calendar.

SB11-049 by Senator(s) Williams S.; also Representative(s) Ryden--Concerning the use of prone restraints on persons.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 17, pages 216-217 and placed in members' bill files.)

Amendment No. 2(L.007), by Senator Tochtrop.

Amend the Judiciary Committee Report, dated February 16, 2011, page 1, line 16, strike "(a)".

Page 1, strike lines 21 through 25.

Page 2, strike lines 1 through 5.

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

SB11-082 by Senator(s) King S., Carroll, Renfroe, Tochtrop; also Representative(s) Acree, Gardner D., Kerr J., Miklosi--Concerning the authority of the state auditor to conduct audits of security systems used for information technology operated by the state.

	<u>Amendment No. 1, Finance Committee Amendment.</u> (Printed in Senate Journal, February 16, page 206 and placed in members' bill files.)	1 2 3
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	4 5 6 7
SB11-115	by Senator(s) Carroll; also Representative(s) Miklosi--Concerning the authority of the state auditor to audit state governmental entities.	8 9 10
	<u>Amendment No. 1, Finance Committee Amendment.</u> (Printed in Senate Journal, February 16, page 206 and placed in members' bill files.)	11 12 13
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	14 15 16 17
SB11-084	by Senator(s) Boyd; also Representative(s) Summers--Concerning the employment of physicians at long-term care facilities.	18 19 20
	<u>Amendment No. 1, Health & Human Services Committee Amendment.</u> (Printed in Senate Journal, February 17, pages 215-216 and placed in members' bill files.)	21 22 23
	<u>Amendment No. 2(L.006), by Senator Carroll.</u>	24 25
	Amend the Health and Human Services Committee Report, dated February 16, 2011, page 1, strike lines 3 through 5 and substitute:	26 27 28
	""(b) NOTHING IN THIS SUBSECTION (2) ALLOWS A PHYSICIAN WHO IS NOT LICENSED PURSUANT TO ARTICLE 36 OF TITLE 12, C.R.S., AND NOT INVOLVED IN PATIENT CARE AT A LONG-TERM CARE FACILITY TO DIRECT OR CONTROL MEDICAL DECISIONS OR THE PRACTICE OF MEDICINE AS DEFINED IN SECTION 12-36-106, C.R.S., IN THE LONG-TERM CARE FACILITY."."	29 30 31 32 33 34 35
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	36 37 38 39
SB11-015	by Senator(s) Foster; also Representative(s) Miklosi--Concerning the requirements for a homeowner's insurance company to take adverse action on existing insurance coverage for a home based on claims experience.	40 41 42 43
	Laid over until Monday, February 28, retaining its place on the calendar.	44 45 46
SB11-050	by Senator(s) Roberts; also Representative(s) Gerou--Concerning a requirement that a condemning authority pay fair market value for land subject to a conservation easement.	47 48 49
	Laid over until Monday, February 28, retaining its place on the calendar.	50 51 52
SB11-120	by Senator(s) Newell, Bacon, Foster, Giron, Guzman, Hudak, Jahn, Johnston, Morse, Nicholson, Schwartz, Shaffer B., Steadman, Williams S.; also Representative(s) Kefalas, Ferrandino, Kagan--Concerning rights of certain children in foster care, and, in connection therewith, establishing rights for children in foster care except for those in the custody of the division of youth corrections or a state mental hospital.	53 54 55 56 57 58
	<u>Amendment No. 1, Health & Human Services Committee Amendment.</u> (Printed in Senate Journal, February 18, page 253 and placed in members' bill files.)	59 60 61
	<u>Amendment No. 2(L.006), by Senator Newell.</u>	62 63
	Amend printed bill, page 6, strike line 2 and substitute "AVAILABLE AND APPROPRIATE."	64 65 66
	Page 6 of the bill, strike lines 9 through 11 and substitute "INFORM THE COURT AND REFER THE MATTER TO A GOVERNMENTAL OR NONPROFIT ENTITY ON THE REFERRAL LIST DEVELOPED PURSUANT TO SUBSECTION (2) OF THIS SECTION FOR REMEDIAL ACTION. THE CHILD'S GUARDIAN AD LITEM SHALL ADVISE THE YOUTH OF POSSIBLE CONSEQUENCES OF AND OPTIONS TO ADDRESS THE POSSIBLE IDENTITY THEFT, INCLUDING THE	67 68 69 70 71 72

RIGHT TO REPORT THE MATTER TO LAW ENFORCEMENT AND SEEK POSSIBLE PROSECUTION OF THE OFFENDER."

Page 6 of the bill, strike line 27 and substitute "SHALL NOT BE SUBJECT TO LIABILITY PURSUANT TO THE EXTENT PROVIDED BY ARTICLE 10 OF TITLE 24, C.R.S."

Page 7 of the bill, strike lines 1 through 3.

Page 8 of the bill, line 4, strike "BE IMMUNE FROM LIABILITY," and substitute "NOT BE SUBJECT TO LIABILITY PURSUANT TO THE EXTENT PROVIDED BY ARTICLE 10 OF TITLE 24, C.R.S."

Page 8 of the bill, strike lines 5 through 9.

Amend the Health and Human Services Committee Report, dated February 17, 2011, page 1, line 3, strike "23." and substitute "23 and substitute the following:

"(k) TO NOT BE LOCKED IN ANY ROOM, BUILDING, OR FACILITY PREMISES, UNLESS HIS OR HER PHYSICAL SAFETY OR EMOTIONAL WELL-BEING IS AT RISK, OR IF PLACED BY A FURTHER COURT ORDER;".

Page 1 of the committee report, strike line 4.

Amendment No. 3(L.007), by Senator Lundberg.

Amend printed bill, page 3, line 24, strike "TO ATTEND SCHOOL," and substitute "TO RECEIVE AN APPROPRIATE EDUCATION,".

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

SB11-107 by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident.
Laid over until Monday, February 28, retaining its place on the calendar.

SB11-119 by Senator(s) Guzman; --Concerning procedures governing the appeal of a valuation of income-producing commercial real property.
Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, February 17, pages 211-212 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Guzman.

Amend the Local Government and Energy Committee Report, dated February 15, 2011, page 1, line 8, strike "INCOME-PRODUCING NONRESIDENTIAL" and substitute "RENT-PRODUCING COMMERCIAL".

Page 1, strike line 14 and substitute:

"(I) ACTUAL ANNUAL RENTAL INCOME;".

Page 1, strike line 16 and substitute:

"(III) ITEMIZED EXPENSES; AND".

Page 1, line 17, strike "DETAILED RENT" and substitute "RENT".

Page 1, line 21, strike "YEAR; AND" and substitute "YEAR."

Page 1, strike lines 22 and 23.

Page 2, strike lines 1 through 4 and substitute:

"(b) THE".

Page 2, strike lines 8 and 9 and substitute:

"THE ASSESSOR SHALL".

Page 2, strike lines 14 through 16 and substitute:

"THE PETITIONER MAY BE GRANTED AN EXTENSION OF".

Page 2, line 24, strike "ASSESSOR" and substitute "ATTORNEY".

Page 2, line 34, after "PETITIONER." add "INTEREST SHALL CEASE TO ACCRUE ON THE UNDERLYING PROPERTY TAX OBLIGATION AS OF THE DATE THE ORDER COMPELLING DISCLOSURE IS ISSUED.".

Page 2, strike lines 39 through 41.

Page 3, strike lines 1 through 23 and substitute:

"(f) ANY INFORMATION PROVIDED BY A PETITIONER PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) THAT IS EXEMPT FROM DISCLOSURE UNDER EITHER SECTION 24-72-204 (3) (a) (IV), C.R.S., OR PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S., SHALL BE AND REMAIN CONFIDENTIAL AND MAY BE USED ONLY BY THE BOARD OF ASSESSMENT APPEALS, THE COUNTY BOARD OF EQUALIZATION, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH THE SUBJECT PROPERTY IS LOCATED, THE OFFICE OF THE COUNTY ASSESSOR, OR BY A PERSON HIRED TO APPRAISE THE SUBJECT PROPERTY WHEN SUCH INFORMATION IS PERTINENT TO AN APPEAL.".

Renumber succeeding section accordingly.

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

SB11-063 by Senator(s) Giron and Newell; --Concerning the promotion of health care accessibility by encouraging local governments to consider the health care needs of their communities in the composition of their master land use plans.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, February 17, pages 212-214 and placed in members' bill files.)

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

HB11-1031 by Representative(s) Miklosi; also Senator(s) Foster--Concerning the creation of creative districts, and, in connection therewith, authorizing specified local governments to designate a portion of their territory as a creative district subject to certification by the creative industries division within the Colorado office of economic development.

Laid over until Monday, February 28, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-019 as amended, SB11-049 as amended, SB11-082 as amended, SB11-115 as amended, SB11-084 as amended, SB11-120 as amended, SB11-119 as amended, SB11-063 as amended.
Laid over until Monday, February 28: SB11-055, SB11-015, SB11-050, SB11-107, HB11-1031.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **SB11-102** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, after line 1 insert:

"SECTION 1. 39-22-1001, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

39-22-1001. Limitation on the duration of voluntary contribution programs - queue. (7) AS SPECIFIED IN SUBSECTION (6) OF THIS SECTION, NO MORE THAN FIFTEEN VOLUNTARY CONTRIBUTIONS SHALL APPEAR ON COLORADO INCOME TAX RETURN FORMS IN ANY INCOME TAX YEAR. IF THE GENERAL ASSEMBLY, ACTING BY BILL IN ANY YEAR, REQUIRES MORE VOLUNTARY CONTRIBUTIONS TO APPEAR ON THE INCOME TAX RETURN FORM THAN THERE ARE LINES AVAILABLE ON THE FORM, AN EXISTING VOLUNTARY CONTRIBUTION THAT IS RENEWED OR CONTINUED SHALL TAKE PRECEDENCE AND BE PLACED ON THE FORM OVER A VOLUNTARY CONTRIBUTION THAT DOES NOT APPEAR ON THE FORM AND IS NOT BEING RENEWED OR CONTINUED. ANY VOLUNTARY CONTRIBUTION THAT DOES NOT APPEAR ON THE FORM AND IS NOT BEING RENEWED OR CONTINUED BUT DOES NOT TAKE EFFECT PURSUANT TO THIS SUBSECTION (7) SHALL BE PLACED IN THE QUEUE CREATED BY SUBSECTION (8) OF THIS SECTION AND SHALL ONLY BECOME EFFECTIVE IN ANY YEAR IN WHICH THERE IS A LINE AVAILABLE ON THE INCOME TAX RETURN FORM, AS SPECIFIED IN SUBSECTION (8) OF THIS SECTION.

(8) (a) IF THE GENERAL ASSEMBLY, ACTING BY BILL IN ANY YEAR, REQUIRES MORE VOLUNTARY CONTRIBUTIONS TO APPEAR ON THE INCOME TAX RETURN FORM THAN THERE ARE LINES AVAILABLE ON THE FORM, ANY VOLUNTARY CONTRIBUTION THAT IS TO APPEAR ON THE FORM FOR THE FIRST TIME SHALL, NOTWITHSTANDING THE LANGUAGE IN OR THE EFFECTIVE DATE OF THE BILL CREATING THE VOLUNTARY CONTRIBUTION, BE PLACED IN A QUEUE, WHICH QUEUE IS HEREBY CREATED. THE ORDER OF VOLUNTARY CONTRIBUTIONS THAT ARE PLACED IN THE QUEUE SHALL BE DETERMINED BY THE DATE AND TIME ON WHICH THE GOVERNOR SIGNS THE BILL CREATING THE VOLUNTARY CONTRIBUTION, WITH THE BILL THAT WAS SIGNED FIRST IN TIME BEING FIRST IN THE QUEUE, THE BILL THAT WAS SIGNED NEXT IN TIME BEING SECOND IN THE QUEUE, AND SO ON.

(b) ON NOVEMBER 1 OF EACH YEAR, THE EXECUTIVE DIRECTOR SHALL CERTIFY TO THE REVISOR OF STATUTES THE AMOUNT OF LINES AVAILABLE FOR VOLUNTARY CONTRIBUTIONS ON THE INCOME TAX RETURN FORM FOR THE STATE INCOME TAX YEAR COMMENCING ON JANUARY 1 OF THE FOLLOWING YEAR.

(c) IF A LINE BECOMES AVAILABLE ON THE INCOME TAX RETURN FORM, AND NOTWITHSTANDING THE LANGUAGE IN OR THE EFFECTIVE DATE OF THE BILL CREATING THE VOLUNTARY CONTRIBUTION, THE VOLUNTARY CONTRIBUTION FIRST IN THE QUEUE SHALL APPEAR ON THE FORM FOR THE THREE CONSECUTIVE TAX YEARS IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE EXECUTIVE DIRECTOR CERTIFIES THAT THERE IS A LINE AVAILABLE AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (8). IF THERE ARE TWO LINES AVAILABLE ON THE FORM, THE VOLUNTARY CONTRIBUTION THAT IS SECOND IN THE QUEUE SHALL APPEAR ON THE FORM FOR THE THREE CONSECUTIVE TAX YEARS IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE EXECUTIVE DIRECTOR CERTIFIES THAT THERE ARE LINES AVAILABLE AS SPECIFIED IN PARAGRAPH

(b) OF THIS SUBSECTION (8), AND SO ON."

Renumber succeeding sections accordingly.

Page 5, after line 8 insert:

"SECTION 2. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the families in action for mental health fund created in Section 39-22-3903 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the information technology division, for the fiscal year beginning July 1, 2011, the sum of twenty-nine thousand six hundred dollars (\$29,600) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of twenty-nine thousand six hundred dollars (\$29,600), or so much thereof as may be necessary, for the programming services to be provided to the department of revenue related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section."

Renumber succeeding section accordingly.

Page 1, line 104 strike "FORMS." and substitute "FORMS, AND MAKING AN APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the Committee recommends that **SB11-037** 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 printed bill, page 3, after line 8 insert:

"SECTION 4. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado state titling and registration account of the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the information technology division, for the fiscal year beginning July 1, 2011, the sum of two thousand nine hundred sixty dollars (\$2,960) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of two thousand nine hundred sixty dollars (\$2,960), or so much thereof as may be necessary, for the programming services to be provided to the department of revenue related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund created in section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the division of motor vehicles, for the fiscal year beginning July 1, 2011, the sum of nine thousand eighty dollars (\$9,080) cash funds, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

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

Appropriations	After consideration on the merits, the Committee recommends that SB11-065 be postponed indefinitely.	1 2 3 4
Appropriations	After consideration on the merits, the Committee recommends that SB11-057 be referred to the Committee of the Whole with favorable recommendation.	5 6 7 8
Appropriations	After consideration on the merits, the Committee recommends that SB11-114 be postponed indefinitely.	9 10 11 12
Appropriations	After consideration on the merits, the Committee recommends that SB11-108 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	13 14 15 16 17
Appropriations	After consideration on the merits, the Committee recommends that SB11-089 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	18 19 20 21 22
Appropriations	After consideration on the merits, the Committee recommends that SB11-003 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	23 24 25 26

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

"SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado state titling and registration account of the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the information technology division, for the fiscal year beginning July 1, 2011, the sum of two thousand nine hundred sixty dollars (\$2,960) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of two thousand nine hundred sixty dollars (\$2,960), or so much thereof as may be necessary, for the programming services to be provided to the department of revenue related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund created in section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the division of motor vehicles, for the fiscal year beginning July 1, 2011, the sum of seventeen thousand seven hundred sixty dollars (\$17,760) cash funds, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

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

Appropriations	After consideration on the merits, the Committee recommends that SB11-090 be referred to the Committee of the Whole with favorable recommendation.	61 62 63 64
Appropriations	After consideration on the merits, the Committee recommends that SB11-126 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	65 66 67 68

Amend printed bill, page 5, after line 3 insert:

	"SECTION 2. 23-1-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:	1
	23-1-104. Financing the system of postsecondary education - report - repeal. (1.5) FOR FISCAL YEARS 2011-12 THROUGH 2015-16, CASH FUNDS RECEIVED BY AN INSTITUTION AS UNSUBSIDIZED IN-STATE TUITION PURSUANT TO SECTION 23-7-112 SHALL NOT BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY OR INCLUDED IN THE SINGLE LINE ITEM APPROPRIATION TO EACH GOVERNING BOARD PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION. THE INSTITUTION SHALL REPORT UNSUBSIDIZED IN-STATE TUITION, CLASSIFIED AS SUCH PURSUANT TO SECTION 23-7-112, IN THE SAME MANNER THAT THE INSTITUTION REPORTS ALL OTHER TUITION RECEIPTS."	2
	Renumber succeeding sections accordingly.	3
Education	After consideration on the merits, the Committee recommends that HB11-1060 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	4
Education	After consideration on the merits, the Committee recommends that SB11-070 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	5
	Amend printed bill, strike everything below the enacting clause and substitute:	6
	"SECTION 1. 22-20-104 (2), Colorado Revised Statutes, is amended to read:	7
	22-20-104. Administration - advisory committee - rules.	8
	(2) (a) In order to assist the state board in the performance of its responsibilities for the implementation of this article, the state board shall appoint a state special education advisory committee of an appropriate size. The members of the advisory committee shall be representative of the state population and shall be composed of persons involved in or concerned with the education of children with disabilities, including:	9
	(I) Parents of children with disabilities ages birth through twenty-six years;	10
	(II) Individuals with disabilities;	11
	(III) Teachers;	12
	(IV) Representatives of institutions of higher education that prepare special education and related services personnel;	13
	(V) State and local education officials, including officials who carry out activities under section 22-33-103.5;	14
	(VI) Administrators of programs for children with disabilities;	15
	(VII) Representatives of other state agencies involved in the financing or delivery of related services to children with disabilities;	16
	(VIII) Representatives of private schools, district charter schools, and institute charter schools;	17
	(IX) At least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;	18
	(X) REPRESENTATIVES OF A CONSORTIUM OF DISABILITIES SERVICES PROFESSIONALS FROM THE STATE INSTITUTIONS OF HIGHER EDUCATION;	19
	(XI) A representative from child welfare services in the department of human services established pursuant to section 26-5-102, C.R.S.; and	20
	(XII) Representatives from the division of youth corrections in the department of human services and from the department of corrections.	21
	(a.5) A majority of the members of the advisory committee shall be individuals with disabilities or parents of children with disabilities. Members shall be appointed for one-year or two-year terms. Any additions to the composition of the advisory committee shall be made pursuant to the procedures of the state board.	22
	(b) (Deleted by amendment, L. 91, p. 694, § 6, effective April 20, 1991.)	23
	(c) IN ADDITION TO MAKING RECOMMENDATIONS TO THE STATE	24

BOARD PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), THE STATE SPECIAL EDUCATION ADVISORY COMMITTEE SHALL CONSIDER ISSUES PERTAINING TO:

(I) TRANSITIONING STUDENTS WITH DISABILITIES FROM SECONDARY TO POSTSECONDARY EDUCATION, INCLUDING BUT NOT LIMITED TO THE DOCUMENTATION REQUIRED BY INSTITUTIONS OF HIGHER EDUCATION TO OBTAIN DISABILITIES SERVICES;

(II) CREATING POSTSECONDARY EMPLOYMENT TRAINING PROGRAMS AND OPPORTUNITIES FOR STUDENTS WITH DISABILITIES, INCLUDING INTELLECTUAL DISABILITIES, WHO CHOOSE TO CONTINUE INTO POSTSECONDARY EDUCATION BUT MAY NOT BE SEEKING A POSTSECONDARY DEGREE; AND

(III) SERVING STUDENTS WITH INTELLECTUAL DISABILITIES IN POSTSECONDARY INSTITUTIONS.

(d) IN CONSIDERING THE ISSUES SPECIFIED IN PARAGRAPH (c) OF THIS SUBSECTION (2), THE STATE SPECIAL EDUCATION ADVISORY COMMITTEE SHALL WORK WITH:

(I) A CONSORTIUM OF DISABILITIES SERVICES PROFESSIONALS FROM THE STATE INSTITUTIONS OF HIGHER EDUCATION;

(II) PERSONS FROM THE UNIT WITHIN THE DEPARTMENT THAT ADDRESSES EXCEPTIONAL STUDENT ISSUES, WHICH PERSONS SPECIALIZE IN SECONDARY TRANSITION ISSUES; AND

(III) ONE OR MORE REPRESENTATIVES FROM THE DEPARTMENT OF HIGHER EDUCATION.

(e) IN ADDITION TO SUBMITTING RECOMMENDATIONS TO THE STATE BOARD, THE STATE SPECIAL EDUCATION ADVISORY COMMITTEE MAY SUBMIT RECOMMENDATIONS TO THE DEPARTMENT OF HIGHER EDUCATION AS APPROPRIATE.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Finance

After consideration on the merits, the Committee recommends that **SB11-169** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend the Health and Human Services Committee Report, dated February 17, 2011, page 2, line 27, after "THERAPIST" insert "RESPONSIBLE FOR PATIENT RECORDS".

Page 4 of the committee report, line 40, strike "(1) EXCEPT" and substitute "(1) EFFECTIVE JUNE 1, 2012, EXCEPT".

Page 5 of the committee report, strike lines 21 through 24 and substitute:

"(a) SUCCESSFULLY COMPLETED A PHYSICAL THERAPIST ASSISTANT PROGRAM".

Page 5 of the committee report, after line 39 insert:

"(5) (a) IN LIEU OF QUALIFYING UNDER SUBSECTION (2) OF THIS SECTION, A PERSON MAY QUALIFY AS A PHYSICAL THERAPIST ASSISTANT IF THE PERSON HAS AT LEAST FIVE YEARS OF EXPERIENCE PRACTICING AS A PHYSICAL THERAPIST ASSISTANT OR IS OTHERWISE QUALIFIED AS DETERMINED BY THE BOARD.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JUNE 1, 2013."

Finance

After consideration on the merits, the Committee recommends that **SB11-094** be referred to the Committee on Appropriations with favorable recommendation.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB11-1105** be referred to the Committee of the Whole with favorable recommendation.

Page 320	Senate Journal-45th Day-February 25, 2011	
Health & Human Services	After consideration on the merits, the Committee recommends that SB11-170 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
	Amend printed bill, page 2, line 11, strike "STATE BOARD." and substitute "JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY.".	5 6 7 8
Health & Human Services	After consideration on the merits, the Committee recommends that HB11-1019 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	9 10 11 12 13
Health & Human Services	After consideration on the merits, the Committee recommends that HB11-1016 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	14 15 16 17 18
Agriculture, Natural Resources, and Energy	After consideration on the merits, the Committee recommends that SB11-092 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	19 20 21 22 23 24
Agriculture, Natural Resources, and Energy	After consideration on the merits, the Committee recommends that SB11-045 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	25 26 27 28 29
	Amend printed bill, strike everything below the enacting clause and substitute:	30 31 32
	" SECTION 1. Article 4 of title 40, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:	33 34
	40-4-119. Siting of electric transmission facilities - task force - repeal. (1) Legislative declaration. THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT THE DEVELOPMENT OF NEW ELECTRIC TRANSMISSION FACILITIES IS NECESSARY TO PROMOTE THE DEVELOPMENT OF ADDITIONAL CLEAN AND RENEWABLE ELECTRIC GENERATION RESOURCES, COLORADO'S ENERGY SECURITY, AND THE STATE'S LONG-TERM ECONOMIC GROWTH. THE SITING AND PERMITTING OF ELECTRIC TRANSMISSION FACILITIES IS CURRENTLY SUBJECT TO VARIOUS STATE AND LOCAL GOVERNMENT REQUIREMENTS. BECAUSE ELECTRIC TRANSMISSION FACILITIES OFTEN TRAVERSE MULTIPLE JURISDICTIONS, COMPLIANCE WITH MULTIPLE REQUIREMENTS CREATES THE POTENTIAL FOR PERMITTING DELAYS OR INCONSISTENT DECISIONS. IT IS, THEREFORE, IN THE STATE'S INTEREST TO CONSIDER OPPORTUNITIES TO IMPROVE EXISTING SITING AND PERMITTING PROCESSES APPLICABLE TO ELECTRIC TRANSMISSION FACILITIES, INCLUDING THE POSSIBLE ESTABLISHMENT OF A SINGLE, STATEWIDE SITING AND PERMITTING PROCESS FOR SUCH FACILITIES.	35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51
	(2) Task force and report. (a) THERE IS HEREBY CREATED THE TASK FORCE ON STATEWIDE TRANSMISSION SITING AND PERMITTING, ALSO REFERRED TO IN THIS SECTION AS THE "TASK FORCE". THE TASK FORCE SHALL MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY REGARDING COLORADO'S EXISTING STATUTORY AND REGULATORY FRAMEWORK APPLICABLE TO THE SITING AND PERMITTING OF ELECTRIC TRANSMISSION FACILITIES AS WELL AS OPPORTUNITIES TO IMPROVE THAT FRAMEWORK. THE TASK FORCE SHALL TAKE TESTIMONY ON THE TOPICS LISTED IN SUBSECTION (4) OF THIS SECTION AND SHALL REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY ON SUCH TESTIMONY AND RECOMMENDATIONS NO LATER THAN DECEMBER 1, 2011. EACH RECOMMENDATION MADE BY THE TASK FORCE REQUIRES THE AFFIRMATIVE CONSENT OF A MAJORITY OF ITS MEMBERS AND MAY BE ACCOMPANIED BY A MINORITY REPORT, AS APPROPRIATE.	52 53 54 55 56 57 58 59 60 61 62 63 64 65
	(b) THE TASK FORCE SHALL HOLD AT LEAST FOUR MEETINGS, WHICH SHALL BE OPEN TO THE PUBLIC. THE TASK FORCE SHALL ELECT A CHAIR AND A VICE-CHAIR FROM ITS MEMBERS AT ITS FIRST MEETING. THE TASK FORCE SHALL SOLICIT AND RECEIVE COMMENTS FROM MEMBERS OF	66 67 68 69

THE PUBLIC, WHICH MUST INCLUDE AN OPPORTUNITY FOR COLORADO RESIDENTS TO SUBMIT WRITTEN COMMENTS TO THE TASK FORCE. THE TASK FORCE MAY DETERMINE THE MANNER IN WHICH SUCH COMMENTS ARE RECEIVED.

(c) THE TASK FORCE SHALL CONSIDER AND GIVE WEIGHT TO PUBLIC COMMENTS RECEIVED DURING THE PUBLIC HEARING PROCESS, AS WELL AS WRITTEN COMMENTS FROM AFFECTED COUNTIES, CITIES, ELECTRIC UTILITIES, OTHER ELECTRIC POWER PROVIDERS, CUSTOMERS, ENVIRONMENTAL GROUPS, AND OTHER INTERESTED STAKEHOLDERS.

(3) **Membership.** (a) THE TASK FORCE CONSISTS OF SIXTEEN MEMBERS AS FOLLOWS:

(I) THE DIRECTOR OF THE COMMISSION , OR HIS OR HER DESIGNEE, WHO SHALL CONVENE THE TASK FORCE AND WHO IS AUTHORIZED TO CONTRACT WITH A MEDIATOR OR OTHER THIRD PARTY TO FACILITATE ACCOMPLISHMENT OF THE TASK FORCE'S DUTIES;

(II) EIGHT MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

(A) ONE MEMBER REPRESENTING COOPERATIVE ELECTRIC ASSOCIATIONS THAT DISTRIBUTE ELECTRICITY;

(B) ONE MEMBER REPRESENTING COOPERATIVE ELECTRIC ASSOCIATIONS THAT GENERATE AND TRANSMIT ELECTRICITY;

(C) TWO MEMBERS REPRESENTING INVESTOR-OWNED ELECTRIC UTILITIES;

(D) TWO MEMBERS REPRESENTING MUNICIPALLY OWNED ELECTRIC UTILITIES;

(E) ONE MEMBER REPRESENTING RENEWABLE ENERGY ELECTRIC GENERATION INTERESTS; AND

(F) ONE MEMBER REPRESENTING LARGE COMMERCIAL CONSUMERS OF ELECTRICITY;

(III) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, WHO MUST NOT BE AFFILIATED WITH ANY OF THE GROUPS REPRESENTED BY OTHER MEMBERS OF THE TASK FORCE;

(IV) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE, WHO MUST NOT BE AFFILIATED WITH ANY OF THE GROUPS REPRESENTED BY OTHER MEMBERS OF THE TASK FORCE;

(V) TWO MEMBERS REPRESENTING THE INTERESTS OF COLORADO MUNICIPALITIES, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE COLORADO MUNICIPAL LEAGUE OR ITS SUCCESSOR ORGANIZATION;

(VI) TWO MEMBERS REPRESENTING THE INTERESTS OF COLORADO COUNTIES, APPOINTED BY THE EXECUTIVE DIRECTOR OF COLORADO COUNTIES, INCORPORATED, OR ITS SUCCESSOR ORGANIZATION; AND

(VII) THE DIRECTOR OF THE GOVERNOR'S ENERGY OFFICE CREATED IN SECTION 24-38.5-101, C.R.S., OR HIS OR HER DESIGNEE.

(b) THE APPOINTING AUTHORITIES SHALL MAKE THEIR APPOINTMENTS WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

(c) THE OFFICIAL WHO APPOINTED A MEMBER WHOSE ABSENCE RESULTS IN A VACANCY SHALL FILL THE VACANCY BY APPOINTMENT.

(4) **Scope of inquiry.** AT A MINIMUM, THE TASK FORCE SHALL TAKE COMMENTS ON THE FOLLOWING TOPICS:

(a) AN INVENTORY AND EVALUATION OF COLORADO'S CURRENT SITING AND PERMITTING FRAMEWORK FOR ELECTRIC TRANSMISSION FACILITIES, INCLUDING ITS BENEFITS AND SHORTCOMINGS;

(b) RESEARCH INTO EXAMPLES OF HOW OTHER STATES APPROACH SITING AND PERMITTING OF ELECTRIC TRANSMISSION FACILITIES;

(c) IDENTIFICATION OF POSSIBLE MODELS FOR IMPROVING COLORADO'S EXISTING SITING AND PERMITTING PROCESSES APPLICABLE TO ELECTRIC TRANSMISSION FACILITIES;

(d) RECOMMENDED ACTIONS TO STREAMLINE SITING AND PERMITTING PROCESSES APPLICABLE TO ELECTRIC TRANSMISSION FACILITIES, INCLUDING A BALANCING OF ENVIRONMENTAL, LAND USE, AND COMMUNITY EFFECTS WITH TRANSMISSION PROJECT COSTS AND SCHEDULE RISKS;

(e) AN EXAMINATION OF THE ADVANTAGES AND DISADVANTAGES OF A STATEWIDE TRANSMISSION SITING AND PERMITTING FRAMEWORK FOR ELECTRIC TRANSMISSION FACILITIES; AND

(f) AN EXAMINATION OF THE POLITICAL ACCEPTABILITY OF, AND POTENTIAL STRATEGIES FOR, CREATING A STATE-LEVEL SITING ENTITY.

(5) **Funding.** (a) THE COMMISSION MAY ACCEPT PRIVATE GIFTS, GRANTS, AND DONATIONS FOR THE PURPOSE OF PROVIDING SUPPORT TO

THE TASK FORCE TO PERFORM ITS RESPONSIBILITIES. THE COMMISSION SHALL TRANSFER ALL SUCH GIFTS, GRANTS, AND DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO A SEPARATE ACCOUNT, WHICH IS HEREBY CREATED, IN THE PUBLIC UTILITIES COMMISSION FIXED UTILITY FUND CREATED IN SECTION 40-2-114.

(b) THE COMMISSION IS NOT REQUIRED TO SOLICIT GIFTS, GRANTS, OR DONATIONS FROM ANY SOURCE FOR THE PURPOSES OF THE TASK FORCE. NO GENERAL FUND MONEYS SHALL BE USED TO PAY FOR ANY EXPENSES OF THE TASK FORCE.

(c) IF, BY JUNE 1, 2011, MONEYS IN THE ACCOUNT HAVE NOT REACHED AN AMOUNT SUFFICIENT TO PAY THE EXPENSES OF THE TASK FORCE:

(I) THE TASK FORCE SHALL NOT MEET OR UNDERTAKE ANY OTHER DUTIES PURSUANT TO THIS SECTION;

(II) THE COMMISSION SHALL RETURN TO EACH GRANTOR OR DONOR AN AMOUNT EQUAL TO SUCH GRANTOR'S OR DONOR'S CONTRIBUTION; AND

(III) THE STATE TREASURER SHALL TRANSFER THE INTEREST, IF ANY, EARNED FROM THE INVESTMENT OF MONEYS IN THE ACCOUNT TO THE GENERAL FUND.

(6) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2011.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Page 1, line 103, strike "FACILITIES." and substitute "FACILITIES, AND, IN CONNECTION THEREWITH, CREATING A TASK FORCE."

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **HJR11-1008** be referred to the Senate for final action.

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, February 25 was laid over until Monday, February 28, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-009.
Consideration of Governor's Appointments:
Executive Director of the Department of Local Affairs
Conference Committees to Report: SB11-159, SB11-164, SB11-144, SB11-137, SB11-141, SB11-136, SB11-142.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, February 28, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

48th Legislative DayMonday, February 28, 2011

Prayer By the chaplain, Father Eustace Sequeira, St. Ignatius Loyola Catholic Church, Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Senator Roberts.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Guzman, reading of the Journal of Friday, February 25, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

February 25, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1183, 1164.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1124, amended as printed in House Journal, February 24, page 434.
HB11-1221, amended as printed in House Journal, February 24, page 435.
HB11-1174, amended as printed in House Journal, February 24, page 435.
HB11-1088, amended as printed in House Journal, February 24, page 435.
HB11-1258, amended as printed in House Journal, February 24, pages 435-436.

MESSAGE FROM THE REVISOR OF STATUTES

February 25, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, HB11-1164 and 1183.
Without comment, as amended, HB11-1088, 1124, 1174, 1221, and 1258.
Without comment, as amended, SCR11-001.

MESSAGE FROM THE GOVERNOR

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

December 3, 2010

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

Ladies and Gentlemen:

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

MEMBER OF THE
BOARD OF ASSESSMENT APPEALS

for a term expiring July 1, 2011:

Gregg A. Near of Wheat Ridge, Colorado, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/3/11
Cindi Markwell, Secretary of the Senate

Committee on Local Government

December 8, 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:

MEMBERS OF THE
BOARD OF MORTGAGE LOAN ORIGINATORS

for terms expiring August 10, 2012:

Julie I. Piepho of Fort Collins, Colorado, a licensed mortgage loan originator, appointed;

Cheryl L. Dingwell-Keckritz of Colorado Springs, Colorado, a licensed mortgage loan originator, appointed;

Leslie J. Mitchell of Denver, Colorado, a member of the public at large, appointed;

for terms expiring August 10, 2014: 1

Billy Glenn Bartholomew of Arvada, Colorado, a licensed mortgage loan originator, 2

appointed; 3

Rosemary Marshall of Denver, Colorado, a member of the public at large, appointed. 4

Sincerely, 5

(signed) 6

Bill Ritter, Jr. 7

Governor 8

Rec'd: 1/3/11 9

Cindi Markwell, Secretary of the Senate 10

Committee on Business, Labor, & Technology 11

October 7, 2010 12

To the Honorable 13

Colorado Senate 14

Colorado General Assembly 15

State Capitol Building 16

Denver, CO 80203 17

Ladies and Gentlemen: 18

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of 19

Colorado, I have the honor to designate, appoint, and submit to your consideration, the 20

following: 21

MEMBER OF THE 22

BOARD OF REAL ESTATE APPRAISERS 23

for a term expiring July 1, 2011: 24

Deborah K. Delaney of Fort Collins, Colorado, an officer or employee of a commercial 25

bank experienced in real estate lending, to fill the vacancy occasioned by the resignation 26

of Leslie Mitchell of Denver, Colorado, appointed. 27

Sincerely, 28

(signed) 29

Bill Ritter, Jr. 30

Governor 31

Rec'd: 10/19/10 32

Karen Goldman, Secretary of the Senate 33

Committee on Business, Labor, & Technology 34

December 20, 2010 35

To the Honorable 36

Colorado Senate 37

Colorado General Assembly 38

State Capitol Building 39

Denver, CO 80203 40

Ladies and Gentlemen: 41

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of 42

Colorado, I have the honor to designate, reappoint and submit for your consideration, the 43

following: 44

MEMBERS OF THE
COLORADO AERONAUTICAL BOARD

for terms expiring December 19, 2013:

- Debra K. Wilcox of Centennial, Colorado, to serve as a member familiar with and supportive of the state's aviation issues, interests, and concerns, reappointed;
- Dale E. Hancock of Glenwood Springs, Colorado, to serve as a representative of local government in the western slope which operates airports, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 10/19/10
Karen Goldman, Secretary of the Senate

Committee on Transportation

June 7, 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
COLORADO BANKING BOARD

for a term expiring July 1, 2013:

- Scott G. Pearson of Highlands Ranch, Colorado, an executive officer of a trust company, to fill the vacancy occasioned by the resignation of D. Terry Reitan of Golden, Colorado, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 6/22/10
Cindi Markwell, Asst. Secretary

Committee on Business, Labor, & Technology

August 23, 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
COLORADO COMMISSION ON HIGHER EDUCATION

for a term expiring July 1, 2012:

Richard C. Kaufman of Centennial, Colorado, a resident of the 6th Congressional District and a Democrat, to fill the vacancy occasioned by the resignation of Michael D. Plachy of Centennial, Colorado, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 8/25/10
Cindi Markwell, Asst. Secretary

Committee on Education

June 7, 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:
COLORADO EDUCATIONAL AND CULTURAL
FACILITIES AUTHORITY BOARD OF DIRECTORS

for a term expiring June 30, 2014:

Patrick M. Brady of Fort Collins, Colorado, a Republican, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 6/22/10
Cindi Markwell, Asst. Secretary

Committee on Finance

August 2, 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 for your consideration, the following:

MEMBER OF THE
COLORADO LIMITED GAMING CONTROL COMMISSION

for a term expiring July 1, 2014:

Debbie J. Jessup of Centennial, Colorado, a Republican from the 6th Congressional District, who has been engaged in business in a management-level capacity for at least five years, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 8/6/10
Cindi Markwell, Asst. Secretary

Committee on Finance

October 7, 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
COLORADO RACING COMMISSION

for a term expiring July 1, 2014:

Sean D. Beirne of Aurora, Colorado, a Republican and resident of the 7th Congressional District, who has been previously engaged in the racing industry for at least five years, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 10/19/10
Karen Goldman, Secretary of the Senate

Committee on Finance

June 14, 2010

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

Ladies and Gentlemen: 1
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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of 3
Colorado, I have the honor to designate, appoint, reappoint, and submit to your 4
consideration, the following: 5
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MEMBERS OF THE 7
STATE ELECTRICAL BOARD 8
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effective July 2, 2010 for terms expiring July 1, 2013: 10
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Michael E. Dell'Orfano of Aurora, Colorado, a member of the public at large, appointed; 12
13
Jerry L. Coffee of Pueblo, Colorado, an electrical contractor who has a masters' license, 14
reappointed. 15
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Sincerely, 17
(signed) 18
Bill Ritter, Jr. 19
Governor 20
Rec'd: 6/22/10 21
Cindi Markwell, Asst. Secretary 22
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Committee on Business, Labor, & Technology 24
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May 13, 2010 27
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To the Honorable 31
Colorado Senate 32
Colorado General Assembly 33
State Capitol Building 34
Denver, CO 80203 35
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Ladies and Gentlemen: 37
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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of 39
Colorado, I have the honor to designate, appoint, and submit to your consideration, the 40
following: 41
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MEMBER OF THE 43
HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD 44
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effective immediately, for a term expiring May 15, 2013: 46
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Ellen S. Robinson of Denver, Colorado, a representative of a business that purchases or 48
otherwise provides health insurance for its employees, to fill the vacancy occasioned by 49
the resignation of Bruce K. Alexander of Englewood, Colorado, appointed; 50
51
further, effective June 1, 2010, for a term expiring at the pleasure of the Governor: 52
53
Ellen S. Robinson of Denver, Colorado, to serve as Chairperson of the Hospital 54
Provider Fee Oversight and Advisory Board, appointed. 55
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Sincerely, 58
(signed) 59
Bill Ritter, Jr. 60
Governor 61
Rec'd: 5/19/10 62
Karen Goldman, Secretary of the Senate 63
64
Committee on Health & Human Services 65
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67

October 7, 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, reappoint, and submit to your consideration, the following:

MEMBERS OF THE
MEDICAL SERVICES BOARD

for a term expiring July 1, 2011:

J. Michael Stahl of Grand Junction, Colorado, an Unaffiliated from the 3rd Congressional District with knowledge of the delivery of health care, to fill the vacancy occasioned by the resignation of Byron A. Geer of Colorado Springs, Colorado, appointed;

for a term expiring July 1, 2012:

Brenda T. LaCombe of Pueblo, Colorado, a Democrat from the 3rd Congressional District with knowledge of medical assistance programs, to fill the vacancy occasioned by the resignation of Mary A. "Sally" Schaefer of Grand Junction, Colorado, appointed;

for terms expiring July 1, 2014:

Alan I. Eisenberg of Denver, Colorado, a Democrat from the 1st Congressional District with knowledge of medical assistance programs, reappointed;

Richard D. Markley of Morrison, Colorado, a Republican from the 6th Congressional District with knowledge of medical assistance programs, reappointed;

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 10/19/10
Karen Goldman, Secretary of the Senate

Committee on Health & Human Services

August 16, 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
SOLID AND HAZARDOUS WASTE COMMISSION

for terms expiring August 1, 2013:

Thomas S. Schweitzer of Castle Rock, Colorado, to serve as a representative from the regulated community and as a Republican, reappointed;

Frederick S. Myers of Castle Rock, Colorado, to serve as a member of the public and as a Democrat, reappointed;

Christopher J. Neumann of Denver, Colorado, to serve as a representative of the government or academic community and as a Republican, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 8/25/10
Cindi Markwell, Asst. Secretary

Committee on Health & Human Services

August 2, 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
STATE HOUSING BOARD

for a term expiring January 31, 2011:

James A. Coil of Grand Junction, Colorado, a Democrat and resident of the 3rd Congressional District, to fill the vacancy occasioned by the resignation of Suzanne W. Anarde of Fowler, Colorado, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 8/6/10
Cindi Markwell, Asst. Secretary

Committee on Local Government

May 19, 2010

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

Ladies and Gentlemen: 1
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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of 3
Colorado, I have the honor to designate, appoint and submit to your consideration, the 4
following: 5
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MEMBER OF THE
STATEWIDE INTERNET PORTAL AUTHORITY

for a term expiring June 1, 2011:

Louis J. Lago of Centennial, Colorado, an individual from the private sector who exhibits a background in information management and technology and who is a user of electronic information, products, and services or information technology services that are offered through the private sector, to fill the vacancy occasioned by the resignation of Kent W. Glassman of Denver, Colorado, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 6/1/10
Karen Goldman, Secretary of the Senate

Committee on Business, Labor, & Technology

June 7, 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, reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO TOURISM OFFICE BOARD OF DIRECTORS

for terms expiring June 1, 2014:

Jeanne C. Mackowski of Carbondale, Colorado, a representative of the ski industry, appointed;

Richard W. Scharf, Jr. of Littleton, Colorado, a representative of the destination marketing industry, reappointed;

Ian Steyn of Larkspur, Colorado, a representative of other outdoor recreation industries, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 6/22/10
Cindi Markwell, Asst. Secretary

Committee on Business, Labor, & Technology

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR11-017 and 018, SB11-138, 139, 150 and 156.

SENATE SERVICES REPORT

Correctly Engrossed: SB11-019, 049, 063, 082, 084, 115, 119 and 120.
Correctly Revised: HB11-1018, 1021, 1035, 1041, 1051, 1077, 1087, 1110 and 1113.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR11-019 by Senator(s) Lundberg, Kopp; also Representative(s) Nikkel--Concerning the recognition of the 150th anniversary of the establishment of Colorado as a United States Territory.

On motion of Senator Lundberg, the resolution was read at length and adopted by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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:

HB11-1077 by Representative(s) Peniston, Massey, Hamner, Murray, Ramirez, Schafer S., Solano, Summers, Todd; also Senator(s) Spence--Concerning the "Exceptional Children's Educational Act" as it refers to gifted children.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Heath, Hudak, Jahn, King K., Newell, Nicholson, Schwartz, White and Williams S.

HB11-1041 by Representative(s) Riesberg, Gardner B., McCann, Swalm; also Senator(s) Harvey--Concerning the Colorado insurance guaranty association.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

HB11-1051 by Representative(s) Swerdfeger, Waller; also Senator(s) King S.--Concerning clarification that a DNA sample expungement is never available for a felony conviction.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Bacon, Boyd, Giron, Guzman, Jahn, Morse, Newell, Steadman and Williams S.

HB11-1035 by Representative(s) Court; also Senator(s) Carroll--Concerning an informative statement to be included in the ballot information booklet preceding each measure that is to appear on the ballot.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Giron, Heath, Newell and Nicholson.

HB11-1110 by Representative(s) Acree, Balmer, Holbert, Massey, Murray, Solano; also Senator(s) Harvey, Carroll, Renfroe--Concerning the rights of members of nonprofit corporations in which residency is a qualification for membership.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Heath, Newell and Steadman.

HB11-1113 by Representative(s) Holbert; also Senator(s) Foster--Concerning the provision of information pertaining to impact fees imposed by local governments.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsor added: Aguilar.

HB11-1021 by Representative(s) Todd; also Senator(s) Steadman, Cadman--Concerning the fiscal year of the Colorado channel authority.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

HB11-1087 by Representative(s) Vigil; also Senator(s) Giron--Concerning reimbursement to county governments for charges incurred in pest control operations undertaken by the county.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

HB11-1018 by Representative(s) Tyler; also Senator(s) King S.--Concerning electronically transmitted court documents.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd, Giron, Guzman, Jahn, Newell and Williams S.

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:

SB11-019 by Senator(s) King K.; also Representative(s) Stephens--Concerning payment of the costs of health insurance coverage to employees of small employers.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Brophy, Cadman, Foster, Grantham, Guzman, Harvey, Heath, Hudak, Jahn, King S., Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, White and Williams S.

SB11-049 by Senator(s) Williams S.; also Representative(s) Ryden--Concerning the use of prone restraints on persons.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Hudak, Jahn, King S., Newell, Nicholson, Schwartz, Spence, Steadman and White.

SB11-082 by Senator(s) King S., Carroll, Renfroe, Tochtrop; also Representative(s) Acree, Gardner D., Kerr J., Miklosi--Concerning the authority of the state auditor to conduct audits of security systems used for information technology operated by the state.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Foster, Giron, Guzman, Heath, Kopp, Newell, Nicholson, Schwartz, Steadman and White.

SB11-115 by Senator(s) Carroll; also Representative(s) Miklosi--Concerning the authority of the state auditor to audit state governmental entities.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Foster, Giron, Guzman, Heath, Morse, Newell, Nicholson, Schwartz, Steadman and Tochtrop.

SB11-084 by Senator(s) Boyd; also Representative(s) Summers--Concerning the employment of physicians at long-term care facilities.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Foster, Giron, Guzman, Heath, Hudak, Jahn, Johnston, Mitchell, Morse, Newell, Schwartz, Tochtrop, White and Williams S.

SB11-120 by Senator(s) Newell, Bacon, Foster, Giron, Guzman, Hudak, Jahn, Johnston, Morse, Nicholson, Schwartz, Shaffer B., Steadman, Williams S.; also Representative(s) Kefalas, Ferrandino, Kagan--Concerning rights of certain children in foster care, and, in connection therewith, establishing rights for children in foster care except for those in the custody of the division of youth corrections or a state mental hospital.

Laid over until Tuesday, March 1, retaining its place on the calendar.

SB11-119 by Senator(s) Guzman; also Representative(s) Pabon--Concerning procedures governing the appeal of a valuation of income-producing commercial real property.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Foster, Giron and Nicholson.

SB11-063 by Senator(s) Giron and Newell; --Concerning the promotion of health care accessibility by encouraging local governments to consider the health care needs of their communities in the composition of their master land use plans.

Laid over until Tuesday, March 1, 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 Senate proceeded out of order for consideration of Governor's appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

Senator Tochtrop moved that the Senate confirm the appointment of John N. Cevette of Platteville, Colorado, to the Pinnacol Assurance Board of Directors.

On a substitute motion, Senator Mitchell moved that the consideration of the appointment be rereferred to the Committee on Business, Labor, & Technology. The motion was lost by the following roll call vote:

YES	14	NO	21	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	N
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

On a substitute motion, Senator Harvey moved that the confirmation be laid over until Friday, March 4. The motion was lost by the following roll call vote:

YES	14	NO	21	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	N
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Tochtrop, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
PINNACOL ASSURANCE BOARD OF DIRECTORS

for a term expiring January 1, 2013:

John N. Cevette of Platteville, Colorado, an employee of an employer whose liability is insured by Pinnacol, to fill the vacancy occasioned by the resignation of Holman F. Carter of Boulder, Colorado, appointed.

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

On motion of Senator Tochtrop, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
PINNACOL ASSURANCE BOARD OF DIRECTORS

for terms expiring January 1, 2016:

John C. Plotkin of Lakewood, Colorado, an employer whose liability is insured by Pinnacol, appointed;

Blair E. Richardson of Denver, Colorado, to serve as an employee of an employer whose liability is insured by Pinnacol, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Foster, the following Governor's appointment was confirmed by a roll call vote:

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF LOCAL AFFAIRS

effective February 1, 2011, for a term expiring at the pleasure of the Governor:

Reeves Brown, of Grand Junction, Colorado.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Hudak, the following Governor's appointment was confirmed by a roll call vote:

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF TRANSPORTATION

effective February 14, 2011, for a term expiring at the pleasure of the Governor:

Don Hunt, of Denver, Colorado.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills -- Consent Calendar (HB11-1040, HB11-1017, SB11-165) of Monday, February 28 was laid over until Tuesday, March 1, 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 General Orders -- Second Reading of Bills Calendar (SB11-055, SB11-015, SB11-050, SB11-107, HB11-1031, SB11-060) of Monday, February 28 was laid over until Tuesday, March 1, retaining its place on the calendar.

MESSAGE FROM THE HOUSE

February 28, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1206, amended as printed in House Journal, February 25, page 448.
HB11-1262, amended as printed in House Journal, February 25, page 448.
HB11-1218, amended as printed in House Journal, February 25, page 448.
HB11-1209, amended as printed in House Journal, February 25, page 449,
and amended on Third Reading as printed in House Journal, February 28.

The House has adopted and returns herewith SJR11-019.

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, February 28 was laid over until Tuesday, March 1, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-009.
Conference Committees to Report: SB11-159, SB11-164, SB11-144, SB11-137,
SB11-141, SB11-136, SB11-142.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, March 1,
2011.

Approved:

Betty Boyd
President *pro tem* of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

49th Legislative Day Tuesday, March 1, 2011

Prayer By the chaplain, Rabbi Eliot J. Baskin, Jewish Family Services of Colorado, Denver.

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

Pledge By Senator Roberts.

Roll Call Present--30
Excused--5, Carroll, King S., Mitchell, Renfroe, Tochtrop.
Present later--5, Carroll, King S., Mitchell, Renfroe, Tochtrop.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Guzman, reading of the Journal of Monday, February 28, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

February 28, 2011

Mr. President:

The Speaker has announced the following change in sponsorship on SB11-093.
Representative Joshi to be replaced by Representative Vaad as prime sponsor.

MESSAGE FROM THE REVISOR OF STATUTES

February 28, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, as amended, HB11-1206, 1209, 1218, and 1262.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1050.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Monday, February 28, 2011, at 12:05 p.m.:
SB11-135, 140, 143, 145, 146, 147, 148, 149, 151, 152, 153, 154, 155, 157, 160, 161 and 163.

SENATE SERVICES REPORT

Correctly Printed: SJR11-019.
Correctly Engrossed: SJR11-019.
Correctly Reengrossed: SB11-019, 049, 082, 084, 115 and 119.
Correctly Rerevised: HB11-1018, 1021, 1035, 1041, 1051, 1077, 1087, 1110 and 1113.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR11-021 by Senator(s) Giron; also Representative(s) Williams A.--Concerning the Rocky Mountain Rollergirls, and, in connection therewith, acknowledging the sportsmanship, civic involvement, leadership development, and empowerment of women that the sport of women's flat track roller derby promotes.

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

SJR11-020 by Senator(s) Bacon; also Representative(s) Kefalas and Labuda--Concerning the recognition of the Peace Corps on the occasion of its 50th anniversary.

On motion of Senator Bacon, the resolution was read at length and adopted by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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:

SB11-120 by Senator(s) Newell, Bacon, Foster, Giron, Guzman, Hudak, Jahn, Johnston, Morse, Nicholson, Schwartz, Shaffer B., Steadman, Williams S.; also Representative(s) Kefalas, Ferrandino, Kagan--Concerning rights of certain children in foster care, and, in connection therewith, establishing rights for children in foster care except for those in the custody of the division of youth corrections or a state mental hospital.

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.008), by Senator Newell.

Amend engrossed bill, page 3, strike lines 20 through 22 and substitute:

"(k) FOR CHILDREN AND YOUTH THAT ARE PLACED IN A FAMILY FOSTER HOME, TO NOT BE ISOLATED OR LOCKED IN A ROOM;"

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Carroll, Heath, Hodge, King S., Roberts, Spence, Tochtrop and White.

SB11-063 by Senator(s) Giron and Newell; also Representative(s) Kefalas--Concerning the promotion of health care accessibility by encouraging local governments to consider the health care needs of their communities in the composition of their master land use plans.

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

YES	21	NO	14	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

Co-sponsors added: Aguilar, Boyd, Foster, Guzman, Heath, Hodge, Hudak, Morse, Nicholson, Schwartz and Williams S.

COMMITTEE OF REFERENCE REPORTS

- Judiciary After consideration on the merits, the Committee recommends that **HB11-1044** be postponed indefinitely.
- Judiciary After consideration on the merits, the Committee recommends that **HB11-1102** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
- Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB11-168** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.
- Amend printed bill, page 7, line 11, strike "THE" and substitute "ON OR BEFORE NOVEMBER 3, 2012, THE".
- Page 7, strike line 12 and substitute "PREPARE A REPORT ON THE COLORADO HEALTH CARE COOPERATIVE FOR THE GENERAL".
- Page 12, line 20, after "MEMBERS" insert "MAY".
- Page 12, line 21, strike "UP TO".
- Page 12, line 22, strike "AN" and substitute "THIS".

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, March 1 was laid over until Wednesday, March 2, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1040, HB11-1017, SB11-165, SB11-037, SB11-108, SB11-089, HB11-1060, HB11-1019.

General Orders -- Second Reading of Bills: SB11-055, SB11-015, SB11-050, SB11-107, HB11-1031, SB11-060, SB11-102, SB11-057, SB11-003, SB11-090, SB11-126, HB11-1105, SB11-170.

Consideration of Resolutions: SJR11-005, SJR11-009, HJR11-1008.

Consideration of House Amendments to Senate Bills: SCR11-001.

Conference Committees to Report: SB11-159, SB11-164, SB11-144, SB11-137, SB11-141, SB11-136, SB11-142.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, March 2, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

50th Legislative DayWednesday, March 2, 2011

Prayer	By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator Roberts.
Roll Call	Present--32 Excused--3, Johnston, Kopp, Mitchell. Present later--2, Johnston, Mitchell.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Guzman, reading of the Journal of Tuesday, March 1, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

March 1, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1156, 1167, 1239.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1013, amended as printed in House Journal, February 28, page 497.
HB11-1026, amended as printed in House Journal, February 28, page 497.
HB11-1100, amended as printed in House Journal, February 28, page 497.
HB11-1130, amended as printed in House Journal, February 28, pages 497-498.
HB11-1182, amended as printed in House Journal, February 28, page 498.
HB11-1207, amended as printed in House Journal, February 28, page 498.

The House has adopted and returns herewith SJR11-020.

MESSAGE FROM THE REVISOR OF STATUTES

March 1, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, HB11-1156, 1167, and 1239.
Without comment, as amended, HB11-1013, 1026, 1100, 1130, 1182, and 1207.

SENATE SERVICES REPORT

Correctly Printed: SJR11-020 and 021.
Correctly Engrossed: SJR11-020.
Correctly Reengrossed: SB11-063 and 120.
Correctly Enrolled: SB11-028; SJR11-019 and 020.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Tuesday, March 1, 2011, at 10:07 a.m.:
SB11-138, 139, 150 and 156.

INTRODUCTION OF RESOLUTIONS

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

SR11-004 by Senator(s) Kopp, Cadman, Brophy, Grantham, Harvey, King K., King S., Lambert, Lundberg, Mitchell, Renfroe, Roberts, Scheffel, Spence, White; --Concerning the Colorado Senate making a declaration of opposition to all tax increases during the Sixty-eighth General Assembly.
State, Veterans & Military Affairs

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-178 by Senator(s) Newell; --Concerning the manner in which a statutory local government may adopt a sales tax exemption.
Local Government

SB11-179 by Senator(s) Carroll; --Concerning alternative identification that an employee engaged in work at an off-site premises may provide for purposes of ensuring work site security.
Judiciary

SB11-180 by Senator(s) Tochtrop; --Concerning authority for taxicabs to pick up passengers outside their assigned geographic areas.
Business, Labor and Technology

SB11-181 by Senator(s) Lambert, Morse; also Representative(s) Kerr J.--Concerning the creation of the position of legislative statistician to support legislative analysis.
State, Veterans & Military Affairs

SB11-182 by Senator(s) Carroll, Cadman, Giron, Guzman, Spence; also Representative(s) Liston, Barker, Court, Massey, Pabon, Pace--Concerning the establishment of an insurable interest requirement for life insurance policies.
Business, Labor and Technology

SB11-183 by Senator(s) Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Lundberg, Nicholson, Steadman, Tochtrop, Williams S.; also Representative(s) Gardner B. and Looper, Gardner D., Kagan, Kefalas, Lee, Levy, Miklosi, Ryden, Tyler--Concerning mandating representation by persons with disabilities on certain state boards.
Health and Human Services

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HB11-1003	by Representative(s) Summers and Szabo; also Senator(s) Harvey and Lundberg--	2
	Concerning the definition of identification for election-related purposes.	3
	State, Veterans & Military Affairs	4
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HB11-1004	by Representative(s) Baumgardner; also Senator(s) Harvey--Concerning the registration of a	7
	vehicle used for agricultural production, and making an appropriation in connection	8
	therewith.	9
	State, Veterans & Military Affairs	10
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HB11-1079	by Representative(s) Casso; also Senator(s) Jahn--Concerning methods to reduce the	13
	number of homeless youth.	14
	Local Government	15
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HB11-1095	by Representative(s) Nikkel; also Senator(s) Lundberg--Concerning security of the	18
	information filed on behalf of an entity with the secretary of state's on-line business filing	19
	system, and making an appropriation therefor.	20
	State, Veterans & Military Affairs	21
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HB11-1097	by Representative(s) Barker; also Senator(s) Guzman--Concerning the voluntary	24
	contribution designation benefiting the Goodwill Industries fund that appears on the state	25
	individual income tax return forms, and making an appropriation therefor.	26
	Finance	27
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HB11-1111	by Representative(s) Sonnenberg; also Senator(s) Jahn--Concerning the protection of	30
	livestock producer information collected by the department of agriculture.	31
	Agriculture, Natural Resources, and Energy	32
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HB11-1122	by Representative(s) Schafer S.; also Senator(s) Jahn--Concerning the technical	35
	modification of specified requirements affecting the process by which a proposed home rule	36
	charter for a municipality is to be submitted for the approval of the voters of the	37
	municipality.	38
	Local Government	39
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HB11-1126	by Representative(s) Duran; also Senator(s) Hudak--Concerning measures to encourage	42
	greater parent involvement in public schools.	43
	Education	44
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HB11-1151	by Representative(s) Hamner; also Senator(s) Nicholson--Concerning cruelty to service	47
	animals in law enforcement.	48
	Local Government	49
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HB11-1153	by Representative(s) Hullinghorst; also Senator(s) Newell--Concerning juror service.	52
	Judiciary	53
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		55
HB11-1155	by Representative(s) McNulty and Pace, Swerdfeger; also Senator(s) Shaffer B. and Kopp--	56
	Concerning the lieutenant governor of the state of Colorado serving concurrently as the	57
	head of a principal department in state government, and making an appropriation in	58
	connection therewith.	59
	State, Veterans & Military Affairs	60
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HB11-1161	by Representative(s) Gerou, Becker, Ferrandino; also Senator(s) Hodge, Steadman,	63
	Lambert--Concerning the extension through the 2011-12 fiscal year of authorization for the	64
	use of highway users tax fund moneys to fund driver and vehicle services within the	65
	division of motor vehicles of the department of revenue.	66
	Transportation	67

HB11-1185 by Representative(s) Ramirez; also Senator(s) Mitchell--Concerning the imposition of a time limit within which a lienholder must provide the certificate of title to a motor vehicle with evidence of release of a lien that has been satisfied.
Transportation

HB11-1220 by Representative(s) Beezley, Barker, Conti, Holbert, McNulty, Priola, Ramirez, Szabo, Vaad; also Senator(s) Williams S.--Concerning the acceleration of funding for state highway transportation projects that result in new commercial development in urban infill areas through allocation of a portion of new state sales tax revenue attributable to the transportation projects.
State, Veterans & Military Affairs
Appropriations

SB11-184 by Senator(s) Steadman, Bacon, Boyd, Carroll, Giron, Guzman, Hodge, Hudak, Johnston, Morse, Nicholson, Shaffer B., Tochtrop; also Representative(s) Ferrandino, Duran, Fields, Hullinghorst, Kagan, Kefalas, Labuda, McCann, Pabon, Pace--Concerning tax reporting.
Finance
Appropriations

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

SJR11-021 by Senator(s) Giron; also Representative(s) Williams A.--Concerning the Rocky Mountain Rollergirls, and, in connection therewith, acknowledging the sportsmanship, civic involvement, leadership development, and empowerment of women that the sport of women's flat track roller derby promotes.

On motion of Senator Giron, the resolution was read at length and adopted by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Carroll, Foster, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Morse, Newell, Nicholson, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **HB11-1073** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB11-048** be postponed indefinitely.

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1027 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4 5 6
Judiciary	After consideration on the merits, the Committee recommends that HB11-1036 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	7 8 9 10 11
Trans- portation	After consideration on the merits, the Committee recommends that SJR11-015 be amended to the Senate for final action.	12 13 14
	Amend printed joint resolution, page 1, line 8, strike "October" and substitute "November" and strike "proposed a regulation".	15 16 17
	Page 2, line 1, strike "amending the MUTCD that would require" and substitute "asked for additional public comments on the MUTCD regulation that will require".	18 19 20 21
	Page 2, line 5, strike "proposed".	22 23
	Page 2, line 11, strike "proposed".	24 25
	Page 2, line 15, strike "the proposed" and substitute "additional comments on the" and strike "has already".	26 27 28
	Page 2, line 16, strike "been" and substitute "was".	29 30
	Page 2, line 17, strike "comments on the amendments to the regulations," and substitute "comments,".	31 32 33
	Page 2, line 20, strike "proposed".	34 35
	Page 2, line 29, strike "proposed".	36 37
	Page 2, line 31, strike "proposed".	38 39
	Page 2, line 33, strike "proposed".	40 41
	Page 3, line 1, strike "proposed".	42 43
	Page 3, line 2, strike "a copy" and substitute "copies".	44 45
	Page 3, line 4, strike "LaHood." and substitute "LaHood and the members of Colorado's congressional delegation.".	46 47 48
	Page 1, line 102, strike " PROPOSED ".	49 50 51
Finance	After consideration on the merits, the Committee recommends that HB11-1177 be referred to the Committee of the Whole with favorable recommendation.	52 53 54 55
Finance	After consideration on the merits, the Committee recommends that SB11-128 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	56 57 58 59
	Amend the Health and Human Services Committee Report, dated February 23, 2011, page 2, after line 4 insert:	60 61 62
	"Page 5 of the bill, after line 27 insert:	63 64
	" SECTION 4. 10-16-111 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:	65 66
	10-16-111. Annual statements and reports - repeal.	67
	(4) (a.5) (I) IN ADDITION TO AND IN CONJUNCTION WITH THE INFORMATION SUBMITTED PURSUANT TO PARAGRAPH (a) OF THIS	68 69

SUBSECTION (4), A CARRIER THAT PARTICIPATES IN THE INDIVIDUAL MARKET IN COLORADO SHALL SUBMIT TO THE COMMISSIONER THE FOLLOWING INFORMATION:
(A) THE NUMBER OF APPLICANTS FOR A CHILD-ONLY PLAN;
(B) THE NUMBER OF INDIVIDUALS ENROLLED IN A CHILD-ONLY PLAN; AND
(C) THE NUMBER OF APPLICANTS DENIED ENROLLMENT IN A CHILD-ONLY PLAN AND THE REASONS FOR THE DENIALS.
(II) THIS PARAGRAPH (a.5) IS REPEALED, EFFECTIVE JANUARY 1, 2014."

Renumber succeeding section accordingly."

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, March 2 was laid over until Thursday, March 3, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1040, HB11-1017, SB11-165, SB11-037, SB11-108, SB11-089, HB11-1060, HB11-1019.
General Orders -- Second Reading of Bills: SB11-055, SB11-015, SB11-050, SB11-107, HB11-1031, SB11-060, SB11-102, SB11-057, SB11-003, SB11-090, SB11-126, HB11-1105, SB11-170.
Consideration of Resolutions: SJR11-005, SJR11-009, HJR11-1008.
Consideration of House Amendments to Senate Bills: SCR11-001.
Conference Committees to Report: SB11-159, SB11-164, SB11-144, SB11-137, SB11-141, SB11-136, SB11-142.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, March 3, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

51st Legislative Day Thursday, March 3, 2011

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 Roberts

Roll Call Present--33
Absent--1, Hudak.
Excused--1, Kopp.
Present later--1, Hudak.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Guzman, reading of the Journal of Wednesday, March 2, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

REPORT OF CONFERENCE COMMITTEE

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-136

THIS REPORT ADOPTS THE
REREVISED BILL

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

Your first conference committee appointed on SB11-136,
concerning a supplemental appropriation to the department of corrections,
has met and reports that it has agreed upon the following:

That the Senate accede to the House amendment made to the bill
and that the rerevised bill be adopted without change.

Respectfully submitted,

Senate Committee:	House Committee:
(signed)	(signed)
Mary Hodge, Chairman	Cheri Gerou, Chairman
Pat Steadman	Jon Becker
Kent D. Lambert	Mark Ferrandino

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-137

THIS REPORT AMENDS THE
REREVISED BILL

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

Your first conference committee appointed on SB11-137,
concerning a supplemental appropriation to the department of education,
has met and reports that it has agreed upon the following:

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

Page 11, line 7, in the GENERAL FUND column strike "3,215,467,092"
and substitute "3,216,221,842" and in the CASH FUNDS column strike
"386,382,273" and substitute "385,627,523".

Page 12, line 1, strike "\$284,556,397" and substitute "\$283,801,647".

Page 20, line 3, in the ITEM & SUBTOTAL column strike "~~4,998,500~~"
and substitute "4,998,500" and in the CASH FUNDS column strike
"~~4,998,500~~" and substitute "4,998,500".

Page 20, strike line 4.

Page 21, line 2, strike "462,659,884" and substitute "463,414,634".

Page 22, line 14, strike "4,637,028,435" and substitute "4,637,783,185".

Page 28, line 5, in the TOTAL column strike "\$4,707,626,341" and
substitute "\$4,708,381,091" and in the GENERAL FUND column strike
"\$3,381,112,099" and substitute "\$3,381,866,849".

Respectfully submitted,

Senate Committee:	House Committee:
(signed)	(signed)
Mary Hodge, Chairman	Cheri Gerou, Chairman
Pat Steadman	Jon Becker
Kent D. Lambert	Mark Ferrandino

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-141

THIS REPORT ADOPTS THE
REREVISED BILL

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

Your first conference committee appointed on SB11-141,
concerning a supplemental appropriation to the department of human
services, has met and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the bill
and that the rerevised bill be adopted without change.

Respectfully submitted,

Senate Committee:
(signed)
Mary Hodge, Chairman
Pat Steadman
Kent D. Lambert

House Committee:
(signed)
Cheri Gerou, Chairman
Jon Becker
Mark Ferrandino

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-142

THIS REPORT ADOPTS THE
REREVISED BILL

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

Your first conference committee appointed on SB11-142,
concerning a supplemental appropriation to the judicial department, has
met and reports that it has agreed upon the following:

That the Senate accede to the House amendment made to the bill
and that the rerevised bill be adopted without change.

Respectfully submitted,

Senate Committee:
(signed)
Mary Hodge, Chairman
Pat Steadman
Kent D. Lambert

House Committee:
(signed)
Cheri Gerou, Chairman
Jon Becker
Mark Ferrandino

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-144

THIS REPORT ADOPTS THE
REREVISED BILL

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

Your first conference committee appointed on SB11-144,
concerning a supplemental appropriation to the department of law, has
met and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the bill
and that the rerevised bill be adopted without change.

Respectfully submitted,

Senate Committee:
(signed)
Mary Hodge, Chairman
Kent D. Lambert

House Committee:
(signed)
Cheri Gerou, Chairman
Jon Becker
Mark Ferrandino

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-159

THIS REPORT AMENDS THE
REENGROSSED BILL

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

Your first conference committee appointed on SB11-159, concerning the distribution of fifty percent of the balance remaining in the limited gaming fund that is allocated to the state general fund or such other fund as the general assembly provides as specified in section 9 (5) (b) (II) of article XVIII of the state constitution, and making an appropriation in connection therewith, has met and reports that it has agreed upon the following:

1. That the House recede from its amendment made to the bill, as the amendment appears in the rerevised bill, and that the following amendments be substituted therefor:

Amended reengrossed bill, page 6, strike lines 1 through 7 and substitute:

"(III) ANY AMOUNT OF THE STATE SHARE THAT IS GREATER THAN FORTY-EIGHT MILLION FIVE HUNDRED THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE STATE GENERAL FUND."

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

Amend reengrossed bill, page 5, line 7, strike "FIFTY-ONE" and substitute "FIFTY".

Page 5, line 9, strike "NINETEEN" and substitute "EIGHTEEN".

Page 5, line 13, strike "THIRTEEN" and substitute "FIFTEEN".

Page 12, strike line 10 and substitute "million one hundred fifty thousand dollars (\$14,150,000) cash".

Page 13, strike lines 12 and 13 and substitute "discovery evaluation, is decreased by two hundred twenty-six thousand dollars (\$226,000)".

Page 13, strike lines 18 and 19 and substitute "impact grants, is decreased by one million nine hundred five thousand dollars (\$1,905,000)".

Respectfully submitted,

Senate Committee:
(signed)
Pat Steadman, Chairman
Mary Hodge
Kent D. Lambert

House Committee:
(signed)
Cheri Gerou, Chairman
Jon Becker
Mark Ferrandino

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-164

THIS REPORT AMENDS THE
REREVISED BILL

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

Your first conference committee appointed on SB11-164,
concerning the augmentation of the general fund through transfers of
certain moneys, 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.
- 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 5, line 6, after the period add "THE TRANSFER
REQUIRED BY THIS SUBSECTION (4) SHALL BE FROM MONEYS DEPOSITED IN
THE COLORADO DOMESTIC ABUSE PROGRAM FUND THAT WERE GENERATED
FROM FEES COLLECTED PURSUANT TO SECTIONS 13-32-101 (1) (a) AND (1)
(b) AND 14-2-106 (1) (a), C.R.S., AND SUCH TRANSFER SHALL NOT
INCLUDE ANY MONEYS THAT WERE VOLUNTARY CONTRIBUTIONS RECEIVED
PURSUANT TO SECTION 39-22-801."

Respectfully submitted,

Senate Committee:	House Committee:
(signed)	(signed)
Mary Hodge, Chairman	Cheri Gerou, Chairman
Pat Steadman	Jon Becker
Kent D. Lambert	Mark Ferrandino

MESSAGE FROM THE HOUSE

March 2, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB11-1059, amended as printed in House Journal, February 28, page 496.
HB11-1169, amended as printed in House Journal, March 1, page 509.
HB11-1236, amended as printed in House Journal, March 1, pages 509-510.
HB11-1193, amended as printed in House Journal, March 1, page 510.
HB11-1120, amended as printed in House Journal, March 1, page 510.
HB11-1205, amended as printed in House Journal, March 1, page 510.

The House has adopted and returns herewith SJR11-021.

March 2, 2011

Mr. President:

The House has voted to concur in the Senate amendments to HB11-1077 and
HB11-1035 and has repassed the bills as so amended.

MESSAGE FROM THE REVISOR OF STATUTES

March 2, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, as amended, HB11-1059, 1120, 1169, 1193, 1205, and 1236.

MESSAGE FROM THE GOVERNOR

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

January 7, 2011

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

MEMBERS OF THE
STATE BOARD FOR COMMUNITY COLLEGES
AND OCCUPATIONAL EDUCATION

for terms expiring December 31, 2014:

Anthony L. Leffert from Denver, Colorado, to serve as a Democrat from the First Congressional District, appointed;

John U. Trefny from Golden, Colorado, to serve as an Unaffiliated from the Seventh Congressional District, reappointed;

James M. Johnson from Colorado Springs, Colorado, to serve as a Republican from the Fifth Congressional District, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/10/11
Cindi Markwell, Secretary of the Senate

Committee on Education

August 16, 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
COLORADO COMMISSION ON THE AGING

for a term expiring when no longer a legislator:

Senator Lucia Guzman of Denver, Colorado, to serve as a representative of the Colorado State Senate, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 8/25/10
Cindi Markwell, Asst. Secretary

Committee on Health & Human Services

September 9, 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:

MEMBERS OF THE
COLORADO COMMISSION ON THE AGING

for a term expiring July 1, 2012:

Ruth E. Long of Fort Collins, Colorado, to fill the vacancy occasioned by the resignation of Mark N. Shelton of Fort Collins, Colorado, and to serve as a representative from the Fourth Congressional District and as a Democrat, appointed;

for a term expiring July 2, 2014:

Leanne Jo Abdnor of Boulder, Colorado, to serve as a representative from the Second Congressional District and as a Republican, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 9/24/10
Cindi Markwell, Asst. Secretary

Committee on Health & Human Services

May 13, 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, reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO COMMISSION FOR THE
DEAF AND HARD OF HEARING

for terms expiring July 1, 2014:

Marie N. Runge of Greeley, Colorado, to serve as a member who is deaf, appointed;

Kirk B. Neuroth of Denver, Colorado, to serve as a member who is an interpreter for the deaf and hard of hearing, appointed;

Deborah G. Mohny of Boulder, Colorado, to serve as a member who is hard of hearing, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 5/19/10
Karen Goldman, Secretary of the Senate

Committee on Health & Human Services

August 2, 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, reappoint and submit to your consideration, the following:

MEMBERS OF THE
BOARD OF TRUSTEES FOR THE COLORADO
SCHOOL FOR THE DEAF AND THE BLIND

for terms expiring July 1, 2014:

Carolena Guiral Steen of Colorado Springs, Colorado, a Democrat, reappointed;

Chris A. Madison of Grand Junction, Colorado, a Republican, appointed;

Kay A. Ferrell of Greeley, Colorado, a Democrat, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 8/6/10
Cindi Markwell, Asst. Secretary

Committee on Education

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-028, HB11-1011, 1018, 1021, 1028, 1041, 1051, 1087, 1110, 1113.

SENATE SERVICES REPORT

Correctly Printed: SB11-178, 179, 180, 181, 182, 183 and 184; SR11-004.
Correctly Engrossed: SJR11-021.
Correctly Enrolled: SJR11-021.

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-185 by Senator(s) Johnston; --Concerning a clause in state contracts that requires a vendor to notify the state if the vendor outsources duties performed pursuant to the contract to a locale outside the United States.
Local Government

COMMITTEE OF REFERENCE REPORTS

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:

MEMBERS OF THE
FIRE AND POLICE PENSION ASSOCIATION
BOARD OF DIRECTORS

for terms expiring September 1, 2014:

Jack E. Blumenthal of Denver, Colorado, a person from the state's financial or business community experienced in personnel or corporate administration, reappointed;

Monica Cortez-Sangster of Aurora, Colorado, who has experience in insurance disability claims, reappointed;

Susan R. Eaton of Denver, Colorado, a representative of Colorado municipal employers, reappointed.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that HB11-1202 be referred to the Committee of the Whole with favorable recommendation.

Education	After consideration on the merits, the Committee recommends that HB11-1074 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend reengrossed bill, page 2, line 14, strike "FELLOWSHIPS" and substitute "STUDENT SUPPORT". Page 3, after line 17, insert: "SECTION 2. 23-1-104 (2), Colorado Revised Statutes, is amended to read: 23-1-104. Financing the system of postsecondary education - report - repeal. (2) Notwithstanding any provision of this section to the contrary, beginning in the 2011-12 fiscal year and for each fiscal year thereafter through the 2020-21 fiscal year, the general assembly shall appropriate moneys to the governing board of the Colorado school of mines in accordance with section 23-41-104.7, THROUGH FEE-FOR-SERVICE CONTRACTS, AS AUTHORIZED IN SECTIONS 23-1-109.7 AND 23-5-130, and as stipends, as defined in section 23-18-102, as a single line item to said governing board. The amount appropriated pursuant to section 23-41-104.7 shall be in lieu of any amount authorized through fee-for-service contracts negotiated pursuant to section 23-1-109.7 and 23-5-130. " Renumber succeeding section accordingly.	1
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Education	After consideration on the merits, the Committee recommends that HB11-1069 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend reengrossed bill, page 5, strike lines 17 and 18.	11
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Judiciary	After consideration on the merits, the Committee recommends that HB11-1085 be referred to the Committee of the Whole with favorable recommendation.	21
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Judiciary	After consideration on the merits, the Committee recommends that HB11-1117 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	31
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Judiciary	After consideration on the merits, the Committee recommends that SB11-175 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	41
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Health & Human Services	After consideration on the merits, the Committee recommends that HB11-1030 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	51
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Health & Human Services	After consideration on the merits, the Committee recommends that HB11-1148 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	61
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General Orders -- Second Reading of Bills: SB11-055, SB11-015, SB11-050,
SB11-107, HB11-1031, SB11-060, SB11-102, SB11-057, SB11-003, SB11-090,
SB11-126, HB11-1105, SB11-170, SB11-168.
Consideration of Resolutions: SJR11-005, SJR11-009, HJR11-1008.
Consideration of House Amendments to Senate Bills: SCR11-001.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, March 4, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

52nd Legislative Day Friday, March 4, 2011

Prayer By the chaplain, Pastor Rexford Louth, Peakview Church of God, Colorado Springs.

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

Pledge By attendees of Girls With Goals Day, lead by Abby Scott of Durango, Colorado.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Guzman, reading of the Journal of Thursday, March 3, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

March 3, 2011

Mr. President:

The House has adopted the First Report of the First Conference Committee on SB11-136, as printed in House Journal, March 2, page 525, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB11-137, as printed in House Journal, March 2, pages 525-526, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB11-141, as printed in House Journal, March 2, page 526, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB11-142, as printed in House Journal, March 2, pages 526-527, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB11-144, as printed in House Journal, March 2, page 527, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB11-159, as printed in House Journal, March 2, pages 527-528, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB11-164, as printed in House Journal, March 2, pages 528-529, and has repassed the bill as so amended. The bill is returned herewith.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR11-019, 020 and 021.

SENATE SERVICES REPORT

Correctly Printed: SB11-185.

INTRODUCTION OF BILLS -- FIRST READING

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

- HB11-1042

by Representative(s) Levy; also Senator(s) Nicholson--Concerning the classification of residential land when the residential improvement is temporarily removed.
Local Government
- HB11-1071

by Representative(s) Hamner; also Senator(s) Bacon--Concerning the voluntary contribution designation benefiting the Roundup River Ranch fund that appears on the state individual income tax return forms, and making an appropriation therefor.
Finance
- HB11-1082

by Representative(s) Vaad, Beezley, DelGrosso, Nikkel, Sonnenberg; also Senator(s) Renfroe--Concerning a requirement that ozone levels in certain counties exceed a specified threshold in order for the air quality control commission in the department of public health and environment to include those counties in the automobile inspection and readjustment program, and in connection therewith, adjusting appropriations in the fiscal year 2011-12 long bill.
Agriculture, Natural Resources, and Energy
- HB11-1084

by Representative(s) Baumgardner, Murray, Acree, Barker, Becker, Bradford, Brown, Conti, Coram, DelGrosso, Gardner B., Holbert, Joshi, Looper, McKinley, McNulty, Nikkel, Priola, Scott, Stephens, Swerdfeger, Vaad, Waller; also Senator(s) Grantham, Harvey, Scheffel, Lambert, Cadman, Roberts, King K., Renfroe, Lundberg, White, Mitchell, Spence, Aguilar, King S.--Concerning modification of the fee for late registration of a vehicle, and making an appropriation therefor.
State, Veterans & Military Affairs
- HB11-1101

by Representative(s) Swalm; also Senator(s) Morse--Concerning an exemption from state licensure requirements for a community clinic that is a federally qualified health center, and making an appropriation in connection therewith.
Health and Human Services
- HB11-1144

by Representative(s) Solano, Casso, Duran, Kerr A., Todd; also Senator(s) Tochtrop--Concerning fetal alcohol spectrum disorders, and, in connection therewith, expanding the number of members of the fetal alcohol spectrum disorders commission and encouraging evaluation and expanded use of health warning information.
Health and Human Services
- HB11-1178

by Representative(s) Looper; also Senator(s) Williams S.--Concerning the regulation of persons who dispose of human remains in the ordinary course of lawful business.
Local Government
- HB11-1181

by Representative(s) Kefalas; also Senator(s) Newell--Concerning the department of human services child fatality review team.
Health and Human Services

- HB11-1186

by Representative(s) Ryden, Kerr A., McCann, Vigil; also Senator(s) Guzman--Concerning reimbursement by health insurance carriers for acupuncture services.
Health and Human Services

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- HB11-1189

by Representative(s) Fields, Schafer S., Todd, Vigil; also Senator(s) King K.--Concerning bail bond conditions for those arrested for subsequent substance abuse driving offenses.
Judiciary

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- HB11-1192

by Representative(s) Coram; also Senator(s) Brophy--Concerning the addition of specified highway segments to those for which a person may apply to the department of transportation for permission to operate a longer vehicle combination under existing law.
Transportation

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- HB11-1203

by Representative(s) Lee, Ferrandino, Levy, Tyler; also Senator(s) Nicholson--Concerning a requirement that private custodians of criminal records remove records from their databases when a court orders the criminal records sealed.
Judiciary

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- HB11-1210

by Representative(s) Hamner, Levy, McCann, Tyler; also Senator(s) Nicholson--Concerning a requirement that the department of transportation recommend to the general assembly actions that can be taken in the short-term to improve mobility in the interstate 70 mountain corridor.
Transportation

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- HB11-1226

by Representative(s) Conti, Acree, Brown, Kerr J., Scott, Summers; also Senator(s) Spence--Concerning the information provided on a disabled veteran's property tax exemption application form.
State, Veterans & Military Affairs

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- HB11-1260

by Representative(s) DelGrosso; also Senator(s) Jahn--Concerning the due date for tax installment payments when the due date falls on a legal federal holiday.
Finance

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

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CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

- SB11-136

by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of corrections.

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- Senator Hodge moved for the adoption of the first report of the first conference committee on **SB11-136**, as printed in Senate journal, March 3, page 355. The motion was **adopted** by the following roll call vote:

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YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-137 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of education.

Senator Steadman moved for the adoption of the first report of the first conference committee on **SB11-137**, as printed in Senate journal, March 3, page 356. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-141 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of human services.

Senator Lambert moved for the adoption of the first report of the first conference committee on **SB11-141**, as printed in Senate journal, March 3, pages 356-357. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-142 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the judicial department.

Senator Steadman moved for the adoption of the first report of the first conference committee on **SB11-142**, as printed in Senate journal, March 3, page 357. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-144 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of law.

Senator Hodge moved for the adoption of the first report of the first conference committee on **SB11-144**, as printed in Senate journal, March 3, pages 357-358. The motion was **adopted** by the following roll call vote:

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	Y	Morse	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-159 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning the distribution of fifty percent of the balance remaining in the limited gaming fund that is allocated to the state general fund or such other fund as the general assembly provides as specified in section 9 (5) (b) (II) of article XVIII of the state constitution, and making an appropriation in connection therewith.

Laid over to Monday, March 7, retaining its place on the calendar.

SB11-164 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the augmentation of the general fund through transfers of certain moneys.

Senator Lambert moved for the adoption of the first report of the first conference committee on **SB11-164**, as printed in Senate journal, March 3, page 359. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR11-022 by Senator(s) Morse; also Representative(s) Stephens--Concerning modifications to the Joint Rules of the Senate and the House of Representatives.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsor added: Hudak

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

GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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:

HB11-1040 by Representative(s) Brown; also Senator(s) Tochtrop--Concerning an increase in the length of terms served by members of the state conservation board.

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

HB11-1017 by Representative(s) Duran; also Senator(s) Steadman--Concerning the manner in which a member of an advisory committee of the board of directors of the Auraria higher education center is replaced.

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

- SB11-165

by Senator(s) Guzman; --Concerning the "Colorado Uniform Estate Tax Apportionment Act".

Ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-108

by Senator(s) Jahn, Aguilar, Harvey, Mitchell, Tochtrop, White, Williams S.; also Representative(s) Szabo--Concerning the repeal of the "Identity Theft and Financial Fraud Deterrence Act".

Ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-089

by Senator(s) Jahn, Brophy, Giron, Guzman, Johnston, King K., Scheffel; also Representative(s) Beezley--Concerning the continuation of the authority of the executive director of the department of revenue to issue written responses upon the request of a taxpayer.

Ordered engrossed and placed on the calendar for third reading and final passage.
- HB11-1060

by Representative(s) Todd, Acree, Hamner, Massey, Murray, Peniston, Priola, Riesberg, Schafer S., Solano, Summers; also Senator(s) Renfroe, Bacon, Heath, Hudak, King K., Kopp, Spence--Concerning term lengths for the governor appointments to the board of trustees of the university of northern Colorado.

Ordered revised and placed on the calendar for third reading and final passage.
- HB11-1019

by Representative(s) Kagan; also Senator(s) Boyd--Concerning the waiver of copayments and deductibles by school-based health centers.

Ordered revised and placed on the calendar for third reading and final passage.
- HB11-1102

by Representative(s) Summers; also Senator(s) Newell--Concerning portability of fingerprint-based criminal history records checks for employees of separately licensed child care facilities owned by a single parent entity.

Ordered revised and placed on the calendar for third reading and final passage.
- HB11-1073

by Representative(s) Barker; also Senator(s) Morse--Concerning peace officer designation for United States marshals.

Ordered revised and placed on the calendar for third reading and final passage.
- HB11-1036

by Representative(s) Gardner D.; also Senator(s) King S.--Concerning the creation of an emergency alert system to notify the public immediately of the imminent danger posed by a suspect who has killed or seriously injured a peace officer.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-165, SB11-108, SB11-089, HB11-1040, HB11-1017, HB11-1060, HB11-1019, HB11-1102, HB11-1073, HB11-1036.
Laid over to the beginning of the General Orders -- Second Reading of Bills calendar, Friday, March 8: SB11-037.

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

SB11-037 by Senator(s) Heath; also Representative(s) Kerr J.--Concerning the creation of a world war II special license plate, and making an appropriation therefor.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, January 25, page 56 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, February 25, page 316 and placed in members' bill files.)

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

SB11-055 by Senator(s) Lundberg, Lambert, Kopp, Renfroe; also Representative(s) Joshi, Holbert, Nikkel, Scott--Concerning notices required prior to the use of security scanning systems in the state.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 2, page 97 and placed in members' bill files.)

Amendment No. 2(L.002), by Senator Morse.

Amend printed bill, page 3, after line 12 insert:

"(3) THE GENERAL ASSEMBLY RECOGNIZES THE NEED IN THIS CHALLENGING ECONOMIC TIME TO NOT BURDEN OTHER LEVELS OF GOVERNMENT WITH ADDITIONAL REQUIREMENTS WITHOUT PROVIDING THE FUNDING TO MEET THOSE REQUIREMENTS, AND, THEREFORE, THE STATE SHALL PROVIDE FUNDING TO EVERY COUNTY OR MUNICIPALITY THAT MUST MEET THE REQUIREMENTS OUTLINED IN THIS PART 19."

Amendment No. 3(L.004), by Senator Lundberg.

Amend printed bill, page 4, strike lines 14 and 15.

Reletter succeeding paragraphs accordingly.

Page 4, strike lines 22 and 23.

	Reletter succeeding paragraphs accordingly.	1
	Page 5, strike lines 6 through 8.	2
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	A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was referred to the Committee on <u>Appropriations</u> .	6
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SB11-015	by Senator(s) Foster; also Representative(s) Miklosi--Concerning the requirements for a homeowner's insurance company to take adverse action on existing insurance coverage for a home based on claims experience.	10
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	<u>Amendment No. 1, Local Government Committee Amendment.</u>	13
	(Printed in Senate Journal, February 18, pages 235-236 and placed in members' bill files.)	14
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	<u>Amendment No. 2(L.002), by Senator Foster.</u>	16
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	Amend printed bill, page 3, line 9, strike "THIRTY-SIX MONTHS." and substitute "FIVE YEARS."	18
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	Page 3, line 10, strike "THIRTY-SIX MONTHS:" and substitute "FIVE YEARS:".	21
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	26
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	(For further action, see amendments to the report of the Committee of the Whole.)	29
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SB11-050	by Senator(s) Roberts; also Representative(s) Gerou--Concerning a requirement that a condemning authority pay fair market value for land subject to a conservation easement.	32
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	Laid over until Monday, March 7, retaining its place on the calendar.	35
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SB11-107	by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident.	38
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	Laid over until Monday, March 7, retaining its place on the calendar.	41
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SB11-060	by Senator(s) Boyd and White; also Representative(s) Gardner B. and Kerr A.--Concerning the alcohol content of alcohol beverages that are available for consumption on a licensed premises.	44
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	Laid over until Friday, March 11, retaining its place on the calendar.	48
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SB11-102	by Senator(s) Williams S., King S., Foster, Guzman, Jahn, Morse, Newell, Nicholson, White; also Representative(s) Todd, Murray, Brown, Fields, Looper, Peniston, Ramirez, Schafer S., Solano, Stephens--Concerning the voluntary contribution designation benefiting the Families in Action for Mental Health fund that appears on the state individual income tax return forms, and making an appropriation therefor.	51
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	<u>Amendment No. 1, Appropriations Committee Amendment.</u>	57
	(Printed in Senate Journal, February 25, pages 315-316 and placed in members' bill files.)	58
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	60
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SB11-057	by Senator(s) Harvey; also Representative(s) McNulty--Concerning the designation of which eligible electors residing in a metropolitan district must automatically receive mail-in ballots from the designated election official for a metropolitan district mail ballot election.	64
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	<u>Amendment No. 1, State, Veterans, & Military Affairs Committee Amendment.</u>	68
	(Printed in Senate journal, February 17, pages 214-215, was lost .)	69
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IMMEDIATE RECONSIDERATION OF AMENDMENT TO SB11-057

SB11-057 by Senator(s) Harvey; also Representative(s) McNulty--Concerning the designation of which eligible electors residing in a metropolitan district must automatically receive mail-in ballots from the designated election official for a metropolitan district mail ballot election.

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, consideration of the State, Veterans, and Military Affairs Committee Amendment (printed in Senate Journal, February 17, pages 214-215), on **SB11-057**.

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

SB11-057 by Senator(s) Harvey; also Representative(s) McNulty--Concerning the designation of which eligible electors residing in a metropolitan district must automatically receive mail-in ballots from the designated election official for a metropolitan district mail ballot election.

Amendment No. 1, State, Veterans, & Military Affairs Committee Amendment.
(Printed in Senate Journal, February 17, pages 214-215 and placed in members' bill files.)

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

SB11-003 by Senator(s) Spence; also Representative(s) Tyler--Concerning the creation of a special license plate for Craig hospital, and making an appropriation therefor.

Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, January 26, page 62 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, February 25, page 317 and placed in members' bill files.)

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

SB11-090 by Senator(s) Schwartz, Giron, Guzman; also Representative(s) Baumgardner--Concerning the continuation of the issuance of permits for weather modification operations, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies.

Laid over until Friday, March 11, retaining its place on the calendar.

SB11-126 by Senator(s) Giron and Johnston, Bacon, Foster, Guzman, Heath, Hodge, Morse, Nicholson, Shaffer B., Steadman, Williams S.; also Representative(s) Miklosi and Williams A., Duran, Fields, Hullinghorst, Levy, Pabon, Solano--Concerning classification as an unsubsidized in-state student for tuition purposes at state institutions of higher education.

Laid over until Wednesday, March 9, retaining its place on the calendar.

HB11-1105 by Representative(s) Acree, Balmer, Barker, Baumgardner, Court, Fields, Holbert, Joshi, Kagan, Kerr J., Looper, Massey, McCann, Priola, Todd; also Senator(s) White, Kopp, King S., Tochtrop--Concerning assaults against medical care providers.

Laid over until Monday, March 7, retaining its place on the calendar.

SB11-170 by Senator(s) Aguilar; also Representative(s) Ferrandino--Concerning the limit on the growth of the general fund share of rates for reimbursing nursing home providers under the "Colorado Medical Assistance Act".

Laid over until Monday, March 7, retaining its place on the calendar.

- SB11-168

by Senator(s) Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Johnston, Morse, Nicholson, Steadman, Tochtrop; also Representative(s) Kefalas, Court, Fields, Fischer, Gardner D., Hullinghorst, Jones, Kagan, Levy, McCann, Miklosi, Pace, Solano, Tyler-- Concerning the creation of the Colorado health care authority for the purpose of designing a health care cooperative.

Laid over until Monday, March 7, retaining its place on the calendar.
- HB11-1027

by Representative(s) Looper; also Senator(s) Newell--Concerning the creation of the department of defense quality child care standards pilot program.

Ordered revised and placed on the calendar for third reading and final passage.
- HB11-1177

by Representative(s) Sonnenberg and Jones; also Senator(s) Schwartz and White-- Concerning an extension of the ability to make voluntary contributions via income tax to the Colorado healthy rivers fund.

Ordered revised and placed on the calendar for third reading and final passage.
- HB11-1031

by Representative(s) Miklosi; also Senator(s) Foster--Concerning the creation of creative districts, and, in connection therewith, authorizing specified local governments to designate a portion of their territory as a creative district subject to certification by the creative industries division within the Colorado office of economic development.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, February 23, pages 286-287 and placed in members' bill files.)

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

- SB11-015

by Senator(s) Foster; also Representative(s) Miklosi--Concerning the requirements for a homeowner's insurance company to take adverse action on existing insurance coverage for a home based on claims experience.
- Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following amendment to **SB11-015** did pass.

Amend printed bill, page 3, after line 27 add:

"(V) THE GENERAL ASSEMBLY RECOGNIZES THE NEED IN THIS CHALLENGING ECONOMIC TIME TO NOT BURDEN THE PRIVATE SECTOR WITH ADDITIONAL REQUIREMENTS THAT MAY INCREASE THE COSTS OF DOING BUSINESS. A BUSINESS MAY OPT OUT OF THE PROVISIONS OF THIS PARAGRAPH (b) IF THE BUSINESS CAN SHOW ITS COSTS OF DOING BUSINESS HAVE INCREASED DUE TO THE PROVISIONS OF THIS PARAGRAPH (b).".

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	1	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	*	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	E	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

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

Senator Harvey moved to amend the Report of the Committee of the Whole to show that SB 11-015, as amended, did not pass.

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	1	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	*	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	E	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-037 as amended, SB11-015 as amended, SB11-102 as amended, SB11-057 as amended, SB11-003 as amended, HB11-1027, HB11-1177, HB11-1031 as amended.
Laid over until March 7: SB11-050, SB11-107, HB11-1105, SB11-170, SB11-168.
Laid over until March 9: SB11-126.
Laid over until March 11: SB11-060, SB11-090.
Referred to Committee on Appropriations: SB11-055.

COMMITTEE OF REFERENCE REPORTS

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

MEMBERS OF THE
BOARD OF TRUSTEES FOR
WESTERN STATE COLLEGE OF COLORADO

	for terms expiring December 31, 2014:	1
		2
	Linda A. Clark of Denver, Colorado, a Democrat, appointed;	3
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	Todd M. Wheeler of Castle Rock, Colorado, a Republican, appointed.	5
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Education	After consideration on the merits, the Committee recommends that HB11-1053 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	9
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Education	After consideration on the merits, the Committee recommends that HB11-1089 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	14
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	Amend reengrossed bill, page 3, after line 15 insert:	17
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	"(c) IF A CHARTER SCHOOL INTENDS TO APPLY FOR A GRANT THAT THE SCHOOL'S AUTHORIZING SCHOOL DISTRICT IS ALSO INTENDING TO APPLY FOR, THE CHARTER SCHOOL SHALL SEEK TO COLLABORATE WITH THE SCHOOL DISTRICT IN THE APPLICATION AND TO SUBMIT THE APPLICATION JOINTLY. IF THE CHARTER SCHOOL AND THE SCHOOL DISTRICT ARE UNABLE TO AGREE TO COLLABORATE IN APPLYING FOR THE GRANT, THE CHARTER SCHOOL MAY APPLY FOR THE GRANT PURSUANT TO THIS SUBSECTION (11) INDEPENDENTLY OR IN COLLABORATION WITH OTHER CHARTER SCHOOLS.".	19
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Health & Human Services	After consideration on the merits, the Committee recommends that SB11-171 be postponed indefinitely.	31
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Health & Human Services	After consideration on the merits, the Committee recommends that SB11-177 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	36
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Appropriations	After consideration on the merits, the Committee recommends that HB11-1016 be referred to the Committee of the Whole with favorable recommendation.	41
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Appropriations	After consideration on the merits, the Committee recommends that SB11-092 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	45
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Appropriations	After consideration on the merits, the Committee recommends that SB11-124 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	50
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	Amend printed bill, page 5, after line 25 insert:	53
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	"SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of human services, for Colorado works county block grants, for the fiscal year beginning July 1, 2010, the sum of six hundred eighty-five thousand seven hundred seventy-two dollars (\$685,772), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from federal Temporary Assistance for Needy Families block grant funds.".	56
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	Renumber succeeding section accordingly.	64
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	Page 1, line 102, strike "COUNTY." and substitute "COUNTY, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.".	66
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Appropriations

After consideration on the merits, the Committee recommends that **SB11-094** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 18, after line 27 insert:

"SECTION 19. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the 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 operating expenses, for the fiscal year beginning July 1, 2011, the sum of one thousand fifty dollars (\$1,050) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the 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 executive director's office and administrative services, for legal services, for the fiscal year beginning July 1, 2011, the sum of four thousand four hundred two dollars (\$4,402) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2011, the sum of four thousand four hundred two dollars (\$4,402), 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 (2) of this section."

Renumber succeeding sections accordingly.

Page 1, line 104, strike "AGENCIES." and substitute "AGENCIES, AND MAKING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that **SB11-091** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 30, before line 24 insert:

"SECTION 26. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the 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 personal services and operating expenses, for the fiscal year beginning July 1, 2011, the sum of seven thousand six hundred seventy-three dollars (\$7,673) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the 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 executive director's office and administrative services, for legal services, for the fiscal year beginning July 1, 2011, the sum of four thousand four hundred two dollars (\$4,402) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2011, the sum of four thousand four hundred two dollars (\$4,402), 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 (2) of this section."	1
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	Renumber succeeding sections accordingly.	4
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	Page 1, line 104, strike "FUNCTIONS." and substitute "FUNCTIONS, AND MAKING AN APPROPRIATION."	7
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Appropriations	After consideration on the merits, the Committee recommends that SB11-088 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	11
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	Amend printed bill, page 19, after line 12 insert:	15
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	" SECTION 15. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the 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 personal services, for the fiscal year beginning July 1, 2011, the sum of two thousand dollars (\$2,000) cash funds, or so much thereof as may be necessary, for the implementation of this act.	17
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	(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the 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 executive director's office and administrative services, for legal services, for the fiscal year beginning July 1, 2011, the sum of four thousand eight hundred forty-two dollars (\$4,842) cash funds, or so much thereof as may be necessary, for the implementation of this act.	26
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	(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2011, the sum of four thousand eight hundred forty-two dollars (\$4,842), 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 (2) of this section."	35
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	Renumber succeeding section accordingly.	44
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	Page 1, line 104, strike "AGENCIES." and substitute "AGENCIES, AND MAKING AN APPROPRIATION."	46
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Appropriations	After consideration on the merits, the Committee recommends that SB11-072 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	50
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	Amend the Judiciary Committee Report, dated February 14, 2011, page 3, line 40, after "ACCEPT" insert "AND EXPEND".	54
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Appropriations	After consideration on the merits, the Committee recommends that SB11-045 be referred to the Committee of the Whole with favorable recommendation.	58
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Finance	After consideration on the merits, the Committee recommends that SB11-069 be referred to the Committee of the Whole with favorable recommendation.	62
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On motion of Senator Morse, and with a majority of those elected to the Senate having
voted in the affirmative, the balance of the calendar of Friday, March 4 was laid over until
Monday, March 7, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-009, HJR11-1008, SJR11-015.
Consideration of House Amendments to Senate Bills: SCR11-001.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, March 7,
2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

55th Legislative Day Monday, March 7, 2011

Prayer By the chaplain, Deacon Phil Harrington, St. Ignatius Loyola Catholic Church, Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Senator Nicholson.

Roll Call Present--33
Excused--2, Kopp, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator White, reading of the Journal of Friday, March 4, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE GOVERNOR

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

March 3, 2011

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, reappoint and submit to your consideration, the following:

**MEMBERS OF THE
STATE HOUSING BOARD**

for terms expiring January 31, 2015:

Eugene R. Lucero, Denver, Colorado, a Democrat and resident of the 1st Congressional District, reappointed;

James A. Coil, Grand Junction, Colorado, a Democrat and resident of the 3rd Congressional District, reappointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 3/4/11
Cindi Markwell, Secretary of the Senate

Committee on Local Government

SENATE SERVICES REPORT

Correctly Printed: SJR11-022.
Correctly Engrossed: SB11-003, 015, 037, 057, 089, 102, 108 and 165; SJR11-022.
Correctly Revised: HB11-1017, 1019, 1027, 1031, 1036, 1040, 1060, 1073, 1102 and 1177.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Friday, March 4, 2011, at 12:15 p.m.:
SB11-028.

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-186 by Senator(s) Morse; also Representative(s) Waller--Concerning the establishment of an alternative bond program.
Judiciary

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:

HB11-1040 by Representative(s) Brown; also Senator(s) Tochtrop--Concerning an increase in the length of terms served by members of the state conservation board.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfro	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

HB11-1017 by Representative(s) Duran; also Senator(s) Steadman--Concerning the manner in which a member of an advisory committee of the board of directors of the Auraria higher education center is replaced.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsor added: Williams S.

SB11-165 by Senator(s) Guzman; also Representative(s) Kerr A.--Concerning the "Colorado Uniform Estate Tax Apportionment Act".

Laid over until Tuesday, March 8, retaining its place on the calendar.

SB11-108 by Senator(s) Jahn, Aguilar, Harvey, Mitchell, Tochtrop, White, Williams S.; also Representative(s) Szabo--Concerning the repeal of the "Identity Theft and Financial Fraud Deterrence Act".

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsor added: Boyd.

SB11-089 by Senator(s) Jahn, Brophy, Giron, Guzman, Johnston, King K., Scheffel; also Representative(s) Beezley--Concerning the continuation of the authority of the executive director of the department of revenue to issue written responses upon the request of a taxpayer.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Grantham, King S., Newell, Spence and Williams S.

HB11-1060 by Representative(s) Todd, Acree, Hamner, Massey, Murray, Peniston, Priola, Riesberg, Schafer S., Solano, Summers; also Senator(s) Renfroe, Bacon, Heath, Hudak, King K., Kopp, Spence--Concerning term lengths for the governor appointments to the board of trustees of the university of northern Colorado.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

HB11-1019 by Representative(s) Kagan; also Senator(s) Boyd--Concerning the waiver of copayments and deductibles by school-based health centers.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Johnston, Morse, Newell, Nicholson, Schwartz, Shaffer B., Steadman, Tochtrop and Williams S.

HB11-1102 by Representative(s) Summers; also Senator(s) Newell--Concerning portability of fingerprint-based criminal history records checks for employees of separately licensed child care facilities owned by a single parent entity.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Giron, Guzman, Heath, Hodge, Hudak, Johnston, King S., Morse, Nicholson, Steadman, Tochtrop and Williams S.

HB11-1073 by Representative(s) Barker; also Senator(s) Morse--Concerning peace officer designation for United States marshals.

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

YES	30	NO	3	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	N	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Guzman, King S., Newell and Nicholson.

HB11-1036 by Representative(s) Gardner D.; also Senator(s) King S.--Concerning the creation of an emergency alert system to notify the public immediately of the imminent danger posed by a suspect who has killed or seriously injured a peace officer.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Carroll, Giron, Guzman, Jahn, Johnston, Lundberg, Morse, Newell, Nicholson and Spence.

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:

SB11-037 by Senator(s) Heath; also Representative(s) Kerr J.--Concerning the creation of a world war II special license plate, and making an appropriation therefor.

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

YES	32	NO	1	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Cadman, Foster, Giron, Grantham, Harvey, Johnston, King K., King S., Lambert, Lundberg, Morse, Newell, Nicholson, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Tochtrop and Williams S.

SB11-015 by Senator(s) Foster; also Representative(s) Miklosi--Concerning the requirements for a homeowner's insurance company to take adverse action on existing insurance coverage for a home based on claims experience.

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

YES	19	NO	13	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	*	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

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

Co-sponsors added: Carroll, Giron, Newell, Steadman and Tochtrop.

SB11-102 by Senator(s) Williams S., King S., Foster, Guzman, Jahn, Morse, Newell, Nicholson, White; also Representative(s) Todd, Murray, Brown, Fields, Looper, Peniston, Ramirez, Schafer S., Solano, Stephens--Concerning the voluntary contribution designation benefiting the Families in Action for Mental Health fund that appears on the state individual income tax return forms, and making an appropriation therefor.

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

YES	29	NO	4	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Carroll, Giron, Heath, Hudak, Roberts and Steadman.

SB11-057 by Senator(s) Harvey; also Representative(s) McNulty--Concerning the designation of which eligible electors residing in a metropolitan district must automatically receive mail-in ballots from the designated election official for a metropolitan district mail ballot election.

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

YES	30	NO	3	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	N	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	N
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsor added: Grantham.

SB11-003 by Senator(s) Spence; also Representative(s) Tyler--Concerning the creation of a special license plate for Craig hospital, and making an appropriation therefor.

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

YES	28	NO	5	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	E	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	N	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Heath, Hudak, Johnston, Nicholson, Schwartz, Tochtrop and Williams S.

IMMEDIATE RECONSIDERATION OF SB11-003

SB11-003 by Senator(s) Spence; also Representative(s) Tyler--Concerning the creation of a special license plate for Craig hospital, and making an appropriation therefor.

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **SB11-003**.

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

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:

SB11-003 by Senator(s) Spence; also Representative(s) Tyler--Concerning the creation of a special license plate for Craig hospital, and making an appropriation therefor.

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

YES	29	NO	4	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	E	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Guzman, Heath, Hudak, Johnston, Newell, Nicholson, Schwartz, Tochtrop and Williams S.

HB11-1027 by Representative(s) Looper; also Senator(s) Newell--Concerning the creation of the department of defense quality child care standards pilot program.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd, Giron, Heath, Hudak, Lambert, Nicholson and Williams S.

HB11-1177 by Representative(s) Sonnenberg and Jones; also Senator(s) Schwartz and White--Concerning an extension of the ability to make voluntary contributions via income tax to the Colorado healthy rivers fund.

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

YES	28	NO	5	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	N	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Carroll, Giron, Guzman, Nicholson, Roberts and Williams S.

HB11-1031 by Representative(s) Miklosi; also Senator(s) Foster--Concerning the creation of creative districts, and, in connection therewith, authorizing specified local governments to designate a portion of their territory as a creative district subject to certification by the creative industries division within the Colorado office of economic development.

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

YES	22	NO	11	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

Co-sponsors added: Bacon, Boyd, Guzman, Heath, Hodge, Hudak, Jahn, Newell, Schwartz, Spence, Steadman and White.

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--Consent Calendar and Senator Newell was called to the Chair to act as Chairman.

**GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR**

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:

HB11-1117 by Representative(s) McCann and Court, Gardner B., Kagan, Kerr A., Lee, Liston, Looper, Ryden, Waller; also Senator(s) King S.--Concerning subpoenas issued by administrative law judges in campaign finance proceedings.

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

SB11-175
by Senator(s) Carroll; --Concerning enactment of the insurable interest amendments to the uniform trust code.

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

HB11-1030
by Representative(s) Gardner B.; also Senator(s) Boyd--Concerning modifications to the set aside program that requires a state agency to first solicit bids for certain services from nonprofit agencies that employ persons with severe disabilities.

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

HB11-1148
by Representative(s) Labuda and Nikkel, Summers, Acree, Kagan; also Senator(s) Boyd--Concerning the disclosure of employment information to an employer regarding a health care worker, and, in connection therewith, granting immunity from civil liability for the disclosure of information and creating an exception from the prohibition against blacklisting for the disclosure of information.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR

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
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-175, HB11-1117, HB11-1030, HB11-1148.

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.

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:

SB11-050
by Senator(s) Roberts; also Representative(s) Gerou--Concerning a requirement that a condemning authority pay fair market value for land subject to a conservation easement.

Laid over until Friday, March 11, retaining its place on the calendar.

- SB11-107** by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident.
Laid over until Tuesday, March 8, retaining its place on the calendar.
- HB11-1105** by Representative(s) Acree, Balmer, Barker, Baumgardner, Court, Fields, Holbert, Joshi, Kagan, Kerr J., Looper, Massey, McCann, Priola, Todd; also Senator(s) White, Kopp, King S., Tochtrop--Concerning assaults against medical care providers.
Amendment No. 1(L.004), by Senator Aguilar.
Amend reengrossed bill, page 2, line 15, after the period, add "THE PROVISIONS OF THIS PARAGRAPH (a) SHALL NOT APPLY TO A DEFENDANT WHO IS A PERSON WITH A DISABILITY FOR WHOM THE MANIFESTATION OF THE DISABILITY IS SUCH THAT ASSAULTIVE BEHAVIOR IS BEYOND THE CONTROL OF THE INDIVIDUAL."
A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was referred to the Committee on Judiciary.
(For further action, see amendments to the report of the Committee of the Whole.)
- SB11-170** by Senator(s) Aguilar; also Representative(s) Ferrandino--Concerning the limit on the growth of the general fund share of rates for reimbursing nursing home providers under the "Colorado Medical Assistance Act".
Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 25, page 320 and placed in members' bill files.)
As amended, laid over until Tuesday, March 8, retaining its place on the calendar.
- SB11-168** by Senator(s) Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Johnston, Morse, Nicholson, Steadman, Tochtrop; also Representative(s) Kefalas, Court, Fields, Fischer, Gardner D., Hullinghorst, Jones, Kagan, Levy, McCann, Miklosi, Pace, Solano, Tyler--Concerning the creation of the Colorado health care authority for the purpose of designing a health care cooperative.
Laid over until Friday, March 18, retaining its place on the calendar.
- HB11-1202** by Representative(s) Labuda, Casso, Soper; also Senator(s) Tochtrop--Concerning a requirement that a public entity have appropriations available to it prior to the performance of any work conducted by a contractor pursuant to a change order.
Ordered revised and placed on the calendar for third reading and final passage.
- HB11-1074** by Representative(s) Gerou, Tyler, Becker, Kerr J., Schafer S., Summers; also Senator(s) Jahn, Heath, Hodge, Hudak, Spence--Concerning Colorado school of mines funding of financial aid.
Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, March 3, page 364 and placed in members' bill files.)
As amended, ordered revised and placed on the calendar for third reading and final passage.
- HB11-1069** by Representative(s) Massey and Fields; also Senator(s) Aguilar--Concerning measures to increase physical activity in public schools.
Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, March 3, page 364 and placed in members' bill files.)
As amended, laid over until Tuesday, March 8, retaining its place on the calendar.

HB11-1085 by Representative(s) Schafer S.; also Senator(s) Jahn--Concerning referral of offenders to community corrections.

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB11-1105 by Representative(s) Acree, Balmer, Barker, Baumgardner, Court, Fields, Holbert, Joshi, Kagan, Kerr J., Looper, Massey, McCann, Priola, Todd; also Senator(s) White, Kopp, King S., Tochtrop--Concerning assaults against medical care providers.

Senators Cadman and White moved to amend the Report of the Committee of the Whole to show that the following Aguilar floor amendment, (L.004) to HB 11-1105, did not pass, and that HB 11-1105 was sent to the Judiciary Committee.

Amend reengrossed bill, page 2, line 15, after the period, add "THE PROVISIONS OF THIS PARAGRAPH (a) SHALL NOT APPLY TO A DEFENDANT WHO IS A PERSON WITH A DISABILITY FOR WHOM THE MANIFESTATION OF THE DISABILITY IS SUCH THAT ASSAULTIVE BEHAVIOR IS BEYOND THE CONTROL OF THE INDIVIDUAL."

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
Aguilar	N	Guzman	N	Kopp	E	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	Y	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	N	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

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
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB11-1202, HB11-1074 as amended, HB11-1085.
Laid over until March 8: SB11-107, SB11-170 as amended, HB11-1069 as amended.
Laid over until March 11: SB11-050.
Laid over until March 18: SB11-168.
Referred to Committee on Judiciary: HB11-1105.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Heath, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
FIRE AND POLICE PENSION ASSOCIATION
BOARD OF DIRECTORS

for terms expiring September 1, 2014:

Jack E. Blumenthal of Denver, Colorado, a person from the state's financial or business community experienced in personnel or corporate administration, reappointed;

Monica Cortez-Sangster of Aurora, Colorado, who has experience in insurance disability claims, reappointed;

Susan R. Eaton of Denver, Colorado, a representative of Colorado municipal employers, reappointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB11-159 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning the distribution of fifty percent of the balance remaining in the limited gaming fund that is allocated to the state general fund or such other fund as the general assembly provides as specified in section 9 (5) (b) (II) of article XVIII of the state constitution, and making an appropriation in connection therewith.

Senator Steadman moved for the adoption of the first report of the first conference committee on **SB11-159**, as printed in Senate journal, March 3, page 358. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	32	NO	1	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfro	N	President	Y
Grantham	Y	King S.	Y	Roberts	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 balance of the calendar of Monday, March 7 was laid over until Tuesday, March 8, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-009, HJR11-1008, SJR11-015.
Consideration of House Amendments to Senate Bills: SCR11-001.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, March 8, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

56th Legislative DayTuesday, March 8, 2011

- Prayer

By the chaplain, Archbishop Charles J. Chaput, Archdiocese of Denver.
- Call to Order

By the President at 9:00 a.m.
- Pledge

By Senator Nicholson.
- Roll Call

Present--32
Excused--3, Cadman, Carroll, Schwartz.
Present later--3, Cadman, Carroll, Schwartz.
- Quorum

The President announced a quorum present.
- Reading of Journal

On motion of Senator White, reading of the Journal of Monday, March 7, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE GOVERNOR

- Appointment

A letter of designation and appointment from Governor John W. Hickenlooper was read and assigned to committee as follows:

March 3, 2011

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
COLORADO WATER CONSERVATION BOARD**

for a term expiring February 12, 2013

Russ George of Grand Junction, Colorado to serve as a representative from the main Colorado drainage basin to fill the vacancy occasioned by the resignation of John D. Redifer of Grand Junction, Colorado, and as a Republican, appointed;

for terms expiring February 12, 2014:

- April D. Montgomery of Norwood, Colorado, a resident of the San Miguel-Dolores-San Juan drainage basin and a Democrat, reappointed;
- Travis L. Smith of Del Norte, Colorado to serve as a representative from the Rio Grande drainage basin and as a Republican, reappointed;
- Alan C. Hamel of Pueblo, Colorado to serve as a representative from the Arkansas drainage basin and as a Republican, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 3/7/11
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, & Energy

SENATE SERVICES REPORT

- Correctly Printed: SB11-186.
- Correctly Engrossed: SB11-175.
- Correctly Reengrossed: SB11-003, 015, 037, 057, 089, 102 and 108.
- Correctly Revised: HB11-1030, 1074, 1085, 1117, 1148 and 1202.
- Correctly Rerevised: HB11-1017, 1019, 1027, 1031, 1036, 1040, 1060, 1073, 1102 and 1177.
- Correctly Enrolled: SB11-136, 137, 141, 142, 144 and 164.

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:

HB11-1030 by Representative(s) Gardner B.; also Senator(s) Boyd--Concerning modifications to the set aside program that requires a state agency to first solicit bids for certain services from nonprofit agencies that employ persons with severe disabilities.

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

YES	27	NO	8	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Carroll, Foster, Heath, Morse, Newell, Spence and Williams S.

SB11-165

by Senator(s) Guzman; also Representative(s) Kerr A.--Concerning the "Colorado Uniform Estate Tax Apportionment Act".

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsor added: Brophy.

HB11-1117

by Representative(s) McCann and Court, Gardner B., Kagan, Kerr A., Lee, Liston, Looper, Ryden, Waller; also Senator(s) King S.--Concerning subpoenas issued by administrative law judges in campaign finance proceedings.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Carroll, Guzman, Jahn, Steadman and Tochtrop.

SB11-175

by Senator(s) Carroll; also Representative(s) Levy--Concerning enactment of the insurable interest amendments to the uniform trust code.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsor added: Guzman.

HB11-1148 by Representative(s) Labuda and Nikkel, Summers, Acree, Kagan; also Senator(s) Boyd--Concerning the disclosure of employment information to an employer regarding a health care worker, and, in connection therewith, granting immunity from civil liability for the disclosure of information and creating an exception from the prohibition against blacklisting for the disclosure of information.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Guzman, Newell and Williams S.

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:

HB11-1202 by Representative(s) Labuda, Casso, Soper; also Senator(s) Tochtrop--Concerning a requirement that a public entity have appropriations available to it prior to the performance of any work conducted by a contractor pursuant to a change order.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

HB11-1074 by Representative(s) Gerou, Tyler, Becker, Kerr J., Schafer S., Summers; also Senator(s) Jahn, Heath, Hodge, Hudak, Spence--Concerning Colorado school of mines funding of financial aid.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Guzman, King S., Kopp, Newell and Williams S.

HB11-1085 by Representative(s) Schafer S.; also Senator(s) Jahn--Concerning referral of offenders to community corrections.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Giron, Guzman, King S., Morse, Newell, Schwartz, Tochtrop and Williams S.

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 Governor's appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF TRUSTEES FOR
WESTERN STATE COLLEGE OF COLORADO

for terms expiring December 31, 2014:

Linda A. Clark of Denver, Colorado, a Democrat, appointed;

Todd M. Wheeler of Castle Rock, Colorado, a Republican, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

COMMITTEE OF REFERENCE REPORTS

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB11-1003** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB11-1004** be referred to the Committee on Finance with favorable recommendation.

Business,
Labor, &
Technology

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

MEMBER OF THE
EXAMINING BOARD OF PLUMBERS

for a term expiring July 1, 2014:

Donald P. Crandell of Denver, Colorado, a person engaged in the construction of residential or commercial buildings as a plumbing contractor, reappointed.

Business,
Labor, &
Technology

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

MEMBER OF THE
COLORADO BANKING BOARD

for a term expiring July 1, 2013:

Scott G. Pearson of Highlands Ranch, Colorado, an executive officer of a trust company, to fill the vacancy occasioned by the resignation of D. Terry Reitan of Golden, Colorado, appointed.

Business,
Labor, &
Technology

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

MEMBER OF THE
BOARD OF REAL ESTATE APPRAISERS

for a term expiring July 1, 2011:

Deborah K. Delaney of Fort Collins, Colorado, an officer or employee of a commercial bank experienced in real estate lending, to fill the vacancy occasioned by the resignation of Leslie Mitchell of Denver, Colorado, appointed.

Business,
Labor, &
Technology

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

MEMBER OF THE
STATEWIDE INTERNET PORTAL AUTHORITY

for a term expiring June 1, 2011:

Louis J. Lago of Centennial, Colorado, an individual from the private sector who exhibits a background in information management and technology and who is a user of electronic information, products, and services or information technology services that are offered through the private sector, to fill the vacancy occasioned by the resignation of Kent W. Glassman of Denver, Colorado, appointed.

Business,
Labor, &
Technology

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

MEMBER OF THE
COLORADO CIVIL RIGHTS COMMISSION

for a term expiring March 13, 2011:

A. Susie Velasquez of Greeley, Colorado, to fill the vacancy occasioned by the resignation of Anthony R. Aragon of Denver, Colorado, and to serve as a representative for local (or state) government entities, appointed.

Business,
Labor, &
Technology

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

MEMBER OF THE
SECURITIES BOARD

for a term expiring July 1, 2013:

Scott R. Saltzman of Denver, Colorado, a certified public accountant, appointed.

Judiciary

After consideration on the merits, the Committee recommends that **SB11-172** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 11, line 6, strike "HEALTH CARE".

Page 11, line 7, strike "COVERAGE," and substitute "INSURANCE COVERAGE PROVIDED BY A HEALTH COVERAGE PLAN,".

Page 17, strike lines 25 and 26 and substitute "TO A CIVIL UNION OR".

Page 21, after line 12 insert:

"SECTION 7. 10-16-102 (14), Colorado Revised Statutes, is amended to read:

10-16-102. Definitions. As used in this article, unless the context otherwise requires:

(14) "Dependent" means a spouse, A PARTNER IN A CIVIL UNION, an unmarried child under nineteen years of age, an unmarried child who is a full-time student under twenty-four years of age and who is financially dependent upon the parent, and an unmarried child of any age who is medically certified as disabled and dependent upon the parent. "Dependent" shall include a designated beneficiary, as defined in section 15-22-103 (1), C.R.S., if an employer elects to cover a designated beneficiary as a dependent.".

Renumber succeeding sections accordingly.

Page 33, after line 15 insert:

"SECTION 25. 24-50-603 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-50-603. Definitions. As used in this part 6, unless the context otherwise requires:

(5) "Dependent" means:

(c.5) AN EMPLOYEE'S PARTNER IN A CIVIL UNION, WHO HAS SUBMITTED DOCUMENTATION DEMONSTRATING THE CREATION OF A CIVIL UNION WITH AN EMPLOYEE;".

Renumber succeeding sections accordingly.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, March 8 was laid over until Wednesday, March 9, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1053, HB11-1089, SB11-092, SB11-094.
General Orders -- Second Reading of Bills: SB11-107, SB11-170, HB11-1069, HB11-1016, SB11-124, SB11-091, SB11-088, SB11-072, SB11-045, SB11-069.
Consideration of Resolutions: SJR11-005, SJR11-009, HJR11-1008, SJR11-015.
Consideration of House Amendments to Senate Bills: SCR11-001.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, March 9, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

57th Legislative DayWednesday, March 9, 2011

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

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

Pledge By Senator Nicholson.

Roll Call Present--31
Excused--4, Brophy, Harvey, Mitchell, Scheffel.
Present later--3, Brophy, Mitchell, Scheffel.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator White, reading of the Journal of Tuesday, March 8, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

March 8, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1180, amended as printed in House Journal, March 2, page 522.
HB11-1216, amended as printed in House Journal, March 7, pages 560-561.
HB11-1234, amended as printed in House Journal, March 7, page 561.

The House has passed on Third Reading and returns herewith SB11-061, 106, 086, 104, 103, 029, 101, 020, 123.

The House has adopted and returns herewith SJR11-007.

MESSAGE FROM THE REVISOR OF STATUTES

March 8, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, as amended, HB11-1180, 1216, and 1234.

SENATE SERVICES REPORT

Correctly Engrossed: SB11-165 and 175.
Correctly Revised: HB11-1030, 1074, 1085, 1117, 1148 and 1202.
Correctly Enrolled: SB11-159.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1035, 1077, SB11-136, 137, 141, 142, 144 and 164.

COMMITTEE OF REFERENCE REPORTS

Trans- After consideration on the merits, the Committee recommends that **HB11-1118** be
portation amended as follows, and as so amended, be referred to the Committee of the Whole with
favorable recommendation.

Amend reengrossed bill, page 2, line 16, after "COMMITTEE." add "THE
STATE AUDITOR SHALL PAY THE COSTS OF ANY AUDIT CONDUCTED
PURSUANT TO THIS SECTION."

Trans- After consideration on the merits, the Committee recommends that **HB11-1161** be referred
portation to the Committee of the Whole with favorable recommendation and with a
recommendation that it be placed on the Consent Calendar.

Trans- After consideration on the merits, the Committee recommends that **HB11-1176** be referred
portation to the Committee of the Whole with favorable recommendation.

On motion of Senator Morse, and with a majority of those elected to the Senate having
voted in the affirmative, the balance of the calendar of Wednesday, March 9 was laid over
until Thursday, March 10, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1053,
HB11-1089, SB11-092, SB11-094.
General Orders -- Second Reading of Bills: SB11-107, SB11-170, HB11-1069,
HB11-1016, SB11-124, SB11-091, SB11-088, SB11-072, SB11-045, SB11-069,
SB11-126.
Consideration of Resolutions: SJR11-005, SJR11-009, HJR11-1008, SJR11-015.
Consideration of House Amendments to Senate Bills: SCR11-001.

TRIBUTES

Honoring:

Riley Bauman - Girls with Goals Day -- by Senator Brophy.
Gillian Hardy - Girls with Goals Day -- by Senator Grantham.
Daijah Palma - Girls with Goals Day -- by Senator Giron.
Abbey Montoya - Girls with Goals Day -- by Senator Scheffel.
Corynne Pepper - Girls with Goals Day -- by Senator Schwartz.
Martha Abigail Scott - Girls with Goals Day -- by Senator Roberts.
Evelynn de la Torre - Girls with Goals Day -- by Senator Steve King.
Kaela Fahrney - Girls with Goals Day -- by Senator White.

- Sydney McKenna - Girls with Goals Day -- by Senator Lambert. 1
- Alexandra Stoller - Girls with Goals Day -- by Senator Cadman. 2
- Sadie Caywood - Girls with Goals Day -- by Senator Morse. 3
- Caroline Mellow - Girls with Goals Day -- by Senator King. 4
- Caden Esquibel - Girls with Goals Day -- by Senator Renfro. 5
- Kelsey Achziger - Girls with Goals Day -- by Senator Bacon. 6
- Meghan Lucero - Girls with Goals Day -- by Senator Lundberg. 7
- Sarah Burke - Girls with Goals Day -- by Senator Nicholson. 8
- Genevieve Frye - Girls with Goals Day -- by Senator Shaffer. 9
- Josephine Henze - Girls with Goals Day -- by Senator Heath. 10
- Jillian Marquis - Girls with Goals Day -- by Senator Hudak. 11
- Jennifer Nguyen - Girls with Goals Day -- by Senator Jahn. 12
- Hunter Neudorff - Girls with Goals Day -- by Senator Boyd. 13
- Samantha Modesitt - Girls with Goals Day -- by Senator Kopp. 14
- Micah Elizabeth Hinson - Girls with Goals Day -- by Senator Mitchell. 15
- Meg Elizabeth Taylor - Girls with Goals Day -- by Senator Tochtrop. 16
- Sydney Bowman - Girls with Goals Day -- by Senator Hodge. 17
- Bryonna VandenHout - Girls with Goals Day -- by Senator Newell. 18
- Margaret "Maggie" Rea - Girls with Goals Day -- by Senator Spence. 19
- Jaelin Randle - Girls with Goals Day -- by Senator Williams. 20
- Odalis Alvarenga - Girls with Goals Day -- by Senator Carroll. 21
- Katherine (Katie) Frost - Girls with Goals Day -- by Senator Harvey. 22
- Joanna Garcia - Girls with Goals Day -- by Senator Steadman. 23
- Emma Davidson - Girls with Goals Day -- by Senator Aguilar. 24
- Xiomara Oseguera - Girls with Goals Day -- by Senator Johnston. 25
- Alexis Valenzuela - Girls with Goals Day -- by Senator Guzman. 26
- Emma Staples - Girls with Goals Day -- by Senator Foster. 27
- Missy Franklin - Female Prep Athlete of the Year -- by Senator Newell. 28
- Littleton Public Schools -- by Senator Newell. 29
- Jennifer Seybold - Colorado Community College Scholars Award -- by Senator Shaffer. 30

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, March 10, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

58th Legislative Day Thursday, March 10, 2011

Prayer By the chaplain, Dr. Gene Selander, Crystal Clear Ministries, Denver.

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

Pledge By Senator Nicholson.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator White, reading of the Journal of Wednesday, March 9, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

March 9, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1138, amended as printed in House Journal, March 7, page 561-562, and amended on Third Reading as printed in House Journal, March 9.

The House has passed on Third Reading and returns herewith SB11-002, 093.

The House has voted to concur in the Senate amendments to HB11-1031 and has repassed the bill as so amended.

MESSAGE FROM THE REVISOR OF STATUTES

March 9, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, as amended, HB11-1138.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR11-023

by Senator(s) Bacon, Shaffer B.; also Representative(s) Murray and Levy--Concerning the declaration of May 1 through May 7, 2011, as "Holocaust Awareness Week".

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

SJR11-024

by Senator(s) Nicholson; also Representative(s) Kefalas--Concerning civility and respect in the Colorado General Assembly.

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

INTRODUCTION OF MEMORIALS

The following memorial was read by title:

SM11-001

by Senator(s) Bacon; --Memorializing former Senator James Beatty.

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

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-187

by Senator(s) Newell; also Representative(s) Fields, Summers--Concerning the continuation of the regulation of mental health professionals, and, in connection therewith, continuing the state boards of psychologist examiners, social work examiners, marriage and family therapist examiners, and licensed professional counselor examiners and the state grievance board, creating the state board of addiction counselor examiners, and implementing the recommendations contained in the sunset review and report of state-regulated mental health professionals.

Health and Human Services

SB11-188

by Senator(s) Bacon and King K.; also Representative(s) Casso--Concerning increasing the state's oversight of the program that allows the financing of capital construction for qualified charter schools.

Education

SB11-189

by Senator(s) Heath; also Representative(s) Murray--Concerning the adjustment of certain dates related to the administration of elections in order to comply with the federal "Military and Overseas Voter Empowerment (MOVE) Act" but excluding the adjustment of any dates related to voter registration.

State, Veterans & Military Affairs

SB11-190

by Senator(s) Aguilar; also Representative(s) Court--Concerning increased transparency of state government through annual citizen-centric performance and accountability reports by departments.

State, Veterans & Military Affairs

SB11-191

by Senator(s) Bacon; --Concerning enactment of the "Colorado Uniform Limited Cooperative Association Act".

Judiciary

- HB11-1013** by Representative(s) Schafer S.; also Senator(s) Bacon--Concerning exemptions from professional regulation for active duty military personnel.
State, Veterans & Military Affairs
- HB11-1026** by Representative(s) Gerou; also Senator(s) Jahn--Concerning the designation of storm water management system administrators, and making an appropriation therefor.
Business, Labor and Technology
- HB11-1059** by Representative(s) Swalm; also Senator(s) Spence and Tochtrop--Concerning a restriction on fees charged by local governments for costs incurred in connection with responding to motor vehicle accidents.
Local Government
- HB11-1088** by Representative(s) Barker, Brown, Gardner B., Holbert; also Senator(s) Lambert--Concerning bond circumstances for defendants who may be in the country illegally.
State, Veterans & Military Affairs
- HB11-1100** by Representative(s) Looper, Acree, Baumgardner, Brown, Court, Fields, Holbert, Kerr A., Priola, Ryden, Solano, Soper; also Senator(s) Morse--Concerning the consideration of military experience towards qualification for professional licensure and certification, and making an appropriation therefor.
State, Veterans & Military Affairs
- HB11-1120** by Representative(s) Gerou; also Senator(s) Roberts--Concerning the repeal of required registration of persons who work on fire suppression systems, and making an appropriation therefor.
Business, Labor and Technology
- HB11-1124** by Representative(s) Williams A.; also Senator(s) Carroll--Concerning conflicts of interest of members of the executive board of a unit owners' association.
Local Government
- HB11-1130** by Representative(s) Priola, Todd, Liston, Szabo, Gardner B., Scott, Ramirez, Swerdfeger, Balmer, Barker, Baumgardner, Beezley, Bradford, Casso, Ferrandino, Levy, Looper, McNulty, Murray, Nikkel, Solano, Soper, Stephens, Waller; also Senator(s) Heath, Hodge, King S., Renfroe, Steadman--Concerning commodity metals, and, in connection therewith, implementing stricter identification and payment requirements for transactions involving commodity metals, increasing penalties for violations of the law regulating purchase of commodity metals, basing the classification of offense of theft of a commodity metal on the weight of the metal, and creating the commodity metals theft task force.
Judiciary
- HB11-1156** by Representative(s) Becker, Gerou, Ferrandino; also Senator(s) Hodge, Steadman, Lambert--Concerning an extension of conservation district grant funding with severance tax revenues.
Agriculture, Natural Resources, and Energy
- HB11-1164** by Representative(s) Priola and Fields, Ryden, Schafer S., Summers, Todd, Balmer, Beezley, Gerou, Kerr A., Levy, Liston, Peniston, Solano, Williams A.; also Senator(s) Boyd--Concerning the designation of the presiding officer of the university of Colorado hospital authority's board of directors.
Health and Human Services
- HB11-1167** by Representative(s) Ferrandino, Lee, Levy; also Senator(s) Nicholson, Steadman--Concerning the petition process for the sealing of certain drug offense records.
Judiciary

HB11-1169	by Representative(s) Levy, Court, Fischer, Gardner B., Labuda, Lee, Looper, McCann, Peniston, Ryden, Waller, Wilson; also Senator(s) Heath--Concerning information-sharing at Colorado state institutions of higher education. Education	1 2 3 4 5 6
HB11-1174	by Representative(s) Vaad; also Senator(s) Renfroe--Concerning the filing of a certificate of destruction by a person on whose land a manufactured home is situated when a governmental entity has deemed the manufactured home in violation of local codes. Local Government	7 8 9 10 11 12
HB11-1180	by Representative(s) Levy; also Senator(s) Guzman--Concerning using individualized assessments to aid judges in imposing criminal sentences that reduce the likelihood of criminal offenders committing additional criminal acts. Judiciary	13 14 15 16 17 18
HB11-1182	by Representative(s) Ferrandino, Becker, Gerou; also Senator(s) Hodge, Steadman, Lambert--Concerning the adjustment of specified vehicle fees credited to special purpose accounts within the highway users tax fund, and making an appropriation therefor. Transportation	19 20 21 22 23 24
HB11-1183	by Representative(s) Bradford; also Senator(s) Spence--Concerning a requirement that a death certificate indicate whether the decedent was pregnant within the twelve months preceding death. State, Veterans & Military Affairs	25 26 27 28 29 30
HB11-1188	by Representative(s) Liston; also Senator(s) Newell--Concerning franchise agreements for a dealer to sell vehicles. Business, Labor and Technology	31 32 33 34 35
HB11-1193	by Representative(s) Labuda; also Senator(s) Boyd--Concerning integrated system-of-care family advocacy programs for mental health juvenile justice populations. Health and Human Services	36 37 38 39 40
HB11-1205	by Representative(s) Holbert, Sonnenberg, Acree, Balmer, Barker, Baumgardner, Becker, Bradford, Brown, Conti, DelGrosso, Joshi, Kerr J., Liston, Looper, Massey, McKinley, McNulty, Murray, Nikkel, Priola, Scott, Stephens, Summers, Swerdfeger, Vaad, Waller; also Senator(s) Brophy, Grantham, Renfroe, Harvey, Cadman, Lambert, Lundberg, Kopp, Mitchell, King S., Roberts, Scheffel--Concerning the authority of a law-abiding person to carry a concealed handgun without a permit. State, Veterans & Military Affairs	41 42 43 44 45 46 47 48 49
HB11-1206	by Representative(s) Gardner B.; also Senator(s) Bacon--Concerning the "Uniform Debt-Management Services Act". Judiciary	50 51 52 53 54
HB11-1207	by Representative(s) Massey; also Senator(s) Spence--Concerning the imposition of a fee on movie tickets sold in the state for purposes of funding the performance-based incentive program administered by the Colorado office of film, television, and media. Business, Labor and Technology	55 56 57 58 59 60
HB11-1209	by Representative(s) Jones, Looper, Massey; also Senator(s) Heath--Concerning the creation of a small business navigator by the small business assistance center under the office of economic development. Business, Labor and Technology	61 62 63 64 65 66
HB11-1216	by Representative(s) Riesberg and Gerou, Baumgardner, Court, Ferrandino, Kefalas, Looper, Miklosi, Pabon, Soper, McCann; also Senator(s) Aguilar, Bacon, King S., Newell, Tochtrop, Williams S.--Concerning the funding of programs that help persons with disabilities obtain benefits by the sale of uniquely valuable registration numbers for vehicles, and making an appropriation therefor. Transportation	67 68 69 70 71 72

HB11-1218	by Representative(s) Baumgardner; also Senator(s) White--Concerning a county power to create a federal mineral lease district for purposes of receiving moneys distributed by the department of local affairs from the local government mineral impact fund. Agriculture, Natural Resources, and Energy	1
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HB11-1221	by Representative(s) Fields, Hullinghorst, Solano, Pabon, Lee, Levy, Ryden, Labuda, Duran, Schafer S., Williams A.; also Senator(s) Spence, Guzman, Giron, Roberts--Concerning legal remedies for consumer credit laws enforced by the administrator of the "Uniform Consumer Credit Code". Judiciary	8
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HB11-1234	by Representative(s) Vaad; also Senator(s) Spence and Williams S.--Concerning the creation of a taxicab license plate for motor vehicles authorized to provide taxicab services, and making an appropriation therefor. Transportation	15
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HB11-1236	by Representative(s) Todd, Court, Fields, McCann, McKinley, Miklosi; also Senator(s) Williams S.--Concerning a repeal of the requirement that a certain number of group special license plates be issued. Transportation	22
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HB11-1239	by Representative(s) Nikkel, Waller; also Senator(s) Roberts--Concerning a requirement to include additional information in fiscal notes for certain bills related to criminal offenses. Judiciary	29
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HB11-1258	by Representative(s) Baumgardner, Casso, Court, Lee, Liston, Miklosi, Ryden, Schafer S.; also Senator(s) Newell, Foster, King S.--Concerning forensic autopsies. Judiciary	36
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HB11-1262	by Representative(s) Becker and Levy, Baumgardner, Bradford, Court, Ferrandino, Fischer, Gardner D., Hamner, Holbert, Hullinghorst, Jones, Joshi, Kerr A., Labuda, Lee, Looper, Peniston, Solano, Sonnenberg, Tyler, Waller, Wilson; also Senator(s) Johnston and Brophy, Cadman, Giron, Grantham, Guzman, Harvey, King S., Lambert, Mitchell, Nicholson, Renfro, Scheffel, Schwartz, Jahn--Concerning procedures to ensure transparency in the process of bidding by electric utilities for the acquisition of new generation facilities. Agriculture, Natural Resources, and Energy	43
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	On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB11-1161 was made Special Orders at 9:25 a.m.	50
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Committee of the Whole	On motion of Senator Guzman, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Guzman was called to the Chair to act as Chairman.	57
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	GENERAL ORDERS -- SECOND READING OF BILLS -- CONSENT CALENDAR	64
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HB11-1053	by Representative(s) Solano, Massey; also Senator(s) Steadman--Concerning court proceedings initiated to compel a minor to attend school. Ordered revised and placed on the calendar for third reading and final passage.	66
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HB11-1089 by Representative(s) Conti, Kerr J., Acree, Balmer, Baumgardner, Becker, Beezley, DelGrosso, Holbert, Looper, Massey, Ramirez, Scott, Swerdfeger; also Senator(s) King K., Spence, Harvey, King S., Lundberg--Concerning the authority of the state charter school institute to act as a local education agency for charter schools that apply for grant programs.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, March 4, page 380 and placed in members' bill files.)

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

SB11-092 by Senator(s) Giron, Schwartz; also Representative(s) Hamner--Concerning the continuation of vessel regulation by the division of parks and outdoor recreation, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies.

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

SB11-094 by Senator(s) Boyd, Aguilar, Carroll, Foster, Newell, White; also Representative(s) Summers--Concerning the continuation of the state board of optometric examiners, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies, and making an appropriation.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 18, page 253 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 4, page 381 and placed in members' bill files.)

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-092, SB11-094 as amended, HB11-1053, HB11-1089 as amended.

Senate in recess. Senate reconvened.

Committee of the Whole The hour of 9:25 a.m. having arrived, Senator Guzman moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Guzman was called to the chair to act as Chairman.

SPECIAL 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:

HB11-1161 by Representative(s) Gerou, Becker, Ferrandino; also Senator(s) Hodge, Steadman, Lambert--Concerning the extension through the 2011-12 fiscal year of authorization for the use of highway users tax fund moneys to fund driver and vehicle services within the division of motor vehicles of the department of revenue.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB11-1161.

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 Governor's appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Tochtrop, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
EXAMINING BOARD OF PLUMBERS

for a term expiring July 1, 2014:

Donald P. Crandell of Denver, Colorado, a person engaged in the construction of residential or commercial buildings as a plumbing contractor, reappointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Tochtrop, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
COLORADO BANKING BOARD

for a term expiring July 1, 2013:

Scott G. Pearson of Highlands Ranch, Colorado, an executive officer of a trust company, to fill the vacancy occasioned by the resignation of D. Terry Reitan of Golden, Colorado, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Tochtrop, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
BOARD OF REAL ESTATE APPRAISERS

for a term expiring July 1, 2011:

Deborah K. Delaney of Fort Collins, Colorado, an officer or employee of a commercial bank experienced in real estate lending, to fill the vacancy occasioned by the resignation of Leslie Mitchell of Denver, Colorado, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Tochtrop, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
STATEWIDE INTERNET PORTAL AUTHORITY

for a term expiring June 1, 2011:

Louis J. Lago of Centennial, Colorado, an individual from the private sector who exhibits a background in information management and technology and who is a user of electronic information, products, and services or information technology services that are offered through the private sector, to fill the vacancy occasioned by the resignation of Kent W. Glassman of Denver, Colorado, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Tochtrop, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
COLORADO CIVIL RIGHTS COMMISSION

for a term expiring March 13, 2011:

A. Susie Velasquez of Greeley, Colorado, to fill the vacancy occasioned by the resignation of Anthony R. Aragon of Denver, Colorado, and to serve as a representative for local (or state) government entities, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Tochtrop, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
SECURITIES BOARD

for a term expiring July 1, 2013:

Scott R. Saltzman of Denver, Colorado, a certified public accountant, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

MESSAGE FROM THE GOVERNOR

March 3, 2011

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
STATE BOARD FOR COMMUNITY COLLEGES
AND OCCUPATIONAL EDUCATION

That the following named person be and is hereby appointed to the:

For a term expiring December 31, 2014:

Kenneth C. Weil, a Democrat from the First Congressional District, to fill the vacancy occasioned by the resignation of Anthony L. Leffert, Denver, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 3/4/11
Cindi L. Markwell, Secretary of the Senate

Committee on Education

March 3, 2011

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:

STATEWIDE INTERNET PORTAL AUTHORITY

for a term expiring June 1, 2014:

Stephan Michael Tadashi Bruce of Englewood, Colorado, as a representative of the private sector, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 3/4/11
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

March 9th, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-135 SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE

Approved March 9th, 2011 at 10:36 a.m.

SB11-138 SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF THE GOVERNOR, THE LT. GOVERNOR AND OSPB

Approved March 9th, 2011 at 10:37 a.m.

SB11-139 SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCE

Approved March 9th, 2011 at 10:38 a.m.

SB11-140 SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HIGHER EDUCATION

Approved March 9th, 2011 at 10:38 a.m.

SB11-143 SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF LABOR & EMPLOYMENT

Approved March 9th, 2011 at 10:39 a.m.

SB11-145 SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF LOCAL AFFAIRS

Approved March 9th, 2011 at 10:40 a.m.

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SB11-146 SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF MILITARY AFFAIRS

Approved March 9th, 2011 at 10:41 a.m.

SB11-147 SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES

Approved March 9th, 2011 at 10:41 a.m.

SB11-148 SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF PERSONNEL

Approved March 9th, 2011 at 10:43 a.m.

SB11-149 SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Approved March 9th, 2011 at 10:43 a.m.

SB11-150 SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY

Approved March 9th, 2011 at 10:44 a.m.

SB11-151 SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF REGULATORY AGENCIES

Approved March 9th 2011 at 10:45 a.m.

SB11-152 SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF REVENUE

Approved March 9th, 2011 at 10:46 a.m.

SB11-153 SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF STATE

Approved March 9th, 2011 at 10:48 a.m.

SB11-154 SUPPLEMENTAL APPROPRIATION TO THE TREASURY DEPARTMENT

Approved March 9th, 2011 at 10:49 a.m.

SB11-155 SUPPLEMENTAL APPROPRIATION TO CAPITOL CONSTRUCTION

Approved March 9th, 2011 at 10:49 a.m.

SB11-156 REDUCTION IN THE GENERAL FUND RESERVE REQUIRED FOR THE 2010-11 FISCAL YEAR

Approved March 9th, 2011 at 10:51 a.m.

SB11-157 MODIFICATION TO THE SCHOOL FINANCE ACT OF 1994, CONCERNING AN APPROPRIATION WITHIN

Approved March 9th, 2011 at 10:52 a.m.

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SB11-160 CLARIFICATION ON THE AMOUNT OF PERFORMANCE BASED INCENTIVES AVAILABLE BY THE COLORADO OFFICE OF FILM

Approved March 9th, 2011 at 10:52 a.m.

SB11-161 CREATION OF A CASH FUND FOR FEES IN CONNECTION WITH CDPHE LABORATORIES

Approved March 9th, 2011 at 10:53 a.m.

SB11-163 REPEAL OF THE ALTERNATIVE FUELS REBATE PROGRAM

Approved March 9th, 2011 at 10:53 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

SENATE SERVICES REPORT

Correctly Enrolled: SB11-020, 029, 061, 086, 101, 104, 106 and 123.

COMMITTEE OF REFERENCE REPORTS

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

**MEMBERS OF THE
STATE HOUSING BOARD**

for terms expiring January 31, 2015:

Eugene R. Lucero, Denver, Colorado, a Democrat and resident of the 1st Congressional District, reappointed;

James A. Coil, Grand Junction, Colorado, a Democrat and resident of the 3rd Congressional District, reappointed.

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

**MEMBER OF THE
ADVISORY COMMITTEE TO THE PROPERTY
TAX ADMINISTRATOR**

for a term expiring September 1, 2014:

Christopher M. Woodruff of Greeley, Colorado, to serve as an assessor from a county of seventy-five thousand or more population according to the most recent federal census, reappointed.

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

MEMBER OF THE
BOARD OF ASSESSMENT APPEALS

for a term expiring July 1, 2011:

Gregg A. Near of Wheat Ridge, Colorado, appointed.

Local
Government

After consideration on the merits, the Committee recommends that **HB11-1151** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 3, strike "amended, and the said 18-9-201 is" and substitute "amended to read:".

Page 2, strike lines 4 and 5.

Page 2, line 10, strike "SUBSECTION (4.7) OF THIS SECTION." and substitute "SECTION 18-1.3-602 (3.5).".

Page 2, strike lines 11 through 17.

Page 2, line 24, strike "ANIMAL," and substitute "ANIMAL AS DEFINED IN SECTION 18-1.3-602 (3.5).".

Page 3, strike lines 10 through 19.

Renumber succeeding section accordingly.

Local
Government

After consideration on the merits, the Committee recommends that **HB11-1079** 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 8, line 20, strike "AGE." and substitute "AGE UNLESS EARLIER TERMINATED BY COURT ORDER.".

Local
Government

After consideration on the merits, the Committee recommends that **HB11-1122** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB11-1187** be referred to the Committee of the Whole with favorable recommendation.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB11-1101** be referred to the Committee on Appropriations with favorable recommendation.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB11-1144** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary

After consideration on the merits, the Committee recommends that **SB11-186** be referred to the Committee on Appropriations with favorable recommendation.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB11-1095** be referred to the Committee of the Whole with favorable recommendation.

Agriculture, Natural Resources, and Energy

After consideration on the merits, the Committee recommends that **HB11-1083** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 11, strike "HYDROELECTRICITY." and substitute "HYDROELECTRICITY, TAKING INTO ACCOUNT THE ASSOCIATED COSTS AND BENEFITS.".

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **HB11-1159** be referred to the Committee on Appropriations with favorable recommendation.

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, March 10 was laid over until Friday, March 11, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB11-107, SB11-170, HB11-1069, HB11-1016, SB11-124, SB11-091, SB11-088, SB11-072, SB11-045, SB11-069, SB11-126.

Consideration of Resolutions: SJR11-005, SJR11-009, HJR11-1008, SJR11-015.
Consideration of House Amendments to Senate Bills: SCR11-001.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, March 11, 2011.

Approved:

Betty Boyd
President *pro tem* of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

59th Legislative Day Friday, March 11, 2011

Prayer By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.

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

Pledge By Senator Nicholson.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator White, reading of the Journal of Thursday, March 10, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

Upon request of Senator Morse, **SB11-092** was removed from the Third Reading of Bills Final Passage Consent Calendar of Friday, March 11 and was placed at the end of the Third Reading of Bills Final Passage Calendar of Friday, March 11.

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:

HB11-1053 by Representative(s) Solano, Massey; also Senator(s) Steadman--Concerning court proceedings initiated to compel a minor to attend school.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	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.

HB11-1089 by Representative(s) Conti, Kerr J., Acree, Balmer, Baumgardner, Becker, Beezley, DelGrosso, Holbert, Looper, Massey, Ramirez, Scott, Swerdfeger; also Senator(s) King K., Spence, Harvey, King S., Lundberg--Concerning the authority of the state charter school institute to act as a local education agency for charter schools that apply for grant programs.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Grantham, Guzman, Hudak, Kopp, Mitchell, Steadman and White.

SB11-094 by Senator(s) Boyd, Aguilar, Carroll, Foster, Newell, White; also Representative(s) Summers--Concerning the continuation of the state board of optometric examiners, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies, and making an appropriation.

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Bacon, Giron, Guzman, Heath, Hodge, Kopp, Morse, Steadman, Tochtrop and Williams S.

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:

HB11-1161 by Representative(s) Gerou, Becker, Ferrandino; also Senator(s) Hodge, Steadman, Lambert--Concerning the extension through the 2011-12 fiscal year of authorization for the use of highway users tax fund moneys to fund driver and vehicle services within the division of motor vehicles of the department of revenue.

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

YES	26	NO	9	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

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

SB11-092 by Senator(s) Giron, Schwartz; also Representative(s) Hamner--Concerning the continuation of vessel regulation by the division of parks and outdoor recreation, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies.

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

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

Co-sponsors added: Guzman and Tochtrop.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

SB11-107 by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident.

Laid over until Monday, March 14, retaining its place on the calendar.

SB11-170 by Senator(s) Aguilar; also Representative(s) Ferrandino--Concerning the limit on the growth of the general fund share of rates for reimbursing nursing home providers under the "Colorado Medical Assistance Act".

Amendment No. 1, General Orders Amendment.
(Printed in Senate Journal, March 7, page 395 and placed in members' bill files.)

Amendment No. 2(L.005), by Senator Aguilar.

Amend printed bill, page 2, strike lines 10 and 11 and substitute "subsections (1) to (4) of this section shall be ~~limited to~~ DETERMINED ANNUALLY BY THE JOINT BUDGET COMMITTEE AND MAY NOT EXCEED an annual increase of three percent. The".

Strike the Health and Human Services Committee Report, dated February 24, 2011.

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

(For further action, see roll call vote on **SB11-170**.)

HB11-1069 by Representative(s) Massey and Fields; also Senator(s) Aguilar--Concerning measures to increase physical activity in public schools.

Amendment No. 1, General Orders Amendment.
(Printed in Senate Journal, March 7, page 395 and placed in the members' bill files.)

Amendment No. 2(L.007), by Senators Bacon, Heath, Hudak, Johnston, and Nicholson.

Amend reengrossed bill, page 5, after line 16 insert:

"(g) A SCHOOL SHALL NOT SUBSTITUTE NONINSTRUCTIONAL PHYSICAL ACTIVITY FOR STANDARDS-BASED PHYSICAL EDUCATION INSTRUCTION."

Amendment No. 3(L.005), by Senator King K.

Amend reengrossed bill, page 2, after line 16, insert:

"(IV) STATISTICS SHOW THAT BOYS, USUALLY DUE TO THEIR HIGH ENERGY LEVELS, ARE MORE LIKELY TO BE MISDIAGNOSED AS HAVING ATTENTION DEFICIT HYPERACTIVITY DISORDER AND NEEDING SPECIAL EDUCATION SERVICES. INCREASING THE OPPORTUNITY FOR PHYSICAL ACTIVITY DURING THE SCHOOL DAY MAY DECREASE THE LIKELIHOOD THAT BOYS ARE ERRONEOUSLY IDENTIFIED AS NEEDING SPECIAL EDUCATION SERVICES, THEREBY SAVING MONEY FOR SCHOOLS AND IMPROVING OUTCOMES FOR THE STUDENTS."

Renumber succeeding subparagraphs accordingly.

Amendment No. 4(L.004), by Senator Hudak.

Amend reengrossed bill, page 5, line 24, strike "ADOPT AND IMPLEMENT" and substitute "ENSURE THAT EACH INSTITUTE CHARTER SCHOOL, WORKING WITH ITS SCHOOL ACCOUNTABILITY COMMITTEE, ADOPTS AND IMPLEMENTS".

Page 5, line 25, after "IN" insert "THE".

Page 5, line 26, strike "SCHOOL AS DESCRIBED" and substitute "SCHOOL, WHICH POLICY MEETS THE REQUIREMENTS SPECIFIED".

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

HB11-1016 by Representative(s) Summers; also Senator(s) Boyd--Concerning prohibitions against furnishing tobacco products to minors.

Amendment No. 1(L.006), by Senator Steadman.

Amend reengrossed bill, page 2, line 22, strike "amended" and substitute "repealed as follows:".

Page 3, strike lines 1 through 3 and substitute:

"24-35-508. Repeal of part. This part 5 is repealed, effective July 1, 2011."

Amendment No. 2(L.007), by Senator Boyd.

Amend reengrossed bill, page 2, strike lines 9 and 10 and substitute:

"(II) ANY ELECTRONIC DEVICE THAT CAN BE USED TO DELIVER NICOTINE TO THE PERSON INHALING FROM THE DEVICE, INCLUDING BUT NOT LIMITED TO AN ELECTRONIC CIGARETTE, CIGAR, CIGARILLO, OR PIPE."

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

SB11-124 by Senator(s) Hodge, Lambert, Steadman; also Representative(s) Gerou, Ferrandino-- Concerning the transfer of unspent county TANF reserves to a county.

Laid over until Monday, March 14, retaining its place on the calendar.

SB11-091 by Senator(s) Brophy, Guzman, Jahn; also Representative(s) McKinley--Concerning continuation of the state board of veterinary medicine, and, in connection therewith, implementing the recommendations contained in the sunset review of the board and its functions, and making an appropriation.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, February 18, pages 236-241 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 4, page 382 and placed in members' bill files.)

Amendment No. 3(L.008), by Senator Brophy.

Amend the Agriculture, Natural Resources, and Energy Committee Report, dated February 17, 2011, page 3, strike lines 2 through 9.

Amend printed bill, page 14, line 4, after **"decisions."** insert "(1)" and strike "AN".

Page 14 of the bill, line 5, strike "ANIMAL" and substitute "A PATIENT".

Page 14 of the bill, line 6, strike "SCHEDULED AND" and substitute "DESIGNATED AS" and strike "ALL" and substitute "THE".

Page 14 of the bill, line 7, strike "CARE." and substitute "CARE PROVIDED TO THE PATIENT.".

Page 14 of the bill, after line 7 insert:

"(2) AT ALL TIMES WHEN A PATIENT IS PRESENT ON A VETERINARY PREMISES, A LICENSED VETERINARIAN MUST BE DESIGNATED AS RESPONSIBLE FOR THE PREMISES. THE BOARD MAY FINE A CORPORATION ORGANIZED AND OPERATED IN ACCORDANCE WITH SECTION 12-64-122 THAT OWNS OR OPERATES A VETERINARY PREMISES UP TO ONE THOUSAND DOLLARS PER DAY FOR EACH DAY THE CORPORATION FAILS TO HAVE A LICENSED VETERINARIAN DESIGNATED AS RESPONSIBLE FOR THE VETERINARY PREMISES."

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

SB11-088	by Senator(s) Carroll and Lundberg, Boyd, Mitchell; also Representative(s) Acree--	1
	Concerning the regulation of direct-entry midwives, and, in connection therewith,	2
	implementing the sunset review recommendations of the department of regulatory agencies,	3
	and making an appropriation.	4
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	<u>Amendment No. 1, Health & Human Services Committee Amendment.</u>	6
	(Printed in Senate Journal, February 18, pages 253-256 and placed in members' bill files.)	7
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	<u>Amendment No. 2, Appropriations Committee Amendment.</u>	9
	(Printed in Senate Journal, March 4, page 382 and placed in members' bill files.)	10
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	As amended, ordered engrossed and placed on the calendar for third reading and final	12
	passage.	13
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SB11-072	by Senator(s) Carroll, Bacon, Boyd, Giron, Hodge, Hudak, Morse, Steadman, Tochtrop,	16
	Aguilar, Guzman, Johnston; also Representative(s) Levy, Court, Fields, Tyler--Concerning	17
	the creation of remedies in employment discrimination cases brought under state law.	18
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	Laid over until Monday, March 14, retaining its place on the calendar.	20
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SB11-045	by Senator(s) Johnston; also Representative(s) Levy--Concerning a streamlined process for	23
	securing governmental approval for the siting of electric transmission facilities, and, in	24
	connection therewith, creating a task force.	25
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	<u>Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.</u>	27
	(Printed in Senate Journal, February 25, pages 320-322 and placed in members' bill files.)	28
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	As amended, ordered engrossed and placed on the calendar for third reading and final	30
	passage.	31
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SB11-069		33
	by Senator(s) Hudak, Bacon, Guzman; also Representative(s) Massey--Concerning	34
	educational management organizations.	35
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	<u>Amendment No. 1, Education Committee Amendment.</u>	37
	(Printed in Senate Journal, February 24, pages 298-299 and placed in members' bill files.)	38
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	As amended, ordered engrossed and placed on the calendar for third reading and final	40
	passage.	41
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SB11-126		43
	by Senator(s) Giron and Johnston, Bacon, Foster, Guzman, Heath, Hodge, Morse,	44
	Nicholson, Shaffer B., Steadman, Williams S.; also Representative(s) Miklosi and Williams	45
	A., Duran, Fields, Hullinghorst, Levy, Pabon, Solano--Concerning classification as an	46
	unsubsidized in-state student for tuition purposes at state institutions of higher education.	47
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	Laid over until Friday, March 18, retaining its place on the calendar.	49
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SB11-050		51
	by Senator(s) Roberts; also Representative(s) Gerou--Concerning a requirement that a	52
	condemning authority pay fair market value for land subject to a conservation easement.	53
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	<u>Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.</u>	55
	(Printed in Senate Journal, February 18, pages 236 and placed in members' bill files.)	56
		57
	As amended, laid over until Monday, March 14, retaining its place on the calendar.	58
SB11-060		59
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	by Senator(s) Boyd and White; also Representative(s) Gardner B. and Kerr A.--Concerning	61
	the alcohol content of alcohol beverages that are available for consumption on a licensed	62
	premises.	63
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	Laid over until Monday, April 4, retaining its place on the calendar.	65
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SB11-090		67
	by Senator(s) Schwartz, Giron, Guzman; also Representative(s) Baumgardner--Concerning	68
	the continuation of the issuance of permits for weather modification operations, and, in	69
	connection therewith, implementing a sunset review recommendation of the department of	70
	regulatory agencies and continuing indefinitely the "Weather Modification Act of 1972".	71
		72

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, February 18, pages 236 and placed in members' bill files.)

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

HB11-1118 by Representative(s) Kerr J., Acree, Gardner D., Miklosi; also Senator(s) Carroll, Tochtrop--Concerning authorization for the state auditor to conduct a performance audit of a public highway authority.

Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, March 9, page 408 and placed in members' bill files.)

Amendment No. 2(L.003), by Senator Carroll.

Amend reengrossed bill, page 2, after line 16 insert:

"**SECTION 2.** 43-2-145 (1.5), Colorado Revised Statutes, is amended to read:

43-2-145. Transportation legislation review - committee.
(1.5) The committee may review any phase of operations of any public highway authority created pursuant to part 5 of article 4 of this title, including planning and construction of public highway projects, prior to and during the completion of such projects. The committee may also conduct a postoperation review of a project to determine whether the project was completed in the most cost-effective and efficient manner. The committee may require any public highway authority to prepare and adopt long-range plans for the development of the public highways, and the committee shall monitor the progress of such plans. The committee may also require ~~financial or performance audits to be conducted~~ THE STATE AUDITOR TO CONDUCT A FINANCIAL OR PERFORMANCE AUDIT OF ANY PUBLIC HIGHWAY AUTHORITY."

Renumber succeeding section accordingly.

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

(For further action, see roll call vote on **HB11-1118**.)

HB11-1176 by Representative(s) Ramirez; also Senator(s) Renfroe--Concerning an exemption of crude oil from designated routes set by the state patrol for the transportation of hazardous substances by motor vehicle.

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

ROLL CALL VOTE ON SB11-170

SB11-170 by Senator(s) Aguilar; also Representative(s) Ferrandino--Concerning the limit on the growth of the general fund share of rates for reimbursing nursing home providers under the "Colorado Medical Assistance Act".

Senator Tochtrop requested a roll call vote on **SB11-170**.

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	N
Carroll	Y	Jahn	N	Newell	N	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

ROLL CALL VOTE ON HB11-1118

HB11-1118 by Representative(s) Kerr J., Acree, Gardner D., Miklosi; also Senator(s) Carroll, Tochtrop-
-Concerning authorization for the state auditor to conduct a performance audit of a public
highway authority.

Senator Cadman requested a roll call vote on **SB11-1118**.

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-170 as amended, SB11-091 as amended, SB11-088 as
amended, SB11-045 as amended, SB11-069 as amended, SB11-090 as amended,
HB11-1069 as amended, HB11-1016 as amended, HB11-1118 as amended, HB11-1176.
Laid over until March 14: SB11-107, SB11-124, SB11-072, SB11-050 as amended.
Laid over until March 18: SB11-126.
Laid over until April 4: SB11-060.

SENATE SERVICES REPORT

Correctly Printed: SB11-187, 188, 189, 190 and 191; SJR11-23 and 24; SM11-001.
Correctly Engrossed: SB11-092 and 094.
Correctly Revised: HB11-1053, 1089 and 1161.
Correctly Enrolled: SB11-002, 093 and 103.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-020, 061, 101, 104, 106, 123 and 159, HB11-1017, 1019,
1027, 1036, 1060, 1073, 1102.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Thursday, March 10, 2011, at 11:40 a.m.:
SB11-136, 137, 141, 142, 144 and 164.

COMMITTEE OF REFERENCE REPORTS

*****CORRECTED REPORT*****

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB11-1095** be referred to the Committee on Appropriations with favorable recommendation.

Agriculture,
Natural
Resources,
and Energy

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

**MEMBER OF THE
GROUND WATER COMMISSION**

for a term expiring May 1, 2014:

Virgil F. Valdez of Alamosa, Colorado, to fill the vacancy occasioned by the passing of Douglas L. Shriver of Monte Vista, Colorado, and to serve as a representative from Water Division 3 and as an Agriculturist, appointed.

Health &
Human
Services

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

**MEMBERS OF THE
SOLID AND HAZARDOUS WASTE COMMISSION**

for terms expiring August 1, 2013:

Frederick S. Myers of Castle Rock, Colorado, to serve as a member of the public and as a Democrat, reappointed;

Christopher J. Neumann of Denver, Colorado, to serve as a representative of the government or academic community and as a Republican, reappointed;

Thomas S. Schweitzer of Castle Rock, Colorado, to serve as a representative from the regulated community and as a Republican, reappointed.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB11-1033** be referred to the Committee on Appropriations with favorable recommendation.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB11-1058** be postponed indefinitely.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB11-183** 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 printed bill, page 2, strike lines 2 through 12.

Renumber succeeding sections accordingly.

Health & Human Services	After consideration on the merits, the Committee recommends that HB11-1181 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4 5 6
Finance	After consideration on the merits, the Committee recommends that SB11-172 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	7 8 9 10
Finance	After consideration on the merits, the Committee recommends that HB11-1260 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	11 12 13 14 15
Finance	After consideration on the merits, the Committee recommends that SB11-184 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation. Amend printed bill, page 4, line 8, strike "TAXES, including one-half of any interest due, as". Page 4, strike line 9 and substitute " including one-half of any interest due, as computed without the reduction pursuant to section 39-21-109 (1.5); TAXES on". Page 4, line 11, strike "any fine" and substitute "any INTEREST, fine,". Page 4, line 19, strike "any fine" and substitute "any INTEREST, fine,". Page 4, line 20, strike "and all interest". Page 4, line 21, strike "for which the taxpayer is liable" and substitute " and all interest for which the taxpayer is liable ".	16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36
Finance	After consideration on the merits, the Committee recommends that HB11-1097 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation. Amend reengrossed bill, page 2, after line 1 insert: "SECTION 1. 39-22-1001, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read: 39-22-1001. Limitation on the duration of voluntary contribution programs - queue. (7) AS SPECIFIED IN SUBSECTION (6) OF THIS SECTION, NO MORE THAN FIFTEEN VOLUNTARY CONTRIBUTIONS SHALL APPEAR ON COLORADO INCOME TAX RETURN FORMS IN ANY INCOME TAX YEAR. IF THE GENERAL ASSEMBLY, ACTING BY BILL IN ANY YEAR, REQUIRES MORE VOLUNTARY CONTRIBUTIONS TO APPEAR ON THE INCOME TAX RETURN FORM THAN THERE ARE LINES AVAILABLE ON THE FORM, AN EXISTING VOLUNTARY CONTRIBUTION THAT IS RENEWED OR CONTINUED SHALL TAKE PRECEDENCE AND BE PLACED ON THE FORM OVER A VOLUNTARY CONTRIBUTION THAT DOES NOT APPEAR ON THE FORM AND IS NOT BEING RENEWED OR CONTINUED. ANY VOLUNTARY CONTRIBUTION THAT DOES NOT APPEAR ON THE FORM AND IS NOT BEING RENEWED OR CONTINUED BUT DOES NOT TAKE EFFECT PURSUANT TO THIS SUBSECTION (7) SHALL BE PLACED IN THE QUEUE CREATED BY SUBSECTION (8) OF THIS SECTION AND SHALL ONLY BECOME EFFECTIVE IN ANY YEAR IN WHICH THERE IS A LINE AVAILABLE ON THE INCOME TAX RETURN FORM, AS SPECIFIED IN SUBSECTION (8) OF THIS SECTION. (8) (a) IF THE GENERAL ASSEMBLY, ACTING BY BILL IN ANY YEAR, REQUIRES MORE VOLUNTARY CONTRIBUTIONS TO APPEAR ON THE INCOME TAX RETURN FORM THAN THERE ARE LINES AVAILABLE ON THE FORM, ANY VOLUNTARY CONTRIBUTION THAT IS TO APPEAR ON THE FORM FOR THE FIRST TIME SHALL, NOTWITHSTANDING THE LANGUAGE IN OR THE EFFECTIVE DATE OF THE BILL CREATING THE VOLUNTARY CONTRIBUTION, BE PLACED IN A QUEUE, WHICH QUEUE IS HEREBY CREATED. THE ORDER	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

OF VOLUNTARY CONTRIBUTIONS THAT ARE PLACED IN THE QUEUE SHALL BE DETERMINED BY THE DATE AND TIME ON WHICH THE GOVERNOR SIGNS THE BILL CREATING THE VOLUNTARY CONTRIBUTION, OR AT SUCH TIME THAT THE BILL BECOMES LAW WITHOUT THE GOVERNOR'S SIGNATURE, WITH THE BILL THAT WAS SIGNED OR BECOMES LAW WITHOUT A SIGNATURE FIRST IN TIME BEING FIRST IN THE QUEUE, THE BILL THAT WAS SIGNED OR BECOMES LAW WITHOUT A SIGNATURE NEXT IN TIME BEING SECOND IN THE QUEUE, AND SO ON.

(b) ON NOVEMBER 1 OF EACH YEAR, THE EXECUTIVE DIRECTOR SHALL CERTIFY TO THE REVISOR OF STATUTES THE AMOUNT OF LINES AVAILABLE FOR VOLUNTARY CONTRIBUTIONS ON THE INCOME TAX RETURN FORM FOR THE STATE INCOME TAX YEAR COMMENCING ON JANUARY 1 OF THE FOLLOWING YEAR.

(c) IF A LINE BECOMES AVAILABLE ON THE INCOME TAX RETURN FORM, AND NOTWITHSTANDING THE LANGUAGE IN OR THE EFFECTIVE DATE OF THE BILL CREATING THE VOLUNTARY CONTRIBUTION, THE VOLUNTARY CONTRIBUTION FIRST IN THE QUEUE SHALL APPEAR ON THE FORM FOR THE NUMBER OF CONSECUTIVE TAX YEARS SPECIFIED IN THE PART CREATING THE VOLUNTARY CONTRIBUTION BEGINNING WITH THE TAX YEAR IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE EXECUTIVE DIRECTOR CERTIFIES THAT THERE IS A LINE AVAILABLE AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (8). IF THERE ARE TWO LINES AVAILABLE ON THE FORM, THE VOLUNTARY CONTRIBUTION THAT IS SECOND IN THE QUEUE SHALL APPEAR ON THE FORM FOR THE NUMBER OF CONSECUTIVE TAX YEARS SPECIFIED IN THE PART CREATING THE VOLUNTARY CONTRIBUTION BEGINNING WITH THE TAX YEAR IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE EXECUTIVE DIRECTOR CERTIFIES THAT THERE ARE LINES AVAILABLE AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (8), AND SO ON."

Renumber succeeding sections accordingly.

Page 3, strike lines 23 and 24 and substitute "- **effective date.** FOR THE FIVE CONSECUTIVE INCOME TAX YEARS IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE EXECUTIVE DIRECTOR FILES WRITTEN CERTIFICATION WITH THE REVISOR OF STATUTES AS SPECIFIED IN SECTION 39-22-1001 (8) (b), THE COLORADO STATE".

Page 4, line 18, strike "JANUARY 1, 2022," and substitute "JANUARY 1 OF THE SIXTH INCOME TAX YEAR FOLLOWING THE YEAR IN WHICH THE EXECUTIVE DIRECTOR FILES WRITTEN CERTIFICATION WITH THE REVISOR OF STATUTES AS SPECIFIED IN SECTION 39-22-1001 (8) (b),".

Education

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

MEMBERS OF THE
BOARD OF TRUSTEES OF METROPOLITAN
STATE COLLEGE OF DENVER

for terms expiring December 31, 2014:

Terrance D. Carroll of Denver, Colorado, a Democrat, appointed;

Michelle M. Lucero of Littleton, Colorado, a Democrat, reappointed.

Education

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

MEMBERS OF THE
BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE

for terms expiring December 31, 2014: 1
Peter R. Decker of Ridgway, Colorado, a Democrat, reappointed; 2
Matthew S. Wassam of Sedalia, Colorado, a Republican, appointed. 3
4
5
6
7

Local After consideration on the merits, the Committee recommends that **HB11-1109** be 8
Government amended as follows, and as so amended, be referred to the Committee of the Whole with 9
favorable recommendation. 10
11
Amend reengrossed bill, page 2, line 7, after "EXEMPT" insert "FROM ITS 12
SALES TAX". 13
14
Page 2, line 9, strike "AND TELEGRAPH". 15
16
Page 2, strike lines 11 through 14 and substitute "TELECOMMUNICATIONS 17
SERVICE.". 18
19
Page 2, line 15, strike "AN" and substitute "A SALES TAX" 20
21
Page 2, line 19, strike "AND TELEGRAPH". 22
23
24
25
26

On motion of Senator Morse, and with a majority of those elected to the Senate having 27
voted in the affirmative, the balance of the calendar of Friday, March 11 was laid over 28
until Monday, March 14, retaining its place on the calendar. 29
30
Consideration of Resolutions: SJR11-005, SJR11-009, HJR11-1008, SJR11-015, 31
SJR11-023, SJR11-024. 32
Consideration of Memorials: SM11-001. 33
Consideration of House Amendments to Senate Bills: SCR11-001. 34
35
36
37
38

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, March 14, 39
2011. 40
41
Approved: 42
43
44
45
Betty Boyd 46
President *pro tem* of the Senate 47
48
Attest: 49
50
51
52
Cindi L. Markwell 53
Secretary of the Senate 54

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

62nd Legislative Day	Monday, March 14, 2011
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Prayer	By the chaplain, Father Eustace Sequeira, St. Ignatius Loyola Catholic Church, Denver.
Call to Order	By the President at 10:00 a.m.
Pledge	By Senator Lambert.
Roll Call	Present--32 Absent--1, Williams S. Excused--2, Kopp, Lundberg. Present later--1, Williams S.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Aguilar, reading of the Journal of Friday, March 11, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

March 11, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1055, amended as printed in House Journal, March 2, pages 520-521.
HB11-1065, amended as printed in House Journal, March 2, pages 521-522.

The House has adopted and returns herewith SJR11-022.

MESSAGE FROM THE REVISOR OF STATUTES

March 11, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, as amended, HB11-1055 and 1065.

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:

SB11-170 by Senator(s) Aguilar; also Representative(s) Ferrandino--Concerning the limit on the growth of the general fund share of rates for reimbursing nursing home providers under the "Colorado Medical Assistance Act".

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

YES	20	NO	12	EXCUSED	2	ABSENT	1
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	N
Carroll	Y	Jahn	N	Newell	N	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	A
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

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

Co-sponsors added: Foster and Nicholson.

HB11-1069 by Representative(s) Massey and Fields; also Senator(s) Aguilar--Concerning measures to increase physical activity in public schools.

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

YES	20	NO	12	EXCUSED	2	ABSENT	1
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	A
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

Co-sponsors added: Boyd, Foster, Guzman, Heath, Hudak, Johnston and Nicholson.

HB11-1016 by Representative(s) Summers; also Senator(s) Boyd--Concerning prohibitions against furnishing tobacco products to minors.

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

YES	29	NO	3	EXCUSED	2	ABSENT	1
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	A
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Foster, Guzman, Heath, Hodge, Hudak, Jahn, King S., Newell, Nicholson, Schwartz and Steadman.

SB11-091 by Senator(s) Brophy, Guzman, Jahn; also Representative(s) McKinley--Concerning continuation of the state board of veterinary medicine, and, in connection therewith, implementing the recommendations contained in the sunset review of the board and its functions, and making an appropriation.

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

YES	32	NO	0	EXCUSED	2	ABSENT	1
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	A
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Giron, Hodge, Schwartz and Tochtrop.

SB11-088 by Senator(s) Carroll and Lundberg, Boyd, Mitchell; also Representative(s) Acree--Concerning the regulation of direct-entry midwives, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies, and making an appropriation.

Laid over until March 15, retaining its place on the calendar.

SB11-045 by Senator(s) Johnston; also Representative(s) Levy--Concerning a streamlined process for securing governmental approval for the siting of electric transmission facilities, and, in connection therewith, creating a task force.

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

YES	24	NO	8	EXCUSED	2	ABSENT	1
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	N
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	A
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

Co-sponsors added: Bacon, Boyd, Carroll, Foster and Heath.

SB11-069 by Senator(s) Hudak, Bacon, Guzman; also Representative(s) Massey--Concerning educational management organizations.

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

YES	26	NO	6	EXCUSED	2	ABSENT	1
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	A
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

Co-sponsors added: Carroll, Giron, Heath, King K., Newell and Schwartz.

SB11-090 by Senator(s) Schwartz, Giron, Guzman; also Representative(s) Baumgardner--Concerning the continuation of the issuance of permits for weather modification operations, and, in connection therewith, implementing a sunset review recommendation of the department of regulatory agencies and continuing indefinitely the "Weather Modification Act of 1972".

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

YES	23	NO	9	EXCUSED	2	ABSENT	1
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	N
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	A
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

HB11-1118 by Representative(s) Kerr J., Acree, Gardner D., Miklosi; also Senator(s) Carroll, Tochtrop--Concerning authorization for the state auditor to conduct a performance audit of a public highway authority.

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

YES	21	NO	12	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	N
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

Co-sponsors added: Aguilar, Giron, Nicholson and Steadman.

HB11-1176 by Representative(s) Ramirez; also Senator(s) Renfroe--Concerning an exemption of crude oil from designated routes set by the state patrol for the transportation of hazardous substances by motor vehicle.

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

YES	31	NO	2	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

RECONSIDERATION OF HB11-1118

HB11-1118 by Representative(s) Kerr J., Acree, Gardner D., Miklosi; also Senator(s) Carroll, Tochtrop--Concerning authorization for the state auditor to conduct a performance audit of a public highway authority.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills - Final Passage, on **HB11-1118**.

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

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

HB11-1118 by Representative(s) Kerr J., Acree, Gardner D., Miklosi; also Senator(s) Carroll, Tochtrop--Concerning authorization for the state auditor to conduct a performance audit of a public highway authority.

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

YES	21	NO	12	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	N
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

Co-sponsors added: Aguilar, Giron and Nicholson.

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

GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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:

HB11-1079 by Representative(s) Casso; also Senator(s) Jahn--Concerning methods to reduce the number of homeless youth.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, March 10, page 424 and placed in members' bill files.)

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

HB11-1122 by Representative(s) Schafer S.; also Senator(s) Jahn--Concerning the technical modification of specified requirements affecting the process by which a proposed home rule charter for a municipality is to be submitted for the approval of the voters of the municipality.

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

HB11-1144 by Representative(s) Solano, Casso, Duran, Kerr A., Todd; also Senator(s) Tochtrop--Concerning fetal alcohol spectrum disorders, and, in connection therewith, expanding the number of members of the fetal alcohol spectrum disorders commission and encouraging evaluation and expanded use of health warning information.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB11-1079 as amended, HB11-1122, HB11-1144.

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

SB11-107 by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident.

Laid over until Tuesday, March 15, retaining its place on the calendar.

SB11-124 by Senator(s) Hodge, Lambert, Steadman; also Representative(s) Gerou, Ferrandino--Concerning the transfer of unspent county TANF reserves to a county, and making an appropriation in connection therewith.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, February 11, page 158, was lost.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 4, page 380 and placed in members' bill files.)

Amendment No. 3(L.002), by Senator Boyd.

Amend printed bill, page 2, strike lines 2 and 3 and substitute:

"SECTION 1. 26-2-714 (3) and (5) (a), Colorado Revised Statutes, are amended, and the said 26-2-714 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:".

Page 2, strike line 5 and substitute "(1.5) MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY TO THE COUNTY BLOCK GRANT LINE SHALL REMAIN APPROPRIATED AND AVAILABLE TO COUNTIES PURSUANT TO THE PROCEDURES SPECIFIED IN THIS SECTION.

(3) ~~The state department shall not be authorized to reduce a county block grant pursuant to subsection (2) of this section based upon the amount of any moneys maintained by such county in a reserve account authorized pursuant to subsection (5) of this section~~ NOTHING IN SUBSECTIONS (2) AND (2.5) OF THIS SECTION SHALL PREVENT A COUNTY FROM TRANSFERRING AT ANY TIME DURING THE FISCAL YEAR, PURSUANT TO PROCEDURES ESTABLISHED BY THE STATE DEPARTMENT AND THE WORKS ALLOCATION COMMITTEE, A PORTION OF THE COUNTY'S CURRENT FEDERAL TANF ALLOCATION TO ANOTHER COUNTY IN EXCHANGE FOR AN AMOUNT OF COUNTY MONEYS EQUAL TO THE MAINTENANCE OF EFFORT ASSOCIATED WITH THE ALLOCATION.

(5) (a) (I) (A) A county shall be authorized to maintain a reserve account".

Page 2, strike lines 8 through 17 and substitute:

"(B) PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (V) OF PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION, upon the conclusion of state fiscal year 2008-09, ~~a county shall remit to the Colorado long-term works reserve created in section 26-2-721~~ 2010-11, AND UPON THE CONCLUSION OF EACH STATE FISCAL YEAR THEREAFTER, THE WORKS ALLOCATION COMMITTEE MAY TRANSFER TO ANOTHER COUNTY ON OR BEFORE NOVEMBER 1 OF THE SUCCEEDING FISCAL YEAR, any unspent COUNTY TANF reserves in excess of ~~seventy~~ FORTY percent of the county's county block grant for the CONCLUDING state fiscal year. 2008-09 TANF RESERVES TRANSFERRED TO A COUNTY PURSUANT TO THIS SUB-SUBPARAGRAPH (B) SHALL BE AVAILABLE TO THE COUNTY IN THE SUCCEEDING STATE FISCAL YEAR."

Page 3, strike lines 1 through 4.

Page 3, strike lines 9 through 15.

Page 3, line 21, strike "OR (C)".

Page 3, line 24, after the period add "THE COUNTY RECEIVING THE TANF RESERVES SHALL BE RESPONSIBLE FOR PROVIDING AN AMOUNT OF COUNTY MONEYS EQUAL TO THE MAINTENANCE OF EFFORT ASSOCIATED WITH THE TANF RESERVES."

Page 4, strike lines 4 through 9 and substitute:

"(II) Notwithstanding any provision of subparagraph (I) of this paragraph (a) to the contrary, in state fiscal year 2008-09, and in each state fiscal year thereafter, a county with an annual county block grant amount of two hundred thousand dollars or less shall ~~remit to the Colorado long-term works reserve~~ MAKE AVAILABLE TO THE WORKS ALLOCATION COMMITTEE FOR TRANSFER TO ANOTHER COUNTY PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (V) OF PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION any unspent TANF reserves in excess of one hundred thousand dollars."

Page 5, line 4, strike "SUB-SUBPARAGRAPHS (B) AND (C)" and substitute "SUB-SUBPARAGRAPH (B)".

Page 5, line 6, strike "THE WORKS" and substitute "WITH THE GOAL OF INCREASING THE COUNTIES' MINIMUM PERCENTAGE RESERVE BALANCES, THE WORKS".

Page 5, line 8, strike "A ZERO" and substitute "NO MORE THAN A TEN PERCENT".

Page 5, line 9, after the period add "IF MONEYS REMAIN AFTER SATISFYING THE FIRST PRIORITY CRITERIA, SECOND PRIORITY SHALL BE GIVEN TO TRANSFERS TO THOSE COUNTIES WHOSE TANF RESERVES ARE MORE THAN TEN PERCENT, BUT NO MORE THAN TWENTY PERCENT."

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

SB11-072

by Senator(s) Carroll, Bacon, Boyd, Giron, Hodge, Hudak, Morse, Steadman, Tochtrop, Aguilar, Guzman, Johnston; also Representative(s) Levy, Court, Fields, Tyler--Concerning the creation of remedies in employment discrimination cases brought under state law.

Laid over until Friday, March 18, retaining its place on the calendar.

SB11-050

by Senator(s) Roberts; also Representative(s) Gerou--Concerning a requirement that a condemning authority pay fair market value for land subject to a conservation easement.

Amendment No. 1, General Orders Amendment.
(Printed in Senate Journal, March 11, page 432 and placed in members' bill files.)

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

Strike the Agriculture, Natural Resources, and Energy Committee Report, dated February 17, 2011, and substitute:

"Amend printed bill, strike everything below the enacting clause and substitute:

"**SECTION 1.** Article 30.5 of title 38, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

38-30.5-112. Conservation easement - task force - creation - report - legislative declaration - repeal. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(a) IT IS WITHIN THE POWER OF THE GENERAL ASSEMBLY TO ADDRESS ISSUES RELATED TO PROPERTY BEING CONDEMNED THAT IS SUBJECT TO A CONSERVATION EASEMENT; AND

(b) ISSUES RELATED TO THE VALUE OF PROPERTY BEING CONDEMNED THAT IS SUBJECT TO A CONSERVATION EASEMENT ARE A MATTER OF STATEWIDE CONCERN AND SHOULD BE ADDRESSED BY THE GENERAL ASSEMBLY.

(2) (a) THERE IS HEREBY CREATED THE CONDEMNATION OF CONSERVED PROPERTY TASK FORCE, REFERRED TO IN THIS SECTION AS THE "TASK FORCE", WHICH SHALL MEET DURING THE INTERIM AFTER THE FIRST REGULAR SESSION OF THE SIXTY-EIGHTH GENERAL ASSEMBLY TO STUDY THE VALUATION OF PROPERTY BEING CONDEMNED THAT IS SUBJECT TO A CONSERVATION EASEMENT, REPORT ITS FINDINGS AND RECOMMENDATIONS, AND, IF APPROPRIATE, PROPOSE STATUTORY MODIFICATIONS TO ENSURE THAT THE PROPERTY INTERESTS CONDEMNED ARE VALUED FAIRLY AND APPROPRIATELY.

(b) THE TASK FORCE SHALL CONSIST OF THE FOLLOWING TWELVE MEMBERS:

(I) THE EXECUTIVE DIRECTOR OF COLORADO COUNTIES, INCORPORATED, OR HIS OR HER DESIGNEE;

(II) THE EXECUTIVE DIRECTOR OF THE COLORADO MUNICIPAL LEAGUE, OR HIS OR HER DESIGNEE;

(III) THREE REPRESENTATIVES OF UTILITIES WITH EXPERTISE IN EMINENT DOMAIN, ONE TO BE APPOINTED BY THE PRESIDENT OF THE SENATE, ONE TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND ONE TO BE APPOINTED BY THE GOVERNOR;

(IV) THREE REPRESENTATIVES OF VARIOUS CONSERVATION EASEMENT HOLDERS, ONE TO BE APPOINTED BY THE PRESIDENT OF THE SENATE, ONE TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND ONE TO BE APPOINTED BY THE GOVERNOR;

(V) TWO REPRESENTATIVES OF LANDOWNER INTERESTS, ONE TO BE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES; AND

(VI) TWO REPRESENTATIVES OF THE APPRAISER COMMUNITY, ONE TO BE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

(c) ALL APPOINTMENTS TO THE TASK FORCE SHALL BE MADE ON OR BEFORE JUNE 15, 2011.

(3) (a) THE TASK FORCE SHALL STUDY, MAKE RECOMMENDATIONS, AND REPORT FINDINGS ON ALL MATTERS RELATING TO THE VALUATION OF CONSERVATION EASEMENTS SUBJECT TO CONDEMNATION, INCLUDING A REVIEW OF EXISTING COLORADO EMINENT DOMAIN LAW RELATING TO THE APPLICATION OF THE UNDIVIDED BASIS RULE IN THE CONTEXT OF PROPERTY SUBJECT TO A CONSERVATION EASEMENT, PERCEIVED DEFICIENCIES IN EXISTING CONDEMNATION LAW FROM THE PERSPECTIVE OF THE CONSERVATION EASEMENT COMMUNITY, OPPORTUNITIES TO ADDRESS THE PERCEIVED DEFICIENCIES USING EXISTING LAW, APPRAISAL PRACTICE IMPLICATIONS, TAX IMPLICATIONS, APPORTIONMENT ISSUES, AND POTENTIAL CHANGES TO EXISTING LAW TO ADDRESS SPECIFIC PROBLEMS.

(b) THE TASK FORCE SHALL SUBMIT A WRITTEN REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE AGRICULTURE, NATURAL RESOURCES, AND ENERGY AND LOCAL GOVERNMENT COMMITTEES OF THE SENATE AND THE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES AND LOCAL GOVERNMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES BY OCTOBER 17, 2011. UPON REQUEST OF A MEMBER OF THE TASK FORCE, SUMMARIES OF DISSENTING OPINIONS SHALL BE PREPARED AND ATTACHED TO THE FINAL REPORT OF FINDINGS AND RECOMMENDATIONS.

(4) (a) THE FIRST MEETING OF THE TASK FORCE SHALL BE NO LATER

THAN AUGUST 2, 2011. THE TASK FORCE SHALL MEET AT LEAST FOUR TIMES.

(b) MEETINGS OF THE TASK FORCE SHALL BE PUBLIC MEETINGS.

(5) THE TASK FORCE SHALL SOLICIT AND ACCEPT REPORTS AND PUBLIC TESTIMONY AND MAY REQUEST OTHER SOURCES, INCLUDING BUT NOT LIMITED TO THE NATIONAL CONFERENCE OF STATE LEGISLATURES, REPRESENTATIVES FROM STATE AND LOCAL GOVERNMENT, PROPERTY OWNERS, NONPROFIT ORGANIZATIONS, APPROPRIATE TRADE GROUPS AND REPRESENTATIVES OF OTHER CONDEMNOR INTERESTS WITH EMINENT DOMAIN EXPERTISE SUCH AS SPECIAL DISTRICTS, THE DEPARTMENT OF TRANSPORTATION, AND PIPELINE COMPANIES, TO PROVIDE TESTIMONY, WRITTEN COMMENTS, AND OTHER RELEVANT DATA TO THE TASK FORCE.

(6) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT COMPENSATION AND SHALL NOT BE ENTITLED TO REIMBURSEMENT FOR EXPENSES.

(7) THIS SECTION IS REPEALED, EFFECTIVE NOVEMBER 1, 2011.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety." ".

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was referred to the Committee on Legislative Council.

HB11-1151 by Representative(s) Hamner; also Senator(s) Nicholson--Concerning cruelty to service animals.

Amendment No. 1, Local Government Committee Amendment.
 (Printed in Senate Journal, March 10, page 424 and placed in members' bill files.)

Amendment No. 2(L.009), by Senator Nicholson.

Amend reengrossed bill, page 3, line 6, after "AGENCY" insert "OR INDIVIDUAL" and strike "AND".

Page 3, line 7, strike "EMPLOYING THE PEACE OFFICER".

Page 1, line 101, strike "ANIMALS IN LAW ENFORCEMENT." and substitute "ANIMALS.".

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

HB11-1187 by Representative(s) Sonnenberg; also Senator(s) Brophy--Concerning personnel employed to operate the public golfing club at Northeastern junior college.

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

HB11-1083 by Representative(s) Swerdfeger, Brown, Coram, Gardner B., Joshi, Liston, Looper, Massey, Ramirez, Sonnenberg, Soper, Szabo; also Senator(s) Giron and Grantham--Concerning the consideration of new hydroelectricity projects, and, in connection therewith, allowing the public utilities commission to consider hydroelectricity and pumped hydroelectricity for the generation of electricity.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
 (Printed in Senate Journal, March 10, page 425 and placed in members' bill files.)

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-124 as amended, HB11-1151 as amended, HB11-1187, HB11-1083 as amended.
Laid over until March 15: SB11-107.
Laid over until March 18: SB11-072.
Referred to Committee on Legislative Council: SB11-050.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Foster, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
STATE HOUSING BOARD

for terms expiring January 31, 2015:

Eugene R. Lucero, Denver, Colorado, a Democrat and resident of the 1st Congressional District, reappointed;

James A. Coil, Grand Junction, Colorado, a Democrat and resident of the 3rd Congressional District, reappointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Foster, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
ADVISORY COMMITTEE TO THE PROPERTY
TAX ADMINISTRATOR

for a term expiring September 1, 2014:

Christopher M. Woodruff of Greeley, Colorado, to serve as an assessor from a county of seventy-five thousand or more population according to the most recent federal census, reappointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Foster, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
BOARD OF ASSESSMENT APPEALS

for a term expiring July 1, 2011:

Gregg A. Near of Wheat Ridge, Colorado, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

MESSAGE FROM THE GOVERNOR

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

August 30, 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
COLORADO COMMISSION ON THE AGING

for terms expiring July 1, 2014:

Frederick Calovich of Arvada, Colorado, to serve as a Democrat from Congressional District 7, reappointed;

Linda K. Sanden of Colorado Springs, Colorado, to serve as a Republican from Congressional District 5, reappointed;

Karl D. Aguilera of Pueblo, Colorado, to serve as an at-large member from Congressional District 3, reappointed;
Maureen Robinson of Littleton, Colorado, to serve as a Democrat from Congressional District 6, reappointed;
Russell H. DenBraber of Littleton, Colorado, to serve as a Republican from Congressional District 6, reappointed;
Vivian Stovall of Denver, Colorado, to serve as a Democrat from Congressional District 1, reappointed;
Karyn P. Leible, M.D. of Thornton, Colorado, to serve as a Democrat from Congressional District 2, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 9/7/10
Karen Goldman, Secretary of the Senate

Committee on Health & Human Services

March 11, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-028 CONCERNING THE NUMBER OF JUDGES IN CERTAIN JUDICIAL DISTRICTS.

Approved March 11, 2011 at 12:23 p.m.

SENATE SERVICES REPORT

Correctly Engrossed: SB11-045, 069, 088, 090, 091 and 170.
Correctly Reengrossed: SB11-092 and 094.
Correctly Revised: HB11-1016, 1069, 1118 and 1176.
Correctly Rerevised: HB11-1053, 1089 and 1176.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-002, 029, 086, 093 and 103.

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, March 14 was laid over until Tuesday, March 15, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-009, HJR11-1008, SJR11-015, SJR11-023, SJR11-024.
Consideration of Memorials: SM11-001.
Consideration of House Amendments to Senate Bills: SCR11-001.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, March 15, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

63rd Legislative Day	Tuesday, March 15, 2011
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Prayer	By the chaplain, Father Louis J. Christopulos, St. Catherine Greek Orthodox Church, Greenwood Village.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator Lambert.
Roll Call	Present--33 Excused--2, Lundberg, Mitchell. Present later--1, Mitchell.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Aguilar, reading of the Journal of Monday, March 14, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

March 14, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1168, amended as printed in House Journal, March 11, page 613.
HB11-1123, amended as printed in House Journal, March 11, page 613.
HB11-1121, amended as printed in House Journal, March 11, page 613.

The House has passed on Third Reading and returns herewith SB11-021, 096.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-012, amended as printed in House Journal, March 11, page 614.
SB11-010, amended as printed in House Journal, March 11, page 614.
SB11-007, amended as printed in House Journal, March 11, page 615.
SB11-040, amended as printed in House Journal, March 11, page 615.

The House has voted to concur in the Senate amendments to HB11-1074, 1089 and has repassed the bills as so amended.

The House has postponed indefinitely SB11-068. The bill is returned herewith.

MESSAGE FROM THE REVISOR OF STATUTES

March 14, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, as amended, HB11-1121, 1123, and 1168.
Without comment, as amended, SB11-007, 010, 012, and 040.

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:

HB11-1079 by Representative(s) Casso; also Senator(s) Jahn--Concerning methods to reduce the number of homeless youth.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Foster, Giron, Guzman, Heath, Hodge, Hudak, King S., Newell, Nicholson, Roberts, Schwartz, Shaffer B., Steadman, Tochtrop and Williams S.

HB11-1122 by Representative(s) Schafer S.; also Senator(s) Jahn--Concerning the technical modification of specified requirements affecting the process by which a proposed home rule charter for a municipality is to be submitted for the approval of the voters of the municipality.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd

HB11-1144 by Representative(s) Solano, Casso, Duran, Kerr A., Todd; also Senator(s) Tochtrop-- Concerning fetal alcohol spectrum disorders, and, in connection therewith, expanding the number of members of the fetal alcohol spectrum disorders commission and encouraging evaluation and expanded use of health warning information.

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

YES	33	NO	1	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Hudak and Schwartz.

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:

SB11-088 by Senator(s) Carroll and Lundberg, Boyd, Mitchell; also Representative(s) Acree-- Concerning the regulation of direct-entry midwives, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies, and making an appropriation.

Laid over until Wednesday, March 16, retaining its place on the calendar.

SB11-124 by Senator(s) Hodge, Lambert, Steadman; also Representative(s) Gerou, Ferrandino-- Concerning the transfer of unspent county TANF reserves to a county, and making an appropriation in connection therewith.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Foster, Guzman, Heath, Jahn, King S., Newell, Nicholson, Roberts, Tochtrop, White and Williams S.

HB11-1151
by Representative(s) Hamner; also Senator(s) Nicholson--Concerning cruelty to service animals.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Carroll, Giron, Guzman, Hodge, King S., Morse, Newell, Schwartz, Steadman, Tochtrop and Williams S.

HB11-1187
by Representative(s) Sonnenberg; also Senator(s) Brophy--Concerning personnel employed to operate the public golfing club at Northeastern junior college.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

HB11-1083
by Representative(s) Swerdfeger, Brown, Coram, Gardner B., Joshi, Liston, Looper, Massey, Ramirez, Sonnenberg, Soper, Szabo; also Senator(s) Giron and Grantham--Concerning the consideration of new hydroelectricity projects, and, in connection therewith, allowing the public utilities commission to consider hydroelectricity and pumped hydroelectricity for the generation of electricity.

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

YES	33	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	*	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	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: Aguilar, Bacon, Boyd, Brophy, Guzman, Harvey, Heath, Jahn, King K., King S., Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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

HJR11-1008 by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning approval of water project revolving fund eligibility lists administered by the Colorado water resources and power development authority.

On motion of Senator Schwartz, the resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Giron, Guzman and Nicholson.

CONSIDERATION OF MEMORIALS

SM11-001 by Senator(s) Bacon; --Memorializing former Senator James Beatty.

Laid over until Tuesday, March 22, retaining its place on the calendar.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Schwartz, the following Governor's appointments were confirmed by a roll call vote:

MEMBER OF THE
GROUND WATER COMMISSION

for a term expiring May 1, 2014:

Virgil F. Valdez of Alamosa, Colorado, to fill the vacancy occasioned by the passing of Douglas L. Shriver of Monte Vista, Colorado, and to serve as a representative from Water Division 3 and as an Agriculturist, appointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Boyd, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
SOLID AND HAZARDOUS WASTE COMMISSION

for terms expiring August 1, 2013:

Frederick S. Myers of Castle Rock, Colorado, to serve as a member of the public and as a Democrat, reappointed;

Christopher J. Neumann of Denver, Colorado, to serve as a representative of the government or academic community and as a Republican, reappointed;

Thomas S. Schweitzer of Castle Rock, Colorado, to serve as a representative from the regulated community and as a Republican, reappointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF TRUSTEES OF METROPOLITAN
STATE COLLEGE OF DENVER

for terms expiring December 31, 2014:

Terrance D. Carroll of Denver, Colorado, a Democrat, appointed;

Michelle M. Lucero of Littleton, Colorado, a Democrat, reappointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE

for terms expiring December 31, 2014:

Peter R. Decker of Ridgway, Colorado, a Democrat, reappointed;

Matthew S. Wassam of Sedalia, Colorado, a Republican, appointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

INTRODUCTION OF BILLS -- FIRST READING

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

- SB11-192

by Senator(s) Aguilar and Spence, Boyd, Guzman, Jahn, Newell, White, Williams S.; also Representative(s) Massey, Casso, Priola, Riesberg, Soper--Concerning the continuation of the prescription drug monitoring program, and, in connection therewith, repealing the prescription controlled substance abuse monitoring committee.
Health and Human Services
- SB11-193

by Senator(s) Aguilar; also Representative(s) Gardner B. and Kerr J.--Concerning the disclosure of employment information to an employer regarding a person employed to work with a person with a developmental disability, and, in connection therewith, granting immunity from civil liability for the disclosure of information and creating an exception from the prohibition against blacklisting for the disclosure of information.
Judiciary
- SB11-194

by Senator(s) Boyd; --Concerning the regulation of alcohol beverages.
Business, Labor and Technology
- SB11-195

by Senator(s) Brophy; also Representative(s) Sonnenberg--Concerning the residency of a health care provider who verifies a person's disability for purposes of obtaining credentials entitling the person to park a vehicle in spaces reserved for use by persons with disabilities.
Health and Human Services
- HB11-1055

by Representative(s) Beezley; also Senator(s) Spence--Concerning facilities for use by charter schools.
State, Veterans & Military Affairs
- HB11-1065

by Representative(s) Balmer, Ferrandino, Priola; also Senator(s) Cadman--Concerning restrictions on the appearance by public officials in communications paid for with state moneys.
State, Veterans & Military Affairs

- HB11-1121

by Representative(s) Ramirez, Massey, McNulty, Szabo; also Senator(s) King K.--
Concerning disqualification from school employment for conviction of certain offenses, and
making an appropriation therefor.
State, Veterans & Military Affairs

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- HB11-1123

by Representative(s) Coram, Brown; also Senator(s) Roberts, Grantham, King S.--
Concerning a prohibition on transfers to the state general fund from cash funds that have
revenue related to the severance of minerals in the state.
State, Veterans & Military Affairs

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- HB11-1138

by Representative(s) Gardner B., Barker, Casso, Waller; also Senator(s) Morse, Bacon,
Boyd, Jahn, King S.--Concerning the sex offender management board, and making an
appropriation therefor.
State, Veterans & Military Affairs

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- HB11-1168

by Representative(s) Murray; also Senator(s) Spence--Concerning equalizing the amount of
the Colorado opportunity fund stipend for students attending state institutions of higher
education and students attending participating private institutions of higher education.
State, Veterans & Military Affairs

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MESSAGE FROM THE GOVERNOR

Appointment

A letter of designation and appointment from Governor John W. Hickenlooper was read
and assigned to committee as follows:

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March 11, 2011

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

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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:

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MEMBERS OF THE
WORKERS' COMPENSATION COST
CONTAINMENT BOARD

for terms expiring December 13, 2013:

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Tasha R. Greene, Ault, Colorado, representing executives with good risk management
experience in the insurance industry, and as Unaffiliated, reappointed;

Patrick W. Hagge, Fort Collins, Colorado, representing employers with good risk
management experience with respect to their workers' compensation insurance, and as a
Republican, reappointed.

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Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 3/11/11
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

SENATE SERVICES REPORT

Correctly Engrossed: SB11-124.
Correctly Reengrossed: SB11-045, 069, 090, 091 and 170.
Correctly Revised: HB11-1079, 1083, 1122, 1144, 1151 and 1187.
Correctly Rerevised: HB11-1016, 1069, 1118 and 1176.
Correctly Enrolled: SJR11-007 and 022.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1030, 1031, 1040, 1085, 1117, 1148, 1177, 1202.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Monday, March 14, 2011, at 3:51 p.m.:
SB11-002, 020, 029, 061, 086, 093, 101, 103, 104, 106, 123 and 159.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1226 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1220 be postponed indefinitely.
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1155 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation. Amend reengrossed bill, page 4, after line 10 insert: "SECTION 4. Article 22 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read: 24-22-118. Transfer of savings to knowledge-based economy fund. (1) IF THE LIEUTENANT GOVERNOR IS APPOINTED DURING HIS OR HER TERM OF OFFICE TO CONCURRENTLY SERVE AS THE HEAD OF A PRINCIPAL DEPARTMENT: (a) WITHIN THIRTY DAYS AFTER THE COMMENCEMENT OF THE LIEUTENANT GOVERNOR CONCURRENTLY SERVING AS THE HEAD OF THE PRINCIPAL DEPARTMENT, THE STATE TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE KNOWLEDGE-BASED ECONOMY FUND CREATED IN SECTION 24-75-1402 (1) AN AMOUNT OF MONEY EQUAL TO [(THE DIFFERENCE BETWEEN THE ANNUAL SALARY PAID FOR THE POSITION OF HEAD OF THE PRINCIPAL DEPARTMENT IN WHICH THE LIEUTENANT GOVERNOR IS CONCURRENTLY SERVING AND THE ANNUAL SALARY OF THE LIEUTENANT GOVERNOR SPECIFIED IN SECTION 24-9-101) ÷ 12] × THE NUMBER OF COMPLETE MONTHS REMAINING IN THE STATE FISCAL YEAR FOLLOWING THE DATE ON WHICH SUCH CONCURRENT SERVICE COMMENCES; AND (b) ON THE FIRST DAY OF EACH FISCAL YEAR FOLLOWING THE COMMENCEMENT OF THE LIEUTENANT GOVERNOR CONCURRENTLY

SERVING AS THE HEAD OF THE PRINCIPAL DEPARTMENT, THE STATE TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE KNOWLEDGE-BASED ECONOMY FUND CREATED IN SECTION 24-75-1402 (1) AN AMOUNT OF MONEY EQUAL TO THE DIFFERENCE BETWEEN THE ANNUAL SALARY PAID FOR THE POSITION OF HEAD OF THE PRINCIPAL DEPARTMENT IN WHICH THE LIEUTENANT GOVERNOR IS CONCURRENTLY SERVING AND THE ANNUAL SALARY OF THE LIEUTENANT GOVERNOR SPECIFIED IN SECTION 24-9-101.

(2) TRANSFERS SHALL NOT BE MADE PURSUANT TO SUBSECTION (1) OF THIS SECTION SUBSEQUENT TO THE DATE ON WHICH THE LIEUTENANT GOVERNOR CEASES TO CONCURRENTLY SERVE AS THE HEAD OF A PRINCIPAL DEPARTMENT.

SECTION 5. Article 22 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-22-118. Transfer of savings to state public school fund.

(1) IF THE LIEUTENANT GOVERNOR IS APPOINTED DURING HIS OR HER TERM OF OFFICE TO CONCURRENTLY SERVE AS THE HEAD OF A PRINCIPAL DEPARTMENT:

(a) WITHIN THIRTY DAYS AFTER THE COMMENCEMENT OF THE LIEUTENANT GOVERNOR CONCURRENTLY SERVING AS THE HEAD OF THE PRINCIPAL DEPARTMENT, THE STATE TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114 (1), C.R.S., AN AMOUNT OF MONEY EQUAL TO [(THE DIFFERENCE BETWEEN THE ANNUAL SALARY PAID FOR THE POSITION OF HEAD OF THE PRINCIPAL DEPARTMENT IN WHICH THE LIEUTENANT GOVERNOR IS CONCURRENTLY SERVING AND THE ANNUAL SALARY OF THE LIEUTENANT GOVERNOR SPECIFIED IN SECTION 24-9-101) ÷ 12] × THE NUMBER OF COMPLETE MONTHS REMAINING IN THE STATE FISCAL YEAR FOLLOWING THE DATE ON WHICH SUCH CONCURRENT SERVICE COMMENCES; AND

(b) ON THE FIRST DAY OF EACH FISCAL YEAR FOLLOWING THE COMMENCEMENT OF THE LIEUTENANT GOVERNOR CONCURRENTLY SERVING AS THE HEAD OF THE PRINCIPAL DEPARTMENT, THE STATE TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114 (1), C.R.S., AN AMOUNT OF MONEY EQUAL TO THE DIFFERENCE BETWEEN THE ANNUAL SALARY PAID FOR THE POSITION OF HEAD OF THE PRINCIPAL DEPARTMENT IN WHICH THE LIEUTENANT GOVERNOR IS CONCURRENTLY SERVING AND THE ANNUAL SALARY OF THE LIEUTENANT GOVERNOR SPECIFIED IN SECTION 24-9-101.

(2) TRANSFERS SHALL NOT BE MADE PURSUANT TO SUBSECTION (1) OF THIS SECTION SUBSEQUENT TO THE DATE ON WHICH THE LIEUTENANT GOVERNOR CEASES TO CONCURRENTLY SERVE AS THE HEAD OF A PRINCIPAL DEPARTMENT."

Renumber succeeding sections accordingly.

Page 8, after line 19 insert:

"SECTION 8. Effective date. (1) Except as provided in subsection (2) of this section, this act shall take effect upon passage.

(2) (a) Section 4 of this act shall take effect only if Senate Bill 11-001 is enacted and becomes law and shall take effect either upon the effective date of this act or Senate Bill 11-001, whichever is later.

(b) Section 5 of this act shall take effect only if Senate Bill 11-001 is not enacted and does not become law."

Renumber succeeding section accordingly.

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On motion of Senator Morse, and with a majority of those elected to the Senate having	2
voted in the affirmative, the balance of the calendar of Tuesday, March 14 was laid over	3
until Wednesday, March 15, retaining its place on the calendar.	4
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General Orders -- Second Reading of Bills -- Consent Calendar: SB11-183,	6
HB11-1260.	7
General Orders -- Second Reading of Bills: SB11-107, HB11-1181, HB11-1109.	8
Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023,	9
SJR11-024.	10
Consideration of House Amendments to Senate Bills: SCR11-001.	11
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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, March 16,	16
2011.	17
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Approved:	19
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Brandon C. Shaffer	23
President of the Senate	24
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Attest:	26
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Cindi L. Markwell	30
Secretary of the Senate	31

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

64th Legislative DayWednesday, March 16, 2011

Prayer By Senator Renfroe.

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

Pledge By Senator Lambert.

Roll Call Present--33
Excused--2, Kopp, Scheffel.
Present later--2, Kopp, Scheffel.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Aguilar, reading of the Journal of Tuesday, March 15, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB11-088 by Senator(s) Carroll and Lundberg, Boyd, Mitchell; also Representative(s) Acree-- Concerning the regulation of direct-entry midwives, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies, and making an appropriation.

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	N
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Brophy, Cadman, Grantham, Guzman, Harvey, Hodge, King K., Kopp, Lambert, Nicholson, Renfroe, Schwartz, Steadman, White and Williams S.

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

GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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:

SB11-183 by Senator(s) Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Lundberg, Nicholson, Steadman, Tochtrop, Williams S.; also Representative(s) Gardner B. and Looper, Gardner D., Kagan, Kefalas, Lee, Levy, Miklosi, Ryden, Tyler--Concerning mandating representation by persons with disabilities on certain state boards.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, March 11, page 435 and placed in members' bill files.)

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

HB11-1260 by Representative(s) DelGrosso; also Senator(s) Jahn--Concerning the due date for tax installment payments when the due date falls on a legal federal holiday.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-183 as amended, HB11-1260.

MESSAGE FROM THE GOVERNOR

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

October 7, 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, reappoint, and submit to your consideration, the following:

MEMBERS OF THE
COAL MINE BOARD OF EXAMINERS

for terms expiring July 1, 2012:

- Daniel R. Meadors of Durango, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in underground mining, to fill the vacancy occasioned by the resignation of Trent A. Peterson of Marvel, Colorado, appointed;
- Lara A. Sims of Hayden, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in surface mining, to fill the vacancy occasioned by the resignation of Karl C. Koehler of Hayden, Colorado, appointed

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 10/07/11
Cindi L. Markwell, Assistant Secretary

Committee on Agriculture, Natural Resources, & Energy

SENATE SERVICES REPORT

- Correctly Printed: SB11-192, 193, 194 and 195.
- Correctly Reengrossed: SB11-124.
- Correctly Revised: HJR11-1008.
- Correctly Rerevised: HB11-1079, 1083, 1122, 1144, 1151 and 1187.
- Correctly Enrolled: SB11-096.

COMMITTEE OF REFERENCE REPORTS

- Judiciary After consideration on the merits, the Committee recommends that **HB11-1153** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
- Judiciary After consideration on the merits, the Committee recommends that **HB11-1167** be referred to the Committee of the Whole with favorable recommendation.
- Judiciary After consideration on the merits, the Committee recommends that **HB11-1239** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
- Trans-
portation After consideration on the merits, the Committee recommends that **HB11-1210** 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 1, strike "BOTH".

Page 3, line 2, strike "INCLUDING, BUT NOT".

	Page 3, strike line 3.	1
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	Page 3, line 4, strike "PEAK PERIOD CONGESTION," and substitute	3
	"ACCOMMODATIONS FOR MASS TRANSIT,".	4
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Local Government	After consideration on the merits, the Committee recommends that HB11-1178 be	7
	amended as follows, and as so amended, be referred to the Committee of the Whole with	8
	favorable recommendation and with a recommendation that it be placed on the Consent	9
	Calendar.	10
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	Amend reengrossed bill, page 2, line 16, strike "a" and substitute "α".	12
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	Page 4, strike lines 7 and 8 and substitute:	14
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	"(b) An establishment that provides HOLDS ITSELF OUT TO THE	16
	GENERAL PUBLIC AS PROVIDING funeral goods and services; to the public;	17
	or ".	18
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	Page 7, line 6, strike "PROPERTY" and substitute "PROPERLY".	20
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Local Government	After consideration on the merits, the Committee recommends that SB11-178 be referred	23
	to the Committee of the Whole with favorable recommendation.	24
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Finance	The Committee on <u>Finance</u> has had under consideration and has had a hearing on the	27
	following appointment and recommends that the appointment be confirmed:	28
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	MEMBER OF THE	31
	<u>COLORADO RACING COMMISSION</u>	32
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	for a term expiring July 1, 2014:	35
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	Sean D. Beirne of Aurora, Colorado, a Republican and resident of the 7th Congressional	37
	District, who has been previously engaged in the racing industry for at least five years,	38
	appointed.	39
		40
		41
Finance	The Committee on <u>Finance</u> has had under consideration and has had a hearing on the	42
	following appointment and recommends that the appointment be confirmed:	43
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		45
	MEMBER OF THE	46
	<u>COLORADO LIMITED GAMING CONTROL COMMISSION</u>	47
		48
		49
	for a term expiring July 1, 2014:	50
		51
	Debbie J. Jessup of Centennial, Colorado, a Republican from the 6th Congressional	52
	District, who has been engaged in business in a management-level capacity for at least five	53
	years, appointed.	54
		55
		56
Finance	After consideration on the merits, the Committee recommends that HB11-1071 be referred	57
	to the Committee on <u>Appropriations</u> with favorable recommendation.	58
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	INTRODUCTION OF RESOLUTIONS	64
		65
	The following resolution was read by title:	66
		67

SJR11-025 by Senator(s) Spence; also Representative(s) Williams A.--Concerning the need to support women small business owners, and, in connection therewith, promoting economic development in Colorado.

Laid over until Friday, March 18, retaining its place on the calendar.

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-196 by Senator(s) Boyd; also Representative(s) Summers--Concerning the classification of certain methamphetamine precursor drugs as schedule III controlled substances.
Health and Human Services

SB11-197 by Senator(s) Boyd; also Representative(s) Acree--Concerning the creation of a girl scouts centennial special license plate.
Transportation

MESSAGE FROM THE HOUSE

March 16, 2011

Mr. President:

The House has adopted and transmits herewith HJR11-1011.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR11-1011 by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning recognition of March 16, 2011, as "National Agriculture Day".

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, March 16 was laid over until Thursday, March 17, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB11-107, HB11-1181, HB11-1109.
Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023, SJR11-024.
Consideration of House Amendments to Senate Bills: SCR11-001.

TRIBUTES

Honoring:
Josh Mitchell - Colorado Community College Scholars Award -- by Senator Shaffer.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, March 17, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

65th Legislative Day Thursday, March 17, 2011

Prayer By the chaplain, Rabbi Mitch Delcau, Congregation Temple Emanuel, Denver.

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

Pledge By Senator Lambert.

Roll Call Present--31
Excused--4, Harvey, Johnston, Kopp, Mitchell.
Present later--3, Harvey, Johnston, Kopp.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Aguilar, reading of the Journal of Wednesday, March 16, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

INTRODUCTION OF RESOLUTIONS

SJR11-026 by Senator(s) Brophy and Giron; also Representative(s) Pace and Becker--Concerning the designation of a portion of Colorado Highway 71 as the "Sergeant Eric Autobee Memorial Highway".

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

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-198 by Senator(s) Morse, Shaffer B., Kopp; also Representative(s) Stephens, McNulty, Pace--Concerning payment of expenses of the legislative department.
Appropriations

SB11-199 by Senator(s) Tochtrop; also Representative(s) Riesberg--Concerning workers' compensation.
Business, Labor and Technology

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:

SB11-183 by Senator(s) Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Lundberg, Nicholson, Steadman, Tochtrop, Williams S.; also Representative(s) Gardner B. and Looper, Gardner D., Kagan, Kefalas, Lee, Levy, Miklosi, Ryden, Tyler--Concerning mandating representation by persons with disabilities on certain state boards.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: King S. and Newell.

HB11-1260 by Representative(s) DelGrosso; also Senator(s) Jahn--Concerning the due date for tax installment payments when the due date falls on a legal federal holiday.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsor added: King S.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SCR11-001 by Senator(s) Shaffer B. and Spence, Kopp, Brophy, Heath, Jahn, King S., Morse, Roberts, Schwartz, Steadman, Tochtrop, White; also Representative(s) Murray and Court, McNulty, Acree, Barker, Baumgardner, Becker, Brown, Casso, Conti, Coram, Duran, Ferrandino, Fields, Fischer, Gardner D., Hamner, Hullinghorst, Kagan, Kefalas, Kerr A., Labuda, Lee, Levy, Liston, Massey, McCann, McKinley, Miklosi, Pace, Peniston, Priola, Riesberg, Ryden, Schafer S., Scott, Solano, Sonnenberg, Soper, Summers, Swerdfeger, Todd, Tyler, Vigil, Williams A., Wilson--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution concerning ballot measures, and, in connection therewith, increasing the number of votes needed to pass a constitutional amendment from a majority to at least sixty percent of the votes cast; allowing a constitutional amendment passed prior to 2013 to be repealed by a majority of the votes cast; adding a requirement that a minimum number of petition signatures for a citizen-initiated constitutional amendment be gathered from voters who reside in each Colorado congressional district; and increasing the requirement from a majority to at least a sixty percent vote of the state legislature to change, repeal, or supersede a citizen-initiated statutory law for three years after it becomes effective.

Laid over until Friday, March 18, retaining its place on the calendar.

SB11-012 by Senator(s) Brophy; also Representative(s) Massey--Concerning a public school student's authority to possess prescription medications at school.

Senator Brophy moved that the Senate concur in House amendments to **SB11-012**, as printed in House journal, March 11, page 614. The motion was **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	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
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Williams S.

SB11-010 by Senator(s) Tochtrop; also Representative(s) Priola--Concerning the trade readjustment allowance program.

Laid over until Friday, March 18, retaining its place on the calendar.

SB11-007 by Senator(s) Grantham; also Representative(s) Becker--Concerning the responsibility for the prosecution of a person who is charged with failure to register as a sex offender.

Laid over until Friday, March 18, retaining its place on the calendar.

SB11-040 by Senator(s) Spence and Newell; also Representative(s) Summers and Todd--Concerning the requirement that a coach of an organized youth athletic activity follow concussion guidelines, and, in connection therewith, creating the "Jake Snakenberg Youth Concussion Act".

Senator Spence moved that the Senate concur in House amendments to **SB11-040**, as printed in House journal, March 11, page 615. The motion was **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	25	NO	7	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

Co-sponsors added: Giron and King S.

CHANGE IN SPONSORSHIP

Senator Jahn requested her name be removed as prime sponsor on HB11-1271.

MESSAGE FROM THE GOVERNOR

Appointment A letter of designation and appointment from Governor John W. Hickenlooper was read and assigned to committee as follows:

March 14, 2011

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;

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.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 3/16/11
Cindi L. Markwell, Secretary of the Senate

Committee on Education

SENATE SERVICES REPORT

Correctly Printed: SB11-196 and 197; SJR11-025.
Correctly Engrossed: SB11-183.
Correctly Reengrossed: SB11-088.
Correctly Revised: HB11-1260; HJR11-1011.
Correctly Enrolled: SB11-021.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR11-007 and 022.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB11-1026** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, strike everything below the enacting clause and substitute:

"SECTION 1. Article 8 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 8
STORM WATER MANAGEMENT SYSTEM
ADMINISTRATORS

25-8-801. Definitions. AS USED IN THIS PART 8, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADMINISTRATOR" OR "STORM WATER MANAGEMENT SYSTEM ADMINISTRATOR" MEANS A NONPROFIT ENTITY DESIGNATED BY THE DIVISION TO CONDUCT THE ACTIVITIES REQUIRED UNDER THIS PART 8.

(2) "ADVISORY BOARD" MEANS AN OVERSIGHT GROUP, ESTABLISHED AS A REQUIRED ELEMENT WITHIN EACH STORM WATER MANAGEMENT SYSTEM ADMINISTRATOR'S PROGRAM, THAT IS MADE UP OF VOLUNTEERS REPRESENTING INDUSTRY SECTOR STAKEHOLDERS ACTIVE IN THE PROGRAM INCLUDING NONPROFIT ADMINISTRATOR REPRESENTATIVES, PARTICIPANTS, PARTICIPATING MS4s, AND THIRD-PARTY AUDITORS. WHILE ACTING IN THE CAPACITY OF A BOARD OF DIRECTORS, THE ADVISORY BOARD HAS THE AUTHORITY TO ESTABLISH ALL PROGRAM POLICIES AND PROCEDURES, COLLECT AND MAINTAIN PROGRAM RECORDS, COMPILE ANNUAL PARTICIPANT PERFORMANCE SUMMARY REPORTS, AND TAKE ALL NECESSARY ACTIONS TO MAINTAIN THE DEPARTMENT'S DESIGNATION OF THE ADMINISTRATOR.

(3) "CDPS" MEANS THE COLORADO DISCHARGE PERMIT SYSTEM.

- (4) "CDPS MS4 PERMIT" MEANS A CDPS PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH AN MS4.

(5) "CDPS STORM WATER CONSTRUCTION PERMIT" MEANS A CDPS PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES.

(6) "MS4" MEANS A MUNICIPAL SEPARATE STORM SEWER SYSTEM.

(7) "MS4 PERMITTEE" MEANS A GOVERNMENTAL ENTITY WITH A CDPS PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH AN MS4.

(8) "PARTICIPANT" MEANS A PERSON THAT IS REQUIRED TO OBTAIN A CDPS STORM WATER CONSTRUCTION PERMIT FROM THE DIVISION AND THAT VOLUNTEERS TO PARTICIPATE IN A STORM WATER MANAGEMENT SYSTEM PROGRAM ADMINISTERED BY A STORM WATER MANAGEMENT SYSTEM ADMINISTRATOR.

(9) "SWMP" MEANS A STORM WATER MANAGEMENT PLAN AS DEFINED IN THE CDPS PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES.

(10) "THIRD-PARTY AUDITOR" MEANS A PERSON WHO MEETS THE PROFESSIONAL QUALIFICATIONS DEFINED IN THE ADMINISTRATOR'S WRITTEN PROGRAM AND WHO OPERATES INDEPENDENTLY FROM, AND IS NOT AN EMPLOYEE OF, ANY PARTICIPANT OR MS4 IN THE ADMINISTRATOR'S PROGRAM.

25-8-802. Storm water management system administrator.

(1) A NONPROFIT ENTITY MAY APPLY TO BE A STORM WATER MANAGEMENT SYSTEM ADMINISTRATOR BY COMPLETING AN APPLICATION IN SUCH FORM AS THE DIVISION MAY REQUIRE. THE DIVISION MAY DESIGNATE ONE OR MORE STORM WATER MANAGEMENT SYSTEM ADMINISTRATORS. TO BE DESIGNATED AS AN ADMINISTRATOR, THE APPLICANT MUST DEMONSTRATE TO THE SATISFACTION OF THE DIVISION THAT:

(a) THE APPLICANT HAS IN PLACE A STANDARDIZED COMPLIANCE ASSISTANCE AND ASSURANCE PROGRAM THAT CONTAINS PROCESSES, PROCEDURES, AND ASSOCIATED TRAINING FOR PARTICIPANTS THAT, WHEN FULLY IMPLEMENTED BY THE PROGRAM PARTICIPANTS, WOULD RESULT IN FULL COMPLIANCE WITH THE REQUIREMENTS OF THE APPLICABLE CDPS STORM WATER CONSTRUCTION PERMIT. THE COMPLIANCE ASSISTANCE AND ASSURANCE PROGRAM SHALL ASSURE, AT A MINIMUM, THAT EACH PARTICIPANT:

(I) MAINTAINS A QUALIFIED PERMIT COMPLIANCE MANAGER IN ACCORDANCE WITH THE CDPS STORM WATER CONSTRUCTION PERMIT AND THE ADMINISTRATOR'S WRITTEN POLICIES;

(II) MAINTAINS COMPLETE AND UPDATED PERMIT DOCUMENTATION AVAILABLE FOR INSPECTION AT THE PERMITTED FACILITY;

(III) COMPLETES ESTABLISHED MINIMUM REQUIREMENTS FOR TRAINING TO MAINTAIN PERMIT COMPLIANCE MANAGER STATUS; AND

(IV) COMPLIES WITH ALL APPLICABLE TERMS AND CONDITIONS REQUIRED BY ANY MS4 PERMITTEE WITH JURISDICTION OVER THE PARTICIPANT'S CONSTRUCTION ACTIVITIES;

(b) THE APPLICANT ENSURES THAT A THIRD-PARTY AUDIT OF EACH PARTICIPANT FACILITY OPERATING UNDER A CDPS STORM WATER CONSTRUCTION PERMIT IS COMPLETED ON A MONTHLY BASIS USING STANDARDIZED INSPECTION REPORTING FORMS AND PROCEDURES APPROVED BY THE DIVISION. THIRD-PARTY AUDIT REPORTS MUST INCLUDE STANDARDIZED COMPLIANCE PERFORMANCE MEASUREMENT AND SCORING CLEARLY DEMONSTRATING THE FOLLOWING:

(I) THE ADEQUACY OF IMPLEMENTATION OF EACH ASPECT OF THE ADMINISTRATOR'S STORM WATER MANAGEMENT SYSTEMS;

(II) THE ADEQUACY OF THE SWMP IN MEETING ALL APPLICABLE PERMIT REQUIREMENTS DEFINED IN THIS PART 8; AND

(III) THE ADEQUACY OF EACH STORM WATER MANAGEMENT PRACTICE USED TO IMPLEMENT THE SWMP;

(c) THE APPLICANT MAINTAINS RECORDS OF ITS COMPLIANCE ASSISTANCE AND ASSURANCE PROGRAM, INCLUDING A LIST OF PARTICIPANTS AND EACH PARTICIPANT FACILITY, AND MONTHLY REQUIRED THIRD-PARTY AUDITS, IN A FORM APPROVED BY THE DIVISION;

(d) THE APPLICANT HAS FULLY IMPLEMENTED THE COMPLIANCE ASSISTANCE AND ASSURANCE PROGRAM WITH A SUFFICIENT NUMBER OF PARTICIPANTS TO DEMONSTRATE THE ADEQUACY OF THE PROGRAM FOR ONE YEAR PRIOR TO SUBMITTAL OF AN APPLICATION FOR DESIGNATION AS

AN ADMINISTRATOR;

(e) THE APPLICANT MAINTAINS AN ADVISORY BOARD THAT MEETS REGULARLY, BUT NOT LESS THAN QUARTERLY, AND SUCH MEETINGS ARE OPEN TO THE PUBLIC; AND

(f) THE APPLICANT HAS A WRITTEN STORM WATER MANAGEMENT PROGRAM THAT INCLUDES:

(I) AN ORGANIZATIONAL CHART DEFINING RELATIONSHIPS AMONG STAKEHOLDERS, INCLUDING THE ROLES AND RESPONSIBILITIES OF EACH;

(II) ADVISORY BOARD MAKE-UP AND ASSOCIATED POLICIES AND PROCEDURES;

(III) PARTICIPANT POLICIES AND PROCEDURES, INCLUDING PERFORMANCE STANDARDS AND MEASUREMENT METHODOLOGY;

(IV) THIRD-PARTY AUDITOR POLICIES AND PROCEDURES; AND

(V) OTHER POLICIES AND PROCEDURES THE DIVISION MAY REQUIRE TO DEMONSTRATE A COMPLETE AND FUNCTIONAL PROGRAM.

(2) UPON THE DIVISION'S APPROVAL OF THE APPLICATION, THE DIVISION SHALL DESIGNATE THE APPLICANT AS A STORM WATER MANAGEMENT SYSTEM ADMINISTRATOR. THE APPLICANT SHALL MAINTAIN A COMPLIANCE ASSISTANCE AND ASSURANCE PROGRAM, INCLUDING REQUIRING THIRD-PARTY AUDITS AND RECORD KEEPING, CONSISTENT WITH THE REQUIREMENTS OF THIS PART 8.

(3) A STORM WATER MANAGEMENT SYSTEM ADMINISTRATOR SHALL PROVIDE TO THE DIVISION ON AT LEAST A YEARLY BASIS A SUMMARY REPORT THAT DESCRIBES IN DETAIL SIGNIFICANT PROGRAM ACCOMPLISHMENTS AND CHANGES AND THAT ADEQUATELY DEMONSTRATES THE OVERALL PERFORMANCE OF THE ADMINISTRATOR'S PROGRAM IN IMPROVING PARTICIPANT COMPLIANCE WITH THE PARTICIPANTS' STORM WATER PERMITS. THE DIVISION SHALL MAKE THE YEARLY ADMINISTRATOR SUMMARY REPORT AVAILABLE TO THE PUBLIC.

(4) TO THE EXTENT PERMITTED BY FEDERAL LAW, THE DIVISION MAY REDUCE COMPLIANCE OVERSIGHT ACTIVITIES FOR FACILITIES AUTHORIZED TO DISCHARGE UNDER A CDPS STORM WATER CONSTRUCTION PERMIT PARTICIPATING IN A STORM WATER MANAGEMENT SYSTEM ADMINISTRATOR PROGRAM BASED ON A DETERMINATION BY THE DIVISION THAT THE PARTICIPANTS OR THE PARTICIPANT FACILITIES HAVE A DEMONSTRATED RECORD OF REDUCED POTENTIAL FOR OCCURRENCES OF NONCOMPLIANCE AND REDUCED RISK OF NEGATIVE IMPACTS ON RECEIVING WATERS. THIS PART 8 DOES NOT PROHIBIT OR RESTRICT ANY COMPLIANCE OVERSIGHT, INCLUDING INSPECTIONS, BY THE DIVISION.

(5) THE DIVISION MAY REVOKE THE DESIGNATION OF AN ADMINISTRATOR FOR EVIDENCE OF REPEATED FAILURE TO MEET THE REQUIREMENTS OF THIS PART 8.

(6) THE DISCLOSURE OF ANY INFORMATION RELATED TO A PARTICIPANT'S THIRD-PARTY AUDIT TO AN ADMINISTRATOR IS NOT A DISCLOSURE UNDER SECTION 25-1-114.5.

(7) PARTICIPATION IN A STORM WATER MANAGEMENT SYSTEM ADMINISTRATOR PROGRAM BY A HOLDER OF A CDPS STORM WATER CONSTRUCTION PERMIT IS STRICTLY VOLUNTARY, AND A PARTICIPANT MAY END ITS PARTICIPATION AT ANY TIME UPON WRITTEN NOTICE TO THE ADMINISTRATOR.

(8) THE ADMINISTRATOR MAY WORK WITH THE DIVISION TO ESTABLISH REPORTING REQUIREMENTS ACCEPTABLE TO THE DIVISION THAT WOULD ALLOW PARTICIPANTS IN THE ADMINISTRATOR'S PROGRAM TO PARTICIPATE IN ENVIRONMENTAL PERFORMANCE RECOGNITION PROGRAMS, INCLUDING THE DEPARTMENT'S ENVIRONMENTAL LEADERSHIP PROGRAM.

25-8-803. Storm water management system administrator audits to support MS4 permittees' programs. (1) MS4 PERMITTEES MAY CHOOSE TO WORK WITH ANY ADMINISTRATOR TO ASSIST THE MS4 PERMITTEE IN COMPLYING WITH THE TERMS AND CONDITIONS OF THE MS4 PERMITTEE'S CDPS MS4 PERMIT. AN MS4 PERMITTEE MAY UTILIZE ALL, OR PORTIONS OF, THE STORM WATER MANAGEMENT SYSTEM ADMINISTRATOR'S PROGRAM AS PART OF THE MS4 PERMITTEE'S PROGRAM FOR OVERSIGHT OF CONSTRUCTION SITES TO DEMONSTRATE COMPLIANCE WITH THE REQUIREMENTS OF THE MS4 PERMITTEE'S CDPS PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH AN MS4.

(2) THE DIVISION MAY CONSIDER THIRD-PARTY AUDITS CONDUCTED PURSUANT TO A STORM WATER MANAGEMENT SYSTEM ADMINISTRATOR'S PROGRAM TO BE PART OF THE MS4 PERMITTEE'S

COMPLIANCE OVERSIGHT PROGRAM REQUIRED BY ITS CDPS MS4 PERMIT IF THE MS4 PERMITTEE FORMALLY UTILIZES THE STORM WATER MANAGEMENT SYSTEM ADMINISTRATOR'S PROGRAM THAT CONDUCTED THE AUDIT, AND THE MS4 PERMITTEE IMPLEMENTS PROCEDURES TO DEMONSTRATE AND REPORT TO THE DIVISION, UPON DIVISION REQUEST, THAT THE ADMINISTRATOR'S PROGRAM IS MEETING THE REQUIREMENTS FOR THIRD-PARTY AUDITS IN SECTION 25-8-802 (1) AND (3) FOR PARTICIPANT CONSTRUCTION ACTIVITIES LOCATED WITHIN THE JURISDICTION OF THE MS4 PERMITTEE.

(3) AN MS4 PERMITTEE MAY REDUCE COMPLIANCE OVERSIGHT ACTIVITIES FOR FACILITIES AUTHORIZED TO DISCHARGE UNDER A CDPS STORM WATER CONSTRUCTION PERMIT THAT ARE OPERATED BY PARTICIPANTS IN A STORM WATER MANAGEMENT SYSTEM ADMINISTRATOR'S PROGRAM BASED ON A DETERMINATION BY THE MS4 PERMITTEE THAT THE PARTICIPANTS OR PARTICIPANT FACILITIES HAVE A DEMONSTRATED RECORD OF REDUCED POTENTIAL FOR OCCURRENCES OF NONCOMPLIANCE AND REDUCED RISK OF NEGATIVE IMPACTS ON RECEIVING WATERS. THIS PART 8 DOES NOT PROHIBIT OR RESTRICT ANY COMPLIANCE OVERSIGHT, INCLUDING INSPECTIONS, BY AN MS4 PERMITTEE.

(4) MODIFICATION OF THE MS4 PERMITTEE'S PROGRAM IS SUBJECT TO DIVISION APPROVAL IN ACCORDANCE WITH THE REQUIREMENTS OF THE APPLICABLE CDPS MS4 PERMIT.

(5) AN MS4 PERMITTEE'S USE OF A STORM WATER MANAGEMENT SYSTEM ADMINISTRATOR'S PROGRAM IS STRICTLY VOLUNTARY, AND AN MS4 PERMITTEE MAY END ITS USE OF THE PROGRAM AT ANY TIME UPON WRITTEN NOTICE TO THE ADMINISTRATOR.

(6) NOTHING IN THIS PART 8 GRANTS REGULATORY AUTHORITY TO A STORM WATER MANAGEMENT SYSTEM ADMINISTRATOR OR THE AUTHORITY TO IMPOSE ANY FINE.

(7) NOTHING IN THIS PART 8 PREEMPTS OR SUPERSEDES ANY AUTHORITY OF AN MS4 PERMITTEE, OR ANY OTHER LOCAL AGENCY.

(8) NOTHING IN THIS PART 8 REMOVES, REDUCES, OR TRANSFERS THE RESPONSIBILITY FOR COMPLIANCE WITH AN MS4 PERMIT FROM THE MS4 PERMITTEE.

SECTION 2. 25-8-608 (1.7) (a) (II) and (1.7) (a) (III), Colorado Revised Statutes, are amended, and the said 25-8-608 (1.7) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

25-8-608. Civil penalties - rules - fund created. (1.7) (a) The department shall expend moneys in the water quality improvement fund for the following purposes:

(II) Providing grants for storm water projects or to assist with planning, design, construction, or repair of domestic wastewater treatment works; or

(III) Providing the nonfederal match funding for nonpoint source projects under 33 U.S.C. sec. 1329; OR

(IV) PROVIDING GRANTS FOR STORM WATER MANAGEMENT TRAINING AND BEST PRACTICES TRAINING TO PREVENT OR REDUCE THE POLLUTION OF STATE WATERS.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated to the department of public health and environment for allocation to the water quality control division, for the fiscal year beginning July 1, 2011, the sum of ninety-nine thousand four hundred thirty-six dollars (\$99,436) and 0.6 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, forty-nine thousand four hundred thirty-six dollars (\$49,436) and 0.6 FTE shall be from cash funds from the water quality control fund created in section 25-8-502 (1) (c), C.R.S., and fifty thousand dollars (\$50,000) shall be from cash funds from the water quality improvement fund created in section 25-8-608 (1.5), C.R.S.

SECTION 4. Act subject to petition - effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

	(2) The provisions of this act shall apply to the regulation of storm water on or after the applicable effective date of this act."	1 2 3 4
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB11-180 be referred to the Committee of the Whole with favorable recommendation.	5 6 7 8 9
Health & Human Services	After consideration on the merits, the Committee recommends that HB11-1193 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	10 11 12 13 14
Health & Human Services	After consideration on the merits, the Committee recommends that HB11-1186 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 7, strike "health care policies" and substitute "policies of sickness and accident insurance".	15 16 17 18 19 20 21 22
Education	After consideration on the merits, the Committee recommends that HB11-1169 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend reengrossed bill, page 2, after line 25 insert: "(b) "SEXUAL ASSAULT" MEANS ANY OF THE OFFENSES LISTED IN SECTION 24-72-304 (4) (b) (I), C.R.S." Reletter succeeding paragraph accordingly. Page 3, line 6, strike "A" and substitute "EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), A". Page 3, line 7, strike "EXCEPT THAT". Page 3, strike line 8. Page 3, line 9, strike "UNLESS THE VICTIM AGREES OTHERWISE IN WRITING,". Page 3, after line 16 insert: "(b) WHEN PROVIDING INFORMATION REGARDING A SEXUAL ASSAULT OR ATTEMPTED SEXUAL ASSAULT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), A STATE INSTITUTION OF HIGHER EDUCATION POLICE DEPARTMENT SHALL REDACT THE VICTIM'S NAME AND IDENTIFYING INFORMATION UNLESS THE VICTIM AGREES OTHERWISE IN WRITING WITH RESPECT TO EACH ADMINISTRATOR OR BEHAVIORAL INTERVENTION TASK FORCE TO WHICH THE POLICE DEPARTMENT INTENDS TO RELEASE THE INFORMATION." Reletter succeeding paragraphs accordingly.	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
Education	After consideration on the merits, the Committee recommends that SB11-188 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend printed bill, page 7, strike lines 16 through 27. Page 8, strike lines 1 through 26. Re-number succeeding sections accordingly. Page 9, strike lines 21 through 27 and substitute "SUCH DETERMINATION. UPON RECEIPT OF SUCH NOTICE, THE COMMISSIONER".	58 59 60 61 62 63 64 65 66 67 68 69

	Page 10, strike line 11 and substitute "OF EDUCATION AND THE STATE TREASURER RECEIVED NOTICE OF THE DETERMINATION TO REVOKE OR NOT RENEW THE CHARTER PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) OR SIXTY DAYS AFTER THE ACTION OF THE STATE BOARD PURSUANT TO SECTION 22-30.5-108 (3), WHICHEVER IS GREATER.".	1
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	Page 10, line 13, after "EDUCATION," insert "CHARTER SCHOOL,".	7
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	Page 11, line 3, strike "MAKING A".	9
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	Page 11, strike line 4 and substitute "REVOKING OR NOT RENEWING THE CHARTER OF A QUALIFIED".	11
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	Page 11, line 24, strike "IF THE QUALIFIED".	14
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	Page 11, strike lines 25 through 27.	16
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	Page 12, strike lines 1 and 2.	18
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	Page 12, line 3, strike "INSTITUTE BOARD," and substitute "UPON RECEIPT OF SUCH NOTICE,".	20
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	Page 12, line 12, strike "ORDERED THE".	23
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	Page 12, strike line 13 and substitute "AND THE STATE TREASURER RECEIVED NOTICE OF THE DETERMINATION TO REVOKE OR NOT RENEW THE CHARTER PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) OR SIXTY DAYS AFTER THE ACTION OF THE STATE BOARD PURSUANT TO SECTION 22-30.5-511 (5) (b) (II), WHICHEVER IS GREATER.".	25
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	Page 12, line 15, after "BOARD," insert "CHARTER SCHOOL,".	31
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	Page 13, line 5, strike "MAKING A DETERMINATION TO REVOKE OR".	33
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	Page 13, line 6, strike "NOT RENEW" and substitute "REVOKING OR NOT RENEWING".	35
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	Page 13, strike lines 8 through 27.	38
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	Page 14, strike lines 1 through 4.	40
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	Renumber succeeding sections accordingly.	42
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-181 be postponed indefinitely.	45
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1013 be referred to the Committee of the Whole with favorable recommendation.	51
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1007 be postponed indefinitely.	57
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1183 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	63
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	Amend reengrossed bill, page 2, line 15, strike "THE" and substitute "IF AN AUTOPSY IS PERFORMED, THE" .	68
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Page 2, line 17, strike "OR WITHIN THE TWELVE MONTHS PRECEDING DEATH".

Page 2, line 23, strike "THE" and substitute "IF AN AUTOPSY IS PERFORMED, THE".

Page 2, line 24, strike "DEATH OR WITHIN THE TWELVE MONTHS" and substitute "DEATH,".

Page 2, line 25, strike "PRECEDING DEATH".

Page 3, line 4, strike "THE" and substitute "IF AN AUTOPSY IS PERFORMED, THE"

Page 3, line 5, strike "OR".

Page 3, line 6, strike "WITHIN THE TWELVE MONTHS PRECEDING DEATH".

Page 3, line 16, strike "A" and substitute "IF AN AUTOPSY IS PERFORMED, a".

Page 3, line 18, strike "death OR WITHIN THE TWELVE MONTHS PRECEDING DEATH." and substitute "death.".

Page 3, line 21, strike "OR WITHIN TWELVE MONTHS".

Page 3, line 22, strike "PRECEDING DEATH".

Judiciary After consideration on the merits, the Committee recommends that **HB11-1258** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, after line 1 insert:

"SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

 (a) It is in the interest of public safety that Colorado provide standards for coroners that are based on national best practices while still permitting coroners to abide by the current state statutes that govern their practice; and

 (b) Coroners should avoid all possible conflicts of interest when complying with the provisions of this act.".

Renumber succeeding sections accordingly.

Page 3, line 3, before "**qualifications**" insert "**jurisdiction -**".

Page 3, line 4, after "(1)" insert "(a)".

Page 3, line 8, strike "EXAMINERS AND" and substitute "EXAMINERS, WHEN THE DEATH IS APPARENTLY NONNATURAL AND OCCURS IN A FACILITY OR DURING SERVICES GOVERNED BY THE DEPARTMENT OF HUMAN SERVICES, AND".

Page 3, after line 10 insert:

 "(b) IF A PERSON INVOLVED IN AN INCIDENT SUFFERS INJURIES THAT REQUIRE THE PERSON TO BE TRANSPORTED TO A MEDICAL FACILITY OUTSIDE THE COUNTY WHERE THE INCIDENT OCCURRED AND THE PERSON DIES IN ROUTE TO OR AT THE MEDICAL FACILITY OUTSIDE THE COUNTY WHERE THE INCIDENT OCCURRED, THE CORONER FOR THE COUNTY WHERE THE INCIDENT OCCURRED SHALL TAKE POSSESSION OF THE BODY AND SHALL COMPLY WITH THE PROVISIONS OF THIS SECTION.".

Page 4, after line 1 insert:

 "(e) FOR PURPOSES OF THIS SUBSECTION (2), "DIRECT SUPERVISION" MEANS SUPERVISION THAT IS WITHIN THE FACILITY WHERE

	A PATHOLOGY RESIDENT OR FORENSIC PATHOLOGY FELLOW IS PRACTICING AND THAT REQUIRES A BOARD-CERTIFIED FORENSIC PATHOLOGIST'S PRESENCE AND AVAILABILITY FOR PROMPT CONSULTATION."	1
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Judiciary	After consideration on the merits, the Committee recommends that HB11-1189 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	6
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	Amend reengrossed bill, page 2, line 7, strike "BEEN AT LEAST TWICE PREVIOUSLY".	11
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	Page 2, strike lines 8 though 18 and substitute "ONE OR MORE PREVIOUS CONVICTIONS FOR AN OFFENSE IN SECTION 42-4-1301, C.R.S., OR ONE OR MORE CONVICTIONS IN ANY OTHER JURISDICTION THAT WOULD CONSTITUTE A VIOLATION OF SECTION 42-4-1301, C.R.S., AS A CONDITION OF ANY BAIL BOND, THE COURT SHALL ORDER THAT THE DEFENDANT ABSTAIN FROM THE USE OF ALCOHOL OR THE ILLEGAL USE OF DRUGS AND SUCH ABSTINENCE SHALL BE MONITORED."	14
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	Page 3, line 8, strike "IF THE COURT".	22
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	Page 3, strike lines 9 and 10.	24
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Judiciary	After consideration on the merits, the Committee recommends that HB11-1203 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	27
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Judiciary	After consideration on the merits, the Committee recommends that HB11-1180 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	32
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	Amend reengrossed bill, page 2, line 12, strike "SENTENCE ALTERNATIVE," and substitute "SENTENCE,".	36
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	Page 3, line 2, strike "THE FOLLOWING NEW SUBSECTIONS" and substitute "A NEW SUBSECTION".	39
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	Page 3, strike lines 8 through 21 and substitute:	42
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	"(b) PROVIDE SUFFICIENT INFORMATION TO ALLOW THE COURT TO CONSIDER:	44
		45
	(I) WHETHER THE OFFENDER IS A SUITABLE CANDIDATE FOR A SENTENCING OPTION THAT DOES NOT INVOLVE INCARCERATION OR A COMBINATION OF SENTENCING OPTIONS THAT DOES NOT INVOLVE INCARCERATION; AND	46
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	(II) THE APPROPRIATE CONDITIONS TO IMPOSE IF A DEFENDANT IS SENTENCED TO PROBATION."	50
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	Reletter succeeding paragraph accordingly.	53
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	Page 3, line 22, strike "RATES OF RECIDIVISM AND".	55
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	Page 3, line 24, strike "COURT." and substitute "COURT; AND".	57
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	Page 3, strike lines 25 through 27 and substitute:	59
	"(d) SET FORTH THE PURPOSES OF TITLE 18, C.R.S., WITH RESPECT TO SENTENCING, AS SUCH PURPOSES ARE DESCRIBED IN SECTION 18-1-102.5, C.R.S.	60
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	SECTION 3. The introductory portion to 18-1.3-203 (1), Colorado Revised Statutes, is amended to read:	63
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	18-1.3-203. Criteria for granting probation. (1) The court, subject to the provisions of this title and title 16, C.R.S., AND HAVING CONSIDERED THE PURPOSES OF SENTENCING DESCRIBED IN SECTION 18-1-102.5, C.R.S., in its discretion may grant probation to a defendant unless, having regard to the nature and circumstances of the offense and	65
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to the history and character of the defendant, it is satisfied that imprisonment is the more appropriate sentence for the protection of the public because:".

Renumber succeeding section accordingly.

Page 4, strike lines 1 through 4.

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **SB11-022** be referred to the Committee on Appropriations with favorable recommendation.

Agriculture,
Natural
Resources,
and Energy

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

MEMBERS OF THE
COLORADO WATER CONSERVATION BOARD

for a term expiring February 12, 2013:

Russ George of Grand Junction, Colorado to serve as a representative from the main Colorado drainage basin to fill the vacancy occasioned by the resignation of John D. Redifer of Grand Junction, Colorado, and as a Republican, appointed;

for terms expiring February 12, 2014:

April D. Montgomery of Norwood, Colorado, a resident of the San Miguel-Dolores-San Juan drainage basin and a Democrat, reappointed;

Travis L. Smith of Del Norte, Colorado to serve as a representative from the Rio Grande drainage basin and as a Republican, reappointed;

Alan C. Hamel of Pueblo, Colorado to serve as a representative from the Arkansas drainage basin and as a Republican, appointed.

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **HB11-1262** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent 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 calendar of Thursday, March 17 was laid over until Friday, March 18, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1226.
General Orders -- Second Reading of Bills: SB11-107, HB11-1181, HB11-1109.
Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023, SJR11-024.

Senate in recess. Senate reconvened.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR11-027 by Senator(s) Shaffer B. and Kopp; also Representative(s) McNulty and Pace--Concerning continued support by the Colorado General Assembly for a strong relationship between the United States and Israel.

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

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, March 18, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

66th Legislative Day	Friday, March 18, 2011
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|--------------------|--|
| Prayer | By the chaplain, Rabbi Steven Foster, Congregation Temple Emanuel, Denver. |
| Call to Order | By the President at 9:00 a.m. |
| Pledge | By Senator Lambert. |
| Roll Call | Present--32.
Absent--1, Aguilar.
Excused--2, Mitchell, Newell.
Present later--2, Aguilar, Newell. |
| Quorum | The President announced a quorum present. |
| Reading of Journal | On motion of Senator Giron, reading of the Journal of Thursday, March 17, 2011, was dispensed with and the Journal was approved as corrected by the Secretary. |

MESSAGE FROM THE HOUSE

March 17, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1200.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1160, amended as printed in House Journal, March 15, pages 643-644.
HB11-1076, amended as printed in House Journal, March 15, page 645.
HB11-1163, amended as printed in House Journal, March 15, page 645.
HB11-1080, amended as printed in House Journal, March 15, page 645.
HB11-1198, amended as printed in House Journal, March 15, pages 646-647.
HB11-1230, amended as printed in House Journal, March 15, page 647.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-034, amended as printed in House Journal, March 15, page 644.

MESSAGE FROM THE REVISOR OF STATUTES

March 17, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, HB11-1200.
Without comment, as amended, HB11-1076, 1080, 1160, 1163, and 1230.
Without comment, as amended, SB11-034.
With comment, as amended, HB11-1198.

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

SJR11-027 by Senator(s) Shaffer B. and Kopp; also Representative(s) McNulty and Pace--Concerning
continued support by the Colorado General Assembly for a strong relationship between the
United States and Israel.

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

YES	32	NO	0	EXCUSED	2	ABSENT	1
Aguilar	A	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	E	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham,
Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert,
Lundberg, Morse, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman,
Tochtrop, White and Williams S.

SJR11-025 by Senator(s) Spence; also Representative(s) Williams A.--Concerning the need to support
women small business owners, and, in connection therewith, promoting economic
development in Colorado.

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

YES	32	NO	0	EXCUSED	2	ABSENT	1
Aguilar	A	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	E	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham,
Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert,
Lundberg, Morse, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Steadman,
Tochtrop, White and Williams S.

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 House
amendments to Senate bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-010 by Senator(s) Tochtrop; also Representative(s) Priola--Concerning the trade readjustment allowance program.

Senator Tochtrop moved that the Senate concur in House amendments to **SB11-010**, as printed in House journal, March 11, page 614. The motion was **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	2	ABSENT	1
Aguilar	A	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	E	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	22	NO	10	EXCUSED	2	ABSENT	1
Aguilar	A	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	E	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

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

Co-sponsor added: Boyd

SB11-007 by Senator(s) Grantham; also Representative(s) Becker--Concerning the responsibility for the prosecution of a person who is charged with failure to register as a sex offender.

Senator Grantham moved that the Senate not concur in House amendments to **SB11-007**, as printed in House journal, March 11, page 615, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	E	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The President Pro Tem appointed Senators Grantham, Chair, Morse, and Carroll as Senate conferees on the first conference committee on **SB11-007**.

Senator Grantham moved that the Senate conferees on the first conference committee on **SB11-007** be granted permission to go beyond the scope of the differences between the two houses.

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

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

GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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:

HB11-1226 by Representative(s) Conti, Acree, Brown, Kerr J., Scott, Summers; also Senator(s) Spence--Concerning the information provided on a disabled veteran's property tax exemption application form.

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

HB11-1153 by Representative(s) Hullinghorst; also Senator(s) Newell--Concerning juror service.

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

HB11-1239 by Representative(s) Nikkel, Waller; also Senator(s) Roberts--Concerning a requirement to include additional information in fiscal notes for certain bills related to criminal offenses.

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

HB11-1178 by Representative(s) Looper; also Senator(s) Williams S.--Concerning the regulation of persons who dispose of human remains in the ordinary course of lawful business.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, March 16, page 468 and placed in members' bill files.)

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	E	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB11-1226, HB11-1153, HB11-1239, HB11-1178 as amended.

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

- SB11-107

by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident.

Laid over until Monday, March 21, retaining its place on the calendar.
- HB11-1181

by Representative(s) Kefalas; also Senator(s) Newell--Concerning the department of human services child fatality review team.

Laid over until Monday, March 21, retaining its place on the calendar.
- HB11-1109

by Representative(s) Liston, Balmer, Bradford, DelGrosso, Holbert, Kerr J., Looper, Nikkel, Priola, Ramirez, Schafer S., Stephens; also Senator(s) Giron--Concerning the authority for a local government to create an exemption from local sales tax for the sale of equipment used directly in the provision of telecommunications services.

Laid over until Friday, April 1, retaining its place on the calendar.
- SB11-126

by Senator(s) Giron and Johnston, Bacon, Foster, Guzman, Heath, Hodge, Morse, Nicholson, Shaffer B., Steadman, Williams S.; also Representative(s) Miklosi and Williams A., Duran, Fields, Hullinghorst, Levy, Pabon, Solano--Concerning classification as an unsubsidized in-state student for tuition purposes at state institutions of higher education.

Laid over until Friday, March 25, retaining its place on the calendar.
- SB11-168

by Senator(s) Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Johnston, Morse, Nicholson, Steadman, Tochtrop; also Representative(s) Kefalas, Court, Fields, Fischer, Gardner D., Hullinghorst, Jones, Kagan, Levy, McCann, Miklosi, Pace, Solano, Tyler--Concerning the creation of the Colorado health care authority for the purpose of designing a health care cooperative.

Laid over until Friday, March 25, retaining its place on the calendar.
- SB11-072

by Senator(s) Carroll, Bacon, Boyd, Giron, Hodge, Hudak, Morse, Steadman, Tochtrop, Aguilar, Guzman, Johnston; also Representative(s) Levy, Court, Fields, Tyler--Concerning the creation of remedies in employment discrimination cases brought under state law.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 15, pages 196-198 and placed in members' bill files.)

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Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 4, page 382 and placed in members' bill files.)

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Amendment No. 3(L.009), by Senator Carroll.

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Amend the Judiciary Committee Report, dated February 14, 2011, page 3, line 11, strike "(a)".

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Page 3, line 13, strike "PARTY." and substitute "PLAINTIFF. IF THE COURT FINDS THAT AN ACTION BROUGHT PURSUANT TO".

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Page 3, strike lines 14 through 21.

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Page 3, after line 24 insert:

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"(6) THIS SECTION SHALL BE CONSTRUED, INTERPRETED, AND APPLIED IN A MANNER THAT IS CONSISTENT WITH STANDARDS ESTABLISHED THROUGH JUDICIAL INTERPRETATION OF 42 U.S.C. SEC. 1981a AND 42 U.S.C. SEC. 2000e-5 (k)."

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

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HB11-1167 by Representative(s) Ferrandino, Lee, Levy; also Senator(s) Nicholson, Steadman-- Concerning the petition process for the sealing of certain drug offense records.

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

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HB11-1210 by Representative(s) Hamner, Levy, McCann, Tyler; also Senator(s) Nicholson--Concerning a requirement that the department of transportation recommend to the general assembly actions that can be taken in the short-term to improve mobility in the interstate 70 mountain corridor.

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Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, March 16, pages 467-468 and placed in members' bill files.)

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Amendment No. 2(L.005), by Senator Nicholson.

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Amend the Transportation Committee Report, dated March 15, 2011, page 1, strike line 5 and substitute "TRANSIT OPTIONS,".

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

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SB11-178 by Senator(s) Newell; --Concerning the manner in which a statutory local government may adopt a sales tax exemption.

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Laid over until Monday, March 21, retaining its place on the calendar.

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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

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YES	33	NO	1	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	N	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-072 as amended, HB11-1167, HB11-1210 as amended.
Laid over until March 21: SB11-107, HB11-1181, SB11-178.
Laid over until March 25: SB11-126, SB11-168.
Laid over until April 1: HB11-1109.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR11-028 by Senator(s) Jahn; also Representative(s) Williams A.--Concerning recognition of Single Parents' Day.
Laid over one day under Senate Rule 30(b).

SENATE SERVICES REPORT

Correctly Printed: SB11-198 and 199; SJR11-026 and 027.
Correctly Reengrossed: SB11-183.
Correctly Rerevised: HB11-1260.

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **HB11-1004** be referred to the Committee on Appropriations with favorable recommendation.

Trans- After consideration on the merits, the Committee recommends that **HB11-1216** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 3, line 2, strike "Article 2 of title 26," and substitute "Article 30 of title 24,".

Page 3, line 4, strike "11" and substitute "21".

Page 3, line 6, strike "**26-2-1101.**" and substitute "**24-30-2101.**".

Renumber succeeding C.R.S. sections accordingly.

Page 3, line 6, strike "11" and substitute "21".

Page 3, line 8, strike "11," and substitute "21,".

Page 3, line 11, strike "26-2-1103." and substitute "24-30-2103.".

Page 3, line 24, strike "STATE DEPARTMENT." and substitute "DEPARTMENT OF PERSONNEL."

Page 4, line 21, strike "26-2-1104" and substitute "24-30-2104".

Page 4, line 22, strike "26-2-1105." and substitute "24-30-2105."

Page 4, line 25, strike "11;" and substitute "21;".

Page 4, line 27, strike "PART 11" and substitute "PART 21" and strike "TITLE 24," and substitute "THIS TITLE".

Page 5, line 1, strike "C.R.S.,".

Page 5, strike lines 7 and 8 and substitute:

"(b) TO PREPARE AND SIGN CONTRACTS;".

Page 5, line 11, strike "11;" and substitute "21;".

Page 5, after line 13 insert:

"(7) THE COMMITTEE MAY HIRE EMPLOYEES OR OBTAIN THE SERVICES OF PROFESSIONAL ADVISORS."

(8) THE ATTORNEY GENERAL IS THE LEGAL COUNSEL FOR THE COMMITTEE."

Page 5, line 17, strike "42-1-408," and substitute "42-1-407,".

Page 6, line 7, strike "TITLE 24," and substitute "THIS TITLE."

Page 6, strike line 8.

Page 7, line 24, strike "STATE" and substitute "DEPARTMENT OF PERSONNEL,".

Page 7, line 25, strike "DEPARTMENT,".

Page 8, line 4, strike "42-1-408," and substitute "42-1-407,".

Page 8, line 5, strike "26-2-1103" and substitute "24-30-2103".

Page 8, line 7, strike "11;" and substitute "21;".

Page 8, line 9, strike "42-1-408," and substitute "42-1-407,".

Page 8, line 15, strike "STATEDEPARTMENT" and substitute "DEPARTMENT OF PERSONNEL".

Page 8, line 16, strike "11." and substitute "21."

Page 8, after line 16 insert:

"24-30-2106. Implementation. THE GENERAL ASSEMBLY DOES NOT INTEND TO REQUIRE THE DEPARTMENT OF PERSONNEL TO EXPEND MONEYS TO IMPLEMENT THIS PART 21. NOTWITHSTANDING ANY OTHER SECTION OF THIS PART 21, THE DEPARTMENT OF PERSONNEL AND THE COMMITTEE NEED NOT IMPLEMENT THIS PART 21 UNTIL THE DISABILITY-BENEFIT SUPPORT FUND CONTAINS ENOUGH MONEY TO IMPLEMENT THIS PART 21."

Renumber succeeding C.R.S. section accordingly.

Page 8, line 17, strike "11" and substitute "21".

Page 8, line 21, strike "24-34-104, C.R.S." and substitute "24-34-104."

Page 9, strike line 2 and substitute "PART 21 OF ARTICLE 30 OF THIS TITLE."

Page 9, line 23, before "LICENSE," insert "PERPETUAL".

Page 11, after line 16 insert:

"(6) THE ATTORNEY GENERAL IS THE LEGAL COUNSEL FOR THE GROUP."

Page 12, line 25, after "NUMBER" insert "AS A RESULT OF THE RIGHT TO USE THE NUMBER BEING SOLD".

Page 13, strike lines 1 through 14.

Renumber succeeding C.R.S. sections accordingly.

Page 14, line 4, strike "42-1-408." and substitute "42-1-407".

Page 14, line 25, strike "26-2-1105," and substitute "24-30-2105,".

Page 15, line 9, strike "26-2-1105," and substitute "24-30-2105,".

Trans-
portation

After consideration on the merits, the Committee recommends that **HB11-1234** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 5, after line 12 insert:

"SECTION 4. Article 10.1 of title 40, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

40-10.1-207. Taxicab license plates - rules - repeal.

(1) (a) THE COMMISSION SHALL EITHER:

(I) CREATE A DOCUMENT THAT A PERSON AUTHORIZED TO PROVIDE TAXICAB SERVICES UNDER THIS ARTICLE MAY USE TO VERIFY TO THE DEPARTMENT OF REVENUE OR THE DEPARTMENT'S AUTHORIZED AGENT THAT THE PERSON IS SO AUTHORIZED; OR

(II) CREATE A SYSTEM TO ELECTRONICALLY VERIFY TO THE DEPARTMENT OF REVENUE OR THE DEPARTMENT'S AUTHORIZED AGENT THAT THE PERSON IS AUTHORIZED TO PROVIDE TAXICAB SERVICES UNDER THIS PART 2.

(b) UPON REQUEST, THE COMMISSION SHALL PROVIDE THE DOCUMENT TO THE PERSON WITH SUCH AUTHORITY OR THE ELECTRONIC VERIFICATION TO THE DEPARTMENT OF REVENUE OR THE DEPARTMENT'S AUTHORIZED AGENT.

(2) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION AND TO ENFORCE SECTION 42-3-236, C.R.S.

(3) (a) BY JANUARY 1, 2012, THE COMMISSION SHALL NOTIFY EACH PERSON AUTHORIZED TO PROVIDE TAXICAB SERVICES UNDER THIS ARTICLE OF THE REQUIREMENTS OF SECTION 42-3-236, C.R.S.

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 5. Part 2 of article 3 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-3-236. Taxicab license plates - taxicabs - repeal. (1) THE TAXICAB LICENSE PLATE IS HEREBY ESTABLISHED. THE PLATE CONSISTS OF BLACK LETTERS ON A YELLOW BACKGROUND AND FEATURES THE WORDS "COLORADO" ACROSS THE TOP AND "TAXICAB" ACROSS THE BOTTOM OF THE PLATE.

(2) A PERSON WHO IS AUTHORIZED TO PROVIDE TAXICAB SERVICE UNDER ARTICLE 10.1 OF TITLE 40, C.R.S., SHALL REGISTER A MOTOR VEHICLE USED FOR TAXICAB PURPOSES UNDER THIS ARTICLE AND DISPLAY TAXICAB LICENSE PLATES ON THE VEHICLE. UPON REGISTRATION, THE DEPARTMENT SHALL ISSUE TAXICAB LICENSE PLATES FOR THE VEHICLE IN ACCORDANCE WITH THIS SECTION. THE DEPARTMENT SHALL NOT ISSUE A TAXICAB LICENSE PLATE UNLESS THE PERSON EITHER SUBMITS A VERIFICATION DOCUMENT OR THE PUBLIC UTILITIES COMMISSION ELECTRONICALLY VERIFIES THE AUTHORIZATION AS PROVIDED IN SECTION 40-10.1-207, C.R.S.

(3) A PERSON PROVIDING TAXICAB SERVICES USING A MOTOR

VEHICLE THAT WAS REGISTERED ON JANUARY 1, 2012, IS NOT REQUIRED TO OBTAIN TAXICAB LICENSE PLATES UNTIL THE VEHICLE IS SCHEDULED FOR RENEWAL OF THE CURRENT REGISTRATION. UPON RENEWING A REGISTRATION FOR A TAXICAB REGISTERED UNDER THIS ARTICLE, THE DEPARTMENT SHALL ISSUE TAXICAB LICENSE PLATES FOR THE VEHICLE IN ACCORDANCE WITH THIS SECTION. THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JANUARY 1, 2013.

(4) A PERSON SHALL NOT OPERATE A MOTOR VEHICLE WITH A TAXICAB LICENSE PLATE OR TEMPORARY TAXICAB LICENSE PLATE UNLESS THE MOTOR VEHICLE TO WHICH THE PLATES ARE ATTACHED IS REQUIRED BY SUBSECTION (2) OF THIS SECTION TO BEAR TAXICAB LICENSE PLATES.

(5) IF THE PERSON WHO OWNS THE MOTOR VEHICLE WITH TAXICAB LICENSE PLATES IS NOT THE PERSON UNDER WHOSE AUTHORITY THE MOTOR VEHICLE OPERATES UNDER ARTICLE 10.1 OF TITLE 40, C.R.S., THE PERSON WITH THE AUTHORITY MAY REQUEST THAT THE DEPARTMENT OF REVENUE REQUIRE THE PLATE TO BE REPLACED. WITHIN THIRTY DAYS AFTER RECEIVING THE REQUEST, THE DEPARTMENT SHALL REQUIRE THE OWNER OF THE MOTOR VEHICLE TO RETURN THE TAXICAB LICENSE PLATE AND BE ISSUED A NEW LICENSE PLATE. THE OWNER OF THE MOTOR VEHICLE SHALL SURRENDER THE TAXICAB LICENSE PLATE TO THE DEPARTMENT WITHIN TEN DAYS AFTER RECEIVING NOTICE FROM THE DEPARTMENT UNLESS THE OWNER OF THE MOTOR VEHICLE OBTAINS AUTHORITY TO OPERATE A TAXICAB UNDER PART 2 OF ARTICLE 10.1 OF TITLE 40, C.R.S., EITHER DIRECTLY OR AS AN AGENT, AND EITHER THE PERSON SUBMITS A VERIFICATION DOCUMENT OR THE PUBLIC UTILITIES COMMISSION ELECTRONICALLY VERIFIES THE AUTHORIZATION AS PROVIDED IN SECTION 40-10.1-207, C.R.S.

(6) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B TRAFFIC INFRACTION, PUNISHABLE BY A FINE OF SEVENTY-FIVE DOLLARS.

(7) THIS SECTION IS EFFECTIVE JANUARY 1, 2012."

Renumber succeeding sections accordingly.

Page 6, strike lines 14 through 23 and substitute:

"**SECTION 7. Effective date.** This act shall take effect July 1, 2011; except that section 1 and 2 shall not take effect if House Bill 11-1198 is enacted and becomes law, and section 4 and 5 of this act shall take effect only if House Bill 11-1198 is enacted and becomes law.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Trans- After consideration on the merits, the Committee recommends that **HB11-1236** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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

MEMBER OF THE
BOARD OF TRUSTEES FOR MESA STATE COLLEGE

effective December 31, 2010, for terms expiring December 31, 2014:

Honorable Jose D.L. Marquez of Englewood, Colorado, a Democrat, reappointed;

Kathleen S. Eck of Edwards, Colorado, a Republican, appointed.

Education After consideration on the merits, the Committee recommends that **SB11-052** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike everything below the enacting clause and substitute:

"SECTION 1. 23-1-108, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

23-1-108. Duties and powers of the commission - legislative declaration - master plan - state goals - accountability. (1) (a) THE GENERAL ASSEMBLY FINDS THAT:

(I) THE STATEWIDE SYSTEM OF HIGHER EDUCATION MUST FOCUS ON:

(A) INTERPRETING THE CHANGES IN STATE DEMOGRAPHICS AND WORKFORCE NEEDS AND RESPONDING TO THOSE CHANGING NEEDS BY EFFICIENTLY PROVIDING TO THE STATE A WELL-EDUCATED AND HIGHLY SKILLED WORKFORCE THAT ALIGNS WITH AND IS PREPARED TO MEET THE EMPLOYMENT NEEDS OF THE BUSINESSES AND INDUSTRIES THAT DRIVE THE STATE'S ECONOMY;

(B) ENSURING THAT ALL ADULT CITIZENS OF THE STATE, REGARDLESS OF RACE, ETHNICITY, INCOME, AGE, OR GEOGRAPHIC LOCATION, HAVE ACCESS TO AND ARE SUCCESSFUL IN COMPLETING THE POSTSECONDARY EDUCATION OPPORTUNITIES AND SERVICES THEY NEED TO ENABLE THEM TO MEET THEIR PERSONAL ACADEMIC AND CAREER GOALS AND MAXIMIZE THEIR CONTRIBUTION TO THE STATE'S ECONOMY AND SOCIETY; AND

(C) SUPPORTING THE STATE'S ECONOMIC STRENGTH AND DIVERSITY BY PROVIDING TEACHING AND RESEARCH IN AREAS OF HIGHEST PRIORITY TO THE STATE AND EDUCATING A WORKFORCE THAT ALIGNS WITH THE NEEDS OF EMPLOYERS FOR HIGHLY SKILLED WORKERS;

(II) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHOULD DEMONSTRATE ITS SUCCESSES IN SERVING THE PEOPLE OF THE STATE IN THESE FOCUS AREAS, DEMONSTRATE THE LEVEL OF EFFICIENCY AND PRODUCTIVITY WITH WHICH IT PROVIDES THESE SERVICES, AND PUBLICLY COMMUNICATE THESE SUCCESSES; AND

(III) EACH PUBLIC INSTITUTION SHOULD BE REWARDED FOR ITS SUCCESSES IN THESE FOCUS AREAS WITH STATE FUNDING THAT WILL ASSIST THE INSTITUTION IN BUILDING ON ITS SUCCESSES AND CONTINUING TO RAISE ITS LEVEL OF SERVICE TO THE STATE AND ITS CITIZENS.

(b) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE COMMISSION SHALL:

(I) NEGOTIATE GOALS FOR EACH TIER OF INSTITUTIONS IN THE STATEWIDE SYSTEM OF HIGHER EDUCATION BASED ON THE STATE GOALS IDENTIFIED IN THIS SECTION AND IN THE MASTER PLAN FOR COLORADO POSTSECONDARY EDUCATION DEVELOPED IN COLLABORATION WITH THE GOVERNING BOARDS AND ADOPTED BY THE COMMISSION PURSUANT TO THIS SECTION;

(II) NEGOTIATE PERFORMANCE CONTRACTS, AS DESCRIBED IN SECTION 23-5-129, THAT CLEARLY STATE THE EXPECTATIONS OF EACH PUBLIC INSTITUTION OF HIGHER EDUCATION IN CONTRIBUTING TO ACHIEVEMENT OF THE NEGOTIATED GOALS; AND

(III) COLLECT FROM THE GOVERNING BOARDS OF THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION THE DATA NECESSARY TO MEASURE EACH INSTITUTION'S SUCCESS IN MEETING THE EXPECTATIONS.

(c) IT IS FURTHER THE INTENT OF THE GENERAL ASSEMBLY THAT:

(I) BY THE 2019-20 ACADEMIC YEAR, THE TOTAL NUMBER OF BACCALAUREATE DEGREES, ASSOCIATE'S DEGREES, AND CAREER AND TECHNICAL EDUCATION CERTIFICATES ISSUED BY THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION SHALL INCREASE BY AT LEAST THIRTY PERCENT OVER THE NUMBER ISSUED IN THE 2009-10 ACADEMIC YEAR; AND

(II) BEGINNING IN THE 2016-17 FISCAL YEAR, TWENTY-FIVE PERCENT OF THE FUNDING FOR THE STATE SYSTEM OF HIGHER EDUCATION WILL BE ALLOCATED TO THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION BASED ON EACH INSTITUTION'S SUCCESS IN MEETING THE EXPECTATIONS SPECIFIED IN ITS PERFORMANCE CONTRACT.

(2) ON OR BEFORE MARCH 15, 2012, THE COMMISSION SHALL DEVELOP AND SUBMIT TO THE GOVERNOR AND THE GENERAL ASSEMBLY A MASTER PLAN FOR COLORADO POSTSECONDARY EDUCATION. THE COMMISSION SHALL COLLABORATE WITH THE GOVERNING BOARDS AND CHIEF EXECUTIVE OFFICERS OF THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN DEVELOPING THE MASTER PLAN. IN ADDITION, THE

COMMISSION SHALL TAKE INTO ACCOUNT THE NOVEMBER 2010 FINAL REPORT OF THE HIGHER EDUCATION STRATEGIC PLANNING STEERING COMMITTEE APPOINTED BY THE GOVERNOR. THE MASTER PLAN SHALL ADDRESS THE IMPORTANCE AND ROLE OF PRIVATE AND PROPRIETARY INSTITUTIONS IN PROVIDING POSTSECONDARY EDUCATION SERVICES TO PERSONS IN THE STATE, BUT INCLUSION OF THESE INSTITUTIONS IN THE MASTER PLAN IN NO WAY IMPLIES CONTROL OR STATE AUTHORITY OVER THEIR OPERATIONS.

(3) (a) THE COMMISSION SHALL DESIGN THE MASTER PLAN TO ACHIEVE, AT A MINIMUM, THE FOLLOWING STATE GOALS:

(I) IMPROVING ACCESS, QUALITY, AFFORDABILITY, AND PRODUCTIVITY AT THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN ORDER TO INCREASE THE NUMBER OF BACCALAUREATE DEGREES, ASSOCIATE'S DEGREES, AND CAREER AND TECHNICAL EDUCATION CERTIFICATES ISSUED BY THE INSTITUTIONS;

(II) IMPLEMENTING SYSTEMIC APPROACHES THAT STRENGTHEN THE CONTINUITY OF PUBLIC EDUCATION FROM ELEMENTARY AND SECONDARY THROUGH POSTSECONDARY EDUCATION FOR TRADITIONAL AND NONTRADITIONAL STUDENTS;

(III) ENSURING THE LONG-TERM FISCAL STABILITY, AFFORDABILITY, AND QUALITY OF THE STATE SYSTEM OF HIGHER EDUCATION AND ENSURING THE EFFICIENT ALLOCATION OF AVAILABLE STATE RESOURCES TO SUPPORT PUBLIC INSTITUTIONS OF HIGHER EDUCATION WHILE PROTECTING THE UNIQUE MISSION OF EACH INSTITUTION AND RESPECTING THE CONSTITUTIONAL ROLE OF THE INSTITUTION'S GOVERNING BOARD. THE ALLOCATION SHALL TAKE INTO CONSIDERATION, BUT NEED NOT BE LIMITED TO, INSTITUTIONAL MISSION, TUITION CAPACITY, TUITION RATES RELATIVE TO COMPETITIVE INSTITUTIONS, THE STATE RESOURCES AVAILABLE TO INSTITUTIONS, FUNDING FOR HIGH-COST PROGRAMS, THE STUDENT AND FAMILY INCOMES OF STUDENTS ENROLLED AT INSTITUTIONS, ENROLLMENT LEVELS, GEOGRAPHIC ACCESS TO EDUCATIONAL OPPORTUNITIES THROUGHOUT THE STATE, AND OTHER ISSUES DEEMED RELEVANT BY THE COMMISSION.

(IV) REDUCING THE EDUCATIONAL ATTAINMENT GAP BETWEEN MAJORITY AND UNDERREPRESENTED POPULATIONS THROUGHOUT THE STATE;

(V) REDUCING THE GEOGRAPHIC DISPARITIES IN ACCESS TO AND OPPORTUNITY TO COMPLETE A BROAD ARRAY OF QUALITY HIGHER EDUCATION AND CAREER AND TECHNICAL EDUCATION PROGRAMS;

(VI) ADDRESSING OPPORTUNITIES FOR STUDENTS WITH DISABILITIES, INCLUDING INTELLECTUAL DISABILITIES, TO PARTICIPATE IN POSTSECONDARY EDUCATION;

(VII) IMPLEMENTING STRATEGIES THAT STRENGTHEN THE LINK BETWEEN HIGHER EDUCATION AND ECONOMIC DEVELOPMENT AND INNOVATION IN THE STATE; AND

(VIII) IMPROVING AND SUSTAINING EXCELLENCE IN CAREER AND TECHNICAL EDUCATION AND UNDERGRADUATE AND GRADUATE DEGREE PROGRAMS.

(b) THROUGH THE MASTER PLAN, THE COMMISSION SHALL SPECIFICALLY ARTICULATE THE APPLICATION OF THE STATE GOALS TO THE STATE RESEARCH UNIVERSITIES, THE STATE FOUR-YEAR INSTITUTIONS OF HIGHER EDUCATION, THE STATE COMMUNITY AND TECHNICAL COLLEGES, THE PUBLIC JUNIOR COLLEGES, AND THE AREA VOCATIONAL SCHOOLS AND FOR EACH INSTITUTION WITHIN EACH OF SAID INSTITUTIONAL TIERS, TAKING INTO ACCOUNT THE UNIQUE ROLE AND MISSION OF EACH INSTITUTION AND RESPECTING THE CONSTITUTIONAL ROLE OF THE INSTITUTION'S GOVERNING BOARD. IN NEGOTIATING EACH INSTITUTION'S PERFORMANCE CONTRACT PURSUANT TO SECTION 23-5-129, THE COMMISSION SHALL CLEARLY STATE THE AGREED UPON EXPECTATIONS OF EACH INSTITUTION IN CONTRIBUTING TO STATEWIDE ATTAINMENT OF THE STATE GOALS IDENTIFIED IN THE MASTER PLAN AND IN MEETING THE GOALS NEGOTIATED IN THE INSTITUTION'S PERFORMANCE CONTRACT, INCLUDING ANNUAL BENCHMARKS FOR MEASURING PROGRESS AND THE STRATEGIES EACH INSTITUTION INTENDS TO EMPLOY IN MEETING THOSE GOALS.

(4) AT A MINIMUM, THE COMMISSION AND THE GOVERNING BOARDS SHALL ADDRESS THE FOLLOWING ISSUES IN DEVELOPING THE MASTER PLAN AND IN NEGOTIATING THE APPLICATION OF THE STATE GOALS TO EACH INSTITUTION AS DESCRIBED IN THIS SECTION:

- (a) THE ROLE AND MISSION OF THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION AND THE GOVERNANCE STRUCTURE OF THE STATE SYSTEM OF HIGHER EDUCATION; AND
- (b) THE ROLE OF TWO-YEAR AND FOUR-YEAR JUNIOR COLLEGES AND AREA VOCATIONAL SCHOOLS IN HELPING TO ADDRESS THE WORKFORCE AND ECONOMIC DEVELOPMENT NEEDS OF THE STATE WITHIN THE SYSTEM OF HIGHER EDUCATION.
- (5) THE COMMISSION, IN COLLABORATION WITH THE GOVERNING BOARDS, SHALL ENSURE THAT THE MASTER PLAN PREPARED PURSUANT TO THIS SECTION SPECIFICALLY ADDRESSES PROVIDING PROGRAMS THAT SUPPORT AND HELP ENSURE THE SUCCESS OF STUDENTS WHO GRADUATE FROM COLORADO HIGH SCHOOLS AND ARE ENROLLING AS FIRST-TIME FRESHMEN STUDENTS AND MEET ONE OR MORE OF THE FOLLOWING CRITERIA:
 - (a) THE STUDENT'S FAMILY IS LOW-INCOME AND THE STUDENT IS LIKELY TO INCUR SIGNIFICANT STUDENT DEBT IN ATTENDING AN INSTITUTION OF HIGHER EDUCATION;
 - (b) THE STUDENT'S PARENTS DID NOT ATTEND POSTSECONDARY EDUCATION AND MAY NOT HAVE GRADUATED FROM HIGH SCHOOL;
 - (c) THE STUDENT IS A MEMBER OF AN UNDERREPRESENTED POPULATION; OR
 - (d) THE STUDENT HAS LIMITED ACCESS TO TECHNOLOGIES TO SUPPORT LEARNING.
- (6) PRIOR TO SUBMITTING THE MASTER PLAN TO THE GOVERNOR AND THE GENERAL ASSEMBLY, THE COMMISSION SHALL DISTRIBUTE A DRAFT OF THE PLAN TO THE GOVERNING BOARDS FOR COMMENT. EACH GOVERNING BOARD SHALL SUBMIT TO THE COMMISSION ITS COMMENTS AND ANY SUGGESTED REVISIONS WITHIN THIRTY DAYS AFTER RECEIVING THE DRAFT PLAN. THE COMMISSION SHALL DISCUSS AND CONSIDER ANY REVISIONS SUGGESTED BY THE GOVERNING BOARDS TO THE DRAFT MASTER PLAN.
- (7) FOLLOWING RENEGOTIATION OF THE INSTITUTIONS' PERFORMANCE CONTRACTS PURSUANT TO SECTION 23-5-129 TO REFLECT THE INSTITUTIONAL GOALS SPECIFIED IN THE MASTER PLAN, EACH GOVERNING BOARD SHALL REVISE AND UPDATE THE STRATEGIC PLAN FOR EACH PUBLIC INSTITUTION OF HIGHER EDUCATION THAT IS UNDER THE GOVERNING BOARD'S DIRECTION TO REFLECT THE STATE GOALS SPECIFIED IN THE MASTER PLAN AND THE AGREED UPON GOALS AND EXPECTATIONS FOR THE INSTITUTION.
- (8) AT REGULAR INTERVALS, THE COMMISSION SHALL CONVENE A MEETING OF STAKEHOLDERS TO COLLECTIVELY IDENTIFY THE AREAS THAT ARE OF HIGHEST PRIORITY IN ENSURING THE SUCCESS OF THE STATE. THE COMMISSION SHALL APPLY THESE AREAS IN NEGOTIATING THE GOALS SPECIFIED IN SUBSECTION (2) OF THIS SECTION AND IN THE MASTER PLAN. AT A MINIMUM, THE STAKEHOLDERS INCLUDED IN THE MEETINGS SHALL INCLUDE REPRESENTATIVES OF THE BUSINESS AND PROFESSIONAL COMMUNITIES; REPRESENTATIVES OF TECHNOLOGICAL, INDUSTRIAL, AND ENVIRONMENTAL INTERESTS IN THE STATE; REPRESENTATIVES OF THE VISUAL AND PERFORMING ARTS COMMUNITIES IN THE STATE; REPRESENTATIVES OF THE GOVERNING BOARDS AND OF PUBLIC INSTITUTIONS OF HIGHER EDUCATION; REPRESENTATIVES OF PRIVATE, NONPROFIT INSTITUTIONS OF HIGHER EDUCATION; REPRESENTATIVES OF THE ELEMENTARY AND SECONDARY EDUCATION SYSTEM IN THE STATE; AND STATE LEGISLATORS.
- (9) (a) THE COMMISSION, THE DEPARTMENT, AND THE GOVERNING BOARDS SHALL JOINTLY ESTABLISH METRICS BY WHICH TO TRACK PROGRESS TOWARD ATTAINING THE STATE GOALS SPECIFIED IN SUBSECTION (3) OF THIS SECTION AND IN THE MASTER PLAN AND TO TRACK THE PROGRESS MADE BY EACH PUBLIC INSTITUTION OF HIGHER EDUCATION AND EACH PRIVATE INSTITUTION IN MEETING THE EXPECTATIONS AND GOALS AGREED UPON IN ITS PERFORMANCE CONTRACT UNDER SECTION 23-5-129. THE DEPARTMENT SHALL COLLECT FROM THE PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION THE DATA NECESSARY FOR THE ESTABLISHED METRICS. EACH INSTITUTION SHALL PROVIDE TO THE DEPARTMENT THE DATA REQUESTED IN THE FORM REQUESTED BY THE DEPARTMENT FOR PURPOSES OF COMPARISON AND MEASURING PROGRESS OVER TIME.
- (b) THE COMMISSION AND THE DEPARTMENT SHALL COMPILE AND ANALYZE THE METRICS AND THE DATA COLLECTED PURSUANT TO

PARAGRAPH (a) OF THIS SUBSECTION (9) AND, AS SPECIFIED IN SECTION 23-5-129 (6), ANNUALLY REPORT THE SUCCESS OF THE STATEWIDE SYSTEM OF HIGHER EDUCATION AND THE PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION IN ACHIEVING THE STATE GOALS AND SERVING THE PEOPLE OF THE STATE OF COLORADO.

(10) (a) No LATER THAN THE 2016 REGULAR LEGISLATIVE SESSION, THE COMMISSION SHALL RECOMMEND TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, STATUTORY CHANGES NECESSARY TO IMPLEMENT A PERFORMANCE-BASED FUNDING METHOD THAT AUTHORIZES THE COMMISSION TO DIRECTLY ALLOCATE TWENTY-FIVE PERCENT OF THE STATE FUNDING FOR THE STATEWIDE SYSTEM OF HIGHER EDUCATION BASED ON THE DEMONSTRATED PERFORMANCE OF THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION.

(b) BEGINNING IN THE 2016-17 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER, THE COMMISSION SHALL DIRECTLY ALLOCATE TWENTY-FIVE PERCENT OF THE STATE FUNDING FOR THE STATEWIDE SYSTEM OF HIGHER EDUCATION TO THE GOVERNING BOARDS, INCLUDING THE GOVERNING BOARDS FOR THE JUNIOR COLLEGES AND THE AREA VOCATIONAL SCHOOLS, BASED ON THE DEMONSTRATED PERFORMANCE OF THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION THAT ARE UNDER THE GOVERNING BOARDS' RESPECTIVE DIRECTION IN MEETING THE INSTITUTIONS' GOALS AND EXPECTATIONS SPECIFIED IN THE INSTITUTIONS' PERFORMANCE CONTRACTS.

SECTION 2. Article 1 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

23-1-108.1. Duties and powers of the commission with regard to systemwide planning. (1) THE COMMISSION, AFTER CONSULTATION WITH THE GOVERNING BOARDS OF INSTITUTIONS SHALL HAVE THE AUTHORITY TO:

(a) ESTABLISH A POLICY-BASED AND CONTINUING SYSTEMWIDE PLANNING, PROGRAMMING, AND COORDINATION PROCESS TO EFFECT THE BEST USE OF AVAILABLE RESOURCES;

(b) ESTABLISH SUCH ACADEMIC AND VOCATIONAL EDUCATION PLANNING AS MAY BE NECESSARY TO ACCOMPLISH AND SUSTAIN THE STATE GOALS SPECIFIED IN SECTION 23-1-108 AND THE MASTER PLAN ADOPTED PURSUANT TO SECTION 23-1-108;

(c) DETERMINE THE ROLE AND MISSION OF EACH STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION WITHIN STATUTORY GUIDELINES;

(d) ESTABLISH ENROLLMENT POLICIES, CONSISTENT WITH ROLES AND MISSIONS, AT STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION AS DESCRIBED IN STATUTE AND FURTHER DEFINED IN PARAGRAPH (c) OF THIS SUBSECTION (1);

(e) ESTABLISH STATE POLICIES THAT DIFFERENTIATE ADMISSION AND PROGRAM STANDARDS AND THAT ARE CONSISTENT WITH INSTITUTIONAL ROLES AND MISSIONS AS DESCRIBED IN STATUTE AND FURTHER DEFINED IN PARAGRAPH (c) OF THIS SUBSECTION (1);

(f) ADOPT STATEWIDE AFFIRMATIVE ACTION POLICIES FOR THE COMMISSION, GOVERNING BOARDS, AND STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION. RESPONSIBILITY FOR IMPLEMENTATION OF THE POLICIES IS RESERVED TO THE GOVERNING BOARDS.

(g) REPORT NOT LESS THAN EVERY FOUR YEARS TO THE EDUCATION COMMITTEES OF THE GENERAL ASSEMBLY, OR ANY SUCCESSOR COMMITTEES, ON THE NEED FOR, ADVISABILITY OF, OR PROGRESS TOWARD REORGANIZING THE STRUCTURE OF PUBLIC HIGHER EDUCATION IN COLORADO; AND

(h) ESTABLISH SYSTEMWIDE POLICIES CONCERNING ADMINISTRATIVE COSTS.

(2) THE COMMISSION SHALL DEVELOP CRITERIA FOR DETERMINING WHETHER AN INSTITUTION SHOULD BE CONSOLIDATED OR CLOSED AND, AFTER CONSULTATION WITH THE APPROPRIATE GOVERNING BOARD, SHALL MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY FOR CLOSURE OR CONSOLIDATION OF CAMPUSES THAT MEET THE CRITERIA.

(3) THE COMMISSION SHALL DEVELOP, AFTER CONSULTATION WITH THE GOVERNING BOARDS OF INSTITUTIONS, COOPERATIVE PROGRAMS AMONG STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION.

(4) THE COMMISSION SHALL CONVENE PERIODICALLY THE CHIEF EXECUTIVE OFFICERS OF THE CAMPUSES FOR THE PURPOSE OF EVALUATING AND DISCUSSING STATEWIDE POLICY ISSUES.

(5) THE COMMISSION SHALL ESTABLISH PROGRAMS TO DEVELOP AND IMPROVE GOVERNING BOARDS CONCERNING STATEWIDE EDUCATIONAL POLICY ISSUES.

(6) THE COMMISSION SHALL PRESCRIBE UNIFORM ACADEMIC REPORTING POLICIES AND PROCEDURES TO WHICH THE GOVERNING BOARDS AND THEIR INSTITUTIONS SHALL ADHERE.

(7) THE STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION SHALL PROVIDE THE COMMISSION WITH SUCH DATA AS THE COMMISSION DEEMS NECESSARY UPON ITS FORMAL REQUEST. DATA FOR INDIVIDUAL STUDENTS OR PERSONNEL SHALL NOT BE DIVULGED OR MADE KNOWN IN ANY WAY BY THE EXECUTIVE DIRECTOR OR BY ANY COMMISSION EMPLOYEE, EXCEPT IN ACCORDANCE WITH JUDICIAL ORDER OR AS OTHERWISE PROVIDED BY LAW. A PERSON WHO VIOLATES THIS SUBSECTION (7) COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S. IN ADDITION, THE PERSON SHALL BE REMOVED OR DISMISSED FROM PUBLIC SERVICE ON GROUNDS OF MALFEASANCE IN OFFICE.

(8) THE COMMISSION, ON BEHALF OF THE STATE OF COLORADO, MAY ENTER INTO AGREEMENTS WITH ANOTHER STATE OR WITH THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION ON BEHALF OF ANOTHER STATE FOR THE GRANTING OF FULL OR PARTIAL WAIVERS OF THE NONRESIDENT TUITION TO RESIDENTS OF SUCH OTHER STATES WHO ARE POSTGRADUATE OR PROFESSIONAL STUDENTS AT, OR ARE ELIGIBLE FOR ADMISSION AS POSTGRADUATE STUDENTS TO, ANY OF THE STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION IN COLORADO IF THE AGREEMENT PROVIDES THAT, UNDER SUBSTANTIALLY THE SAME CIRCUMSTANCES, SUCH OTHER STATE WILL GRANT RECIPROCAL WAIVERS TO RESIDENTS OF COLORADO WHO ARE POSTGRADUATE OR PROFESSIONAL STUDENTS OF UNIVERSITIES OR COLLEGES IN SUCH OTHER STATES. THE COMMISSION, IN CONSULTATION WITH THE AFFECTED COLORADO INSTITUTIONS, SHALL ESTABLISH REGULATIONS GOVERNING THE ADMINISTRATION OF AGREEMENTS AND THE GRANTING OF WAIVERS. IN 1996 AND IN EACH SUBSEQUENT EVEN-NUMBERED YEAR, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY ON THESE PROGRAMS.

(9) (a) THE COMMISSION SHALL ESTABLISH FEE POLICIES BASED ON INSTITUTIONAL ROLE AND MISSION, AND THE GOVERNING BOARDS SHALL SET FEES CONSISTENT WITH SUCH POLICIES. THE COMMISSION SHALL FOLLOW THE REQUIREMENTS OF SECTION 23-1-123 IN ESTABLISHING FEE POLICIES PURSUANT TO THIS SUBSECTION (9).

(b) FOR FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2016, THE COMMISSION SHALL ESTABLISH TUITION POLICIES BASED ON INSTITUTIONAL ROLE AND MISSION, AND THE GOVERNING BOARDS SHALL SET TUITION CONSISTENT WITH SAID POLICIES.

(10) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ACADEMIC DEGREE PROGRAMS AT STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION BE DESIGNED AND IMPLEMENTED TO ENSURE AND EMPHASIZE THAT UNDERGRADUATE STUDENTS HAVE THE MAXIMUM RANGE OF OPPORTUNITIES AND ASSISTANCE TO COMPLETE THEIR COURSES OF STUDY AND OBTAIN THEIR DEGREES IN A REASONABLE AMOUNT OF TIME. THE GENERAL ASSEMBLY THEREFORE DIRECTS THE COMMISSION, WITHIN EXISTING RESOURCES, TO IMPLEMENT AND REVISE APPROPRIATE POLICIES, INCLUDING FINANCIAL INCENTIVES, TO ENSURE THAT STUDENTS AT STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION COMPLETE THEIR ACADEMIC DEGREE PROGRAMS IN THE MOST EFFICIENT, EFFECTIVE, AND PRODUCTIVE MANNER.

23-1-108.3. Transfer agreements - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "NATIVE STUDENT" MEANS A STUDENT WHO BEGINS AND COMPLETES AN UNDERGRADUATE DEGREE PROGRAM AT A SINGLE PUBLIC INSTITUTION OF HIGHER EDUCATION.

(b) "PUBLIC INSTITUTION OF HIGHER EDUCATION" MEANS A PUBLIC POSTSECONDARY INSTITUTION THAT IS GOVERNED BY:

(I) THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM;

(II) THE BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO;

- (III) THE BOARD OF TRUSTEES OF THE COLORADO SCHOOL OF MINES;
 - (IV) THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTHERN COLORADO;
 - (V) THE BOARD OF TRUSTEES OF ADAMS STATE COLLEGE;
 - (VI) THE BOARD OF TRUSTEES OF WESTERN STATE COLLEGE OF COLORADO;
 - (VII) THE BOARD OF TRUSTEES OF MESA STATE COLLEGE;
 - (VIII) THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE;
 - (IX) THE BOARD OF TRUSTEES FOR METROPOLITAN STATE COLLEGE OF DENVER;
 - (X) THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION; OR
 - (XI) THE BOARD OF TRUSTEES OF A JUNIOR COLLEGE DISTRICT ORGANIZED PURSUANT TO ARTICLE 71 OF THIS TITLE.
- (c) "STATEWIDE DEGREE TRANSFER AGREEMENT" MEANS AN AGREEMENT AMONG ALL OF THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION FOR THE TRANSFER OF AN ASSOCIATE OF ARTS OR AN ASSOCIATE OF SCIENCE DEGREE. A STATEWIDE DEGREE TRANSFER AGREEMENT APPLIES TO COMMON DEGREE PROGRAMS AND SPECIFIES THE COMMON TERMS, CONDITIONS, AND EXPECTATIONS FOR STUDENTS ENROLLED IN STATEWIDE DEGREE TRANSFER PROGRAMS.
- (2) THE COMMISSION, AFTER CONSULTATION WITH THE GOVERNING BOARDS OF INSTITUTIONS, SHALL ESTABLISH AND ENFORCE STATEWIDE DEGREE TRANSFER AGREEMENTS BETWEEN TWO-YEAR AND FOUR-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION AND AMONG FOUR-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION. GOVERNING BOARDS AND PUBLIC INSTITUTIONS OF HIGHER EDUCATION SHALL IMPLEMENT THE STATEWIDE DEGREE TRANSFER AGREEMENTS AND THE COMMISSION POLICIES RELATING TO THE STATEWIDE DEGREE TRANSFER AGREEMENTS. THE STATEWIDE DEGREE TRANSFER AGREEMENTS SHALL INCLUDE PROVISIONS UNDER WHICH PUBLIC INSTITUTIONS OF HIGHER EDUCATION SHALL ACCEPT ALL CREDIT HOURS OF ACCEPTABLE COURSE WORK FOR AUTOMATIC TRANSFER FROM AN ASSOCIATE OF ARTS OR ASSOCIATE OF SCIENCE DEGREE PROGRAM IN ANOTHER PUBLIC INSTITUTION OF HIGHER EDUCATION IN COLORADO. THE COMMISSION SHALL HAVE FINAL AUTHORITY IN RESOLVING TRANSFER DISPUTES.
- (3) (a) A STUDENT WHO COMPLETES AN ASSOCIATE OF ARTS OR ASSOCIATE OF SCIENCE DEGREE THAT IS THE SUBJECT OF A STATEWIDE DEGREE TRANSFER AGREEMENT AND WHO TRANSFERS FROM THE PUBLIC INSTITUTION OF HIGHER EDUCATION THAT AWARDED THE DEGREE TO A FOUR-YEAR PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL, IF ADMITTED, BE ENROLLED WITH JUNIOR STATUS. SUCCESSFUL COMPLETION OF AN ASSOCIATE OF ARTS OR ASSOCIATE OF SCIENCE DEGREE DOES NOT GUARANTEE THE DEGREE HOLDER ADMISSION TO A FOUR-YEAR PUBLIC INSTITUTION OF HIGHER EDUCATION.
- (b) A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT ADMITS AS A JUNIOR A STUDENT WHO HOLDS AN ASSOCIATE OF ARTS DEGREE OR ASSOCIATE OF SCIENCE DEGREE THAT IS THE SUBJECT OF A STATEWIDE DEGREE TRANSFER AGREEMENT MAY NOT REQUIRE THE STUDENT TO COMPLETE ANY ADDITIONAL CREDIT HOURS OF LOWER-DIVISION GENERAL EDUCATION COURSES; EXCEPT THAT THE INSTITUTION MAY REQUIRE THE STUDENT TO COMPLETE ADDITIONAL LOWER-DIVISION GENERAL EDUCATION COURSES IF NECESSARY FOR PREPARATION IN THE DEGREE PROGRAM IN WHICH THE STUDENT ENROLLS SO LONG AS THE ADDITIONAL COURSES ARE CONSISTENT WITH PUBLISHED DEGREE PROGRAM REQUIREMENTS FOR NATIVE STUDENTS AND DO NOT EXTEND THE TIME TO DEGREE COMPLETION BEYOND THAT REQUIRED FOR NATIVE STUDENTS IN THE SAME DEGREE PROGRAM.
- (4) (a) BEGINNING JULY 1, 2010, THE COMMISSION, IN COLLABORATION WITH THE GOVERNING BOARDS AND THE COUNCIL CONVENED PURSUANT TO SECTION 23-1-108.5 (3) (a), SHALL NEGOTIATE STATEWIDE DEGREE TRANSFER AGREEMENTS AND SHALL ENSURE THAT THERE ARE AT LEAST FOUR STATEWIDE DEGREE TRANSFER AGREEMENTS IN PLACE NO LATER THAN JULY 1, 2012, AND THAT, BY NO LATER THAN JULY 1, 2016, THERE ARE A TOTAL OF AT LEAST FOURTEEN STATEWIDE DEGREE TRANSFER AGREEMENTS.
- (b) THE GOVERNING BOARDS SHALL RECOMMEND TO THE COMMISSION THE DEGREE PROGRAMS THAT WOULD BE MOST APPROPRIATE

FOR STATEWIDE DEGREE TRANSFER AGREEMENTS BASED ON STUDENT DEMAND AND THE WORKFORCE NEEDS OF THE STATE.

(5) THE EXISTENCE OF STATEWIDE DEGREE TRANSFER AGREEMENTS DOES NOT PRECLUDE OR RESTRICT A PUBLIC INSTITUTION OF HIGHER EDUCATION FROM AWARDING NONTRANSFER ASSOCIATE OF ARTS OR ASSOCIATE OF SCIENCE DEGREES, APPLIED ASSOCIATE DEGREES, OR GENERAL LIBERAL ARTS ASSOCIATE OF ARTS OR ASSOCIATE OF SCIENCE DEGREES.

(6) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:

(a) PREVENT OR OTHERWISE INTERFERE WITH THE ABILITY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION TO FULFILL ITS STATUTORY ROLE AND MISSION;

(b) PROHIBIT ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION FROM ENTERING INTO MEMORANDA OF UNDERSTANDING FOR THE TRANSFER OF DEGREES AMONG THE AGREEING INSTITUTIONS;

(c) IMPAIR ANY MEMORANDA OF UNDERSTANDING BETWEEN OR AMONG INSTITUTIONS OF HIGHER EDUCATION IN EFFECT PRIOR TO AUGUST 11, 2010; OR

(d) REQUIRE THE TRANSFER OF COURSE CREDITS EARNED DURING OR APPLICABLE TO A STUDENT'S JUNIOR OR SENIOR YEAR.

(7) ON OR BEFORE OCTOBER 1, 1993, THE COMMISSION SHALL ESTABLISH AND ENFORCE STUDENT TRANSFER AGREEMENTS BETWEEN DEGREE PROGRAMS OFFERED ON THE SAME CAMPUS OR WITHIN THE SAME INSTITUTIONAL SYSTEM. GOVERNING BOARDS AND PUBLIC INSTITUTIONS OF HIGHER EDUCATION SHALL IMPLEMENT THE AGREEMENTS AND COMMISSION POLICIES RELATING TO THE AGREEMENTS. IN ACCORDANCE WITH THE PROVISIONS OF SECTION 23-5-122, THE AGREEMENTS SHALL PROVIDE THAT:

(a) IF, NOT MORE THAN TEN YEARS PRIOR TO TRANSFERRING INTO AN UNDERGRADUATE DEGREE PROGRAM, A STUDENT EARNS CREDIT HOURS THAT ARE REQUIRED FOR GRADUATION FROM THE UNDERGRADUATE DEGREE PROGRAM, THE CREDIT HOURS SHALL APPLY TO THE COMPLETION OF THE STUDENT'S GRADUATION REQUIREMENTS FROM THE UNDERGRADUATE DEGREE PROGRAM FOLLOWING THE TRANSFER;

(b) A STUDENT WHO TRANSFERS INTO AN UNDERGRADUATE DEGREE PROGRAM SHALL NOT BE REQUIRED TO COMPLETE A GREATER NUMBER OF CREDIT HOURS IN THOSE COURSES THAT ARE REQUIRED FOR GRADUATION FROM THE UNDERGRADUATE DEGREE PROGRAM THAN ARE REQUIRED OF STUDENTS WHO BEGAN IN THE UNDERGRADUATE DEGREE PROGRAM, NOR SHALL THERE BE ANY MINIMUM NUMBER OF CREDIT HOURS REQUIRED POST-TRANSFER OTHER THAN THE NORMAL DEGREE REQUIREMENTS FOR NONTRANSFERRING STUDENTS; AND

(c) THE GRADE POINT AVERAGE THAT IS REQUIRED FOR A STUDENT TO APPLY FOR AND BE FULLY CONSIDERED FOR TRANSFER INTO AN UNDERGRADUATE DEGREE PROGRAM SHALL BE NO HIGHER THAN THE GRADE POINT AVERAGE THAT IS REQUIRED FOR GRADUATION FROM THE UNDERGRADUATE DEGREE PROGRAM.

SECTION 3. 23-5-129, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

23-5-129. Governing boards - performance contract - authorization - operations - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COMMISSION" MEANS THE COLORADO COMMISSION ON HIGHER EDUCATION ESTABLISHED IN SECTION 23-1-102.

(b) "DEPARTMENT" MEANS THE DEPARTMENT OF HIGHER EDUCATION CREATED AND OPERATING PURSUANT TO SECTION 24-1-114, C.R.S.

(c) "FINANCIAL AND ACCOUNTABILITY PLAN" MEANS A FINANCIAL AND ACCOUNTABILITY PLAN DESCRIBED IN SECTION 23-5-130.5.

(d) "MASTER PLAN" MEANS THE MASTER PLAN FOR COLORADO POSTSECONDARY EDUCATION ADOPTED BY THE COMMISSION PURSUANT TO SECTION 23-1-108.

(e) "PRIVATE INSTITUTION OF HIGHER EDUCATION" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 23-18-102 (9).

(f) "PUBLIC INSTITUTION OF HIGHER EDUCATION" MEANS A PUBLIC POSTSECONDARY INSTITUTION THAT IS GOVERNED BY:

(I) THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM;

(II) THE BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO;

- (III) THE BOARD OF TRUSTEES OF THE COLORADO SCHOOL OF MINES;
 - (IV) THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTHERN COLORADO;
 - (V) THE BOARD OF TRUSTEES OF ADAMS STATE COLLEGE;
 - (VI) THE BOARD OF TRUSTEES OF WESTERN STATE COLLEGE OF COLORADO;
 - (VII) THE BOARD OF TRUSTEES OF MESA STATE COLLEGE;
 - (VIII) THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE;
 - (IX) THE BOARD OF TRUSTEES FOR METROPOLITAN STATE COLLEGE OF DENVER;
 - (X) THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION;
 - (XI) THE BOARD OF TRUSTEES OF A JUNIOR COLLEGE DISTRICT ORGANIZED PURSUANT TO ARTICLE 71 OF THIS TITLE; OR
 - (XII) A SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES AND IS DESIGNATED BY THE GENERAL ASSEMBLY AS AN AREA VOCATIONAL SCHOOL AS DEFINED IN SECTION 23-60-103.
- (g) "UNFUNDED ENROLLMENT GROWTH" MEANS THE AMOUNT OF ENROLLMENT GROWTH CALCULATED PURSUANT TO SUBSECTION (10) OF THIS SECTION THAT HAS NOT BEEN FUNDED FOR EACH GOVERNING BOARD IN FISCAL YEARS IDENTIFIED BY THE COMMISSION THAT PRECEDE THE FISCAL YEAR IN WHICH THE UNFUNDED ENROLLMENT GROWTH IS CALCULATED.
- (2) THE PERFORMANCE CONTRACTS NEGOTIATED PURSUANT TO THIS SECTION AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF THE REPEAL AND REENACTMENT OF THIS SECTION SHALL REMAIN IN EFFECT UNTIL JUNE 30, 2012.
- (3) (a) NO LATER THAN JULY 1, 2012, EACH GOVERNING BOARD SHALL NEGOTIATE AND FINALIZE WITH THE DEPARTMENT A NEW PERFORMANCE CONTRACT FOR THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION UNDER THE GOVERNING BOARD'S CONTROL. THE PERFORMANCE CONTRACT SHALL SPECIFY THE PERFORMANCE EXPECTATIONS THE INSTITUTION OR INSTITUTIONS SHALL ACHIEVE DURING THE TERM OF THE CONTRACT. THE GOVERNING BOARDS AND THE DEPARTMENT SHALL BASE THE INSTITUTIONS' PERFORMANCE EXPECTATIONS ON THE GOALS FOR THE STATEWIDE SYSTEM OF HIGHER EDUCATION ESTABLISHED IN, AND FURTHER ARTICULATED BY THE COMMISSION PURSUANT TO THE MASTER PLAN ADOPTED PURSUANT TO SECTION 23-1-108. THE SPECIFIED EXPECTATIONS SET FORTH IN THE PERFORMANCE CONTRACT FOR EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL BE MEASURABLE AND TAILORED TO THE INSTITUTION'S ROLE AND MISSION. EACH INSTITUTION'S PERFORMANCE CONTRACT SHALL INCLUDE ANNUAL BENCHMARKS FOR MEASURING PROGRESS AND STRATEGIES THE INSTITUTION MAY EMPLOY IN MEETING ITS EXPECTATIONS. AN INSTITUTION'S PERFORMANCE CONTRACT MAY INCLUDE NEGOTIATED PROVISIONS PERTAINING TO THE INSTITUTION'S COMPLIANCE WITH SELECTED REQUIREMENTS SPECIFIED IN ARTICLE 1 OF THIS TITLE. THE INSTITUTION'S COMPLIANCE WITH SAID NEGOTIATED PROVISIONS SHALL BE IN LIEU OF COMPLIANCE WITH THE SELECTED REQUIREMENTS AS SPECIFIED IN ARTICLE 1 OF THIS TITLE.
- (b) IF A PRIVATE INSTITUTION OF HIGHER EDUCATION PLANS TO ACCEPT STIPENDS PAID ON BEHALF OF ELIGIBLE UNDERGRADUATE STUDENTS PURSUANT TO ARTICLE 18 OF THIS TITLE, THE PRIVATE INSTITUTION OF HIGHER EDUCATION SHALL NEGOTIATE AND FINALIZE NO LATER THAN JULY 1, 2012, A PERFORMANCE CONTRACT WITH THE DEPARTMENT, WHICH CONTRACT SHALL SPECIFY THE PERFORMANCE GOALS THE INSTITUTION SHALL ACHIEVE DURING THE PERIOD THAT IT OPERATES UNDER THE CONTRACT.
- (c) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (3) TO THE CONTRARY, THE PROVISIONS OF THIS SUBSECTION (3) SHALL NOT APPLY TO THE PERFORMANCE CONTRACT WITH THE COLORADO SCHOOL OF MINES, AUTHORIZED BY SECTION 23-41-104.6, THAT IS IN PLACE ON JULY 1, 2004, AND THAT IS EXTENDED UNTIL JUNE 30, 2012. THE PERFORMANCE CONTRACT THE DEPARTMENT NEGOTIATES WITH THE SCHOOL OF MINES THAT TAKES EFFECT JULY 1, 2012, SHALL BE AUTHORIZED PURSUANT TO SECTION 23-41-104.6.
- (4) THE COMMISSION SHALL REVIEW AND APPROVE EACH PERFORMANCE CONTRACT BETWEEN THE DEPARTMENT AND ANY PUBLIC

OR PRIVATE INSTITUTION OF HIGHER EDUCATION BEFORE THE CONTRACT MAY BECOME EFFECTIVE. THE TERM OF A PERFORMANCE CONTRACT MAY BE UP TO FIVE YEARS AS NEGOTIATED BY THE DEPARTMENT, THE GOVERNING BOARD, AND THE INSTITUTION. THE DEPARTMENT MAY RENEGOTIATE AND RENEW AN INSTITUTION'S PERFORMANCE CONTRACT AT ITS DISCRETION, WITH THE AGREEMENT OF THE COMMISSION, THE GOVERNING BOARD, AND THE INSTITUTION.

(5) (a) THE DEPARTMENT SHALL COLLECT DATA FROM THE GOVERNING BOARDS AND THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION AS NECESSARY TO COMPLETE THE METRICS ESTABLISHED BY THE COMMISSION AND THE DEPARTMENT PURSUANT TO SECTION 23-1-108 (9) TO MEASURE THE SUCCESS OF THE STATEWIDE SYSTEM OF HIGHER EDUCATION IN MEETING THE STATE GOALS ESTABLISHED IN SECTION 23-1-108 AND THE MASTER PLAN AND EACH INSTITUTION'S CONTRIBUTION TO MEETING THE STATE GOALS, INDICATED BY THE INSTITUTION'S SUCCESS IN MEETING THE EXPECTATIONS SPECIFIED IN ITS PERFORMANCE CONTRACT.

(b) THE COMMISSION AND THE DEPARTMENT SHALL COORDINATE AND CONSOLIDATE THE OVERSIGHT OF AND DATA COLLECTION FOR THE PERFORMANCE CONTRACTS AND THE FINANCIAL AND ACCOUNTABILITY PLANS AND ENSURE THAT THE CONTRACTS, THE PLANS, AND ANY OTHER ACCOUNTABILITY MEASURES IMPLEMENTED BY THE COMMISSION AND AGREED UPON BY THE GOVERNING BOARDS ALIGN WITH THE STATE MASTER PLAN ADOPTED PURSUANT TO SECTION 23-1-108 AND ARE INCLUDED IN A SINGLE, COHESIVE ACCOUNTABILITY STRUCTURE FOR THE STATEWIDE SYSTEM OF HIGHER EDUCATION.

(6) (a) BEGINNING JANUARY 2014, AND EACH JANUARY THEREAFTER, THE COMMISSION SHALL SUBMIT TO THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE AND THE EDUCATION COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, TO THE ECONOMIC AND BUSINESS DEVELOPMENT COMMITTEE AND THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND TO THE MEMBERS OF THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY A REPORT CONCERNING THE IMPLEMENTATION OF THE PERFORMANCE CONTRACTS AND THE FINANCIAL AND ACCOUNTABILITY PLANS. THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(I) A REVIEW OF THE OPERATIONS OF EACH PUBLIC INSTITUTION OF HIGHER EDUCATION UNDER THE INSTITUTION'S PERFORMANCE CONTRACT AND FINANCIAL AND ACCOUNTABILITY PLAN, IF ANY;

(II) A REVIEW OF THE OPERATIONS OF ANY PRIVATE INSTITUTION OF HIGHER EDUCATION UNDER THE INSTITUTION'S PERFORMANCE CONTRACT;

(III) THE METRICS AND DATA COLLECTED TO POPULATE THE METRICS AGREED UPON BY THE GOVERNING BOARDS, THE DEPARTMENT, AND THE COMMISSION PURSUANT TO SECTION 23-1-108 (9) AND AN EXPLANATION BASED ON THE METRICS OF THE STATE'S SUCCESS IN MEETING THE STATEWIDE GOALS SPECIFIED IN SECTION 23-1-108 AND THE MASTER PLAN AND FURTHER ARTICULATED BY THE COMMISSION AND EACH INSTITUTION'S CONTRIBUTION TO THAT SUCCESS BASED ON MEETING THE EXPECTATIONS SPECIFIED IN THE INSTITUTION'S PERFORMANCE CONTRACT.

(b) IN SUBMITTING THE REPORT, THE COMMISSION MAY MAKE RECOMMENDATIONS FOR STATUTORY CHANGES, INCLUDING CHANGES TO THE STATE GOALS, AS THE COMMISSION DEEMS APPROPRIATE TO INCREASE THE CONTRIBUTION OF THE STATEWIDE SYSTEM OF HIGHER EDUCATION TO THE CITIZENS AND ECONOMY OF THE STATE.

(c) THE DEPARTMENT SHALL POST THE REPORT ON ITS WEB SITE FOR PUBLIC ACCESS.

(7) WHILE OPERATING PURSUANT TO A PERFORMANCE CONTRACT NEGOTIATED PURSUANT TO THIS SECTION, THE GOVERNING BOARD OF A PUBLIC INSTITUTION OF HIGHER EDUCATION:

(a) SHALL CONTINUE TO OPERATE AS THE GOVERNING BOARD FOR THE INSTITUTION. IN ADDITION, AT THE REQUEST OF THE GOVERNING BOARD, THE GOVERNOR MAY APPOINT ADDITIONAL ADVISORY MEMBERS TO THE GOVERNING BOARD TO SUSTAIN AND ENHANCE THE ROLE AND MISSION OF THE INSTITUTION. ADDITIONAL MEMBERS OF THE GOVERNING BOARD SHALL SERVE AS NONVOTING MEMBERS OF THE BOARD AND SHALL SERVE WITHOUT COMPENSATION. THE ROLE OF THE ADVISORY MEMBERS

SHALL BE TO IMPROVE THE GOVERNING BOARD'S OPPORTUNITIES TO DEVELOP AND ENRICH THE ACADEMIC AND RESEARCH PROGRAMS AT THE INSTITUTION.

(b) NEED NOT CONSULT WITH NOR OBTAIN APPROVAL FROM THE COMMISSION TO CREATE, MODIFY, OR ELIMINATE ACADEMIC AND VOCATIONAL PROGRAMS OFFERED BY THE INSTITUTION, SO LONG AS SUCH CREATIONS, MODIFICATIONS, AND ELIMINATIONS ARE CONSISTENT WITH THE INSTITUTION'S STATUTORY ROLE AND MISSION. AN INSTITUTION SHALL SUBMIT INFORMATION TO THE DEPARTMENT DEMONSTRATING THAT THE CREATION OR MODIFICATION OF AN ACADEMIC OR CAREER AND TECHNICAL EDUCATION PROGRAM IS CONSISTENT WITH THE INSTITUTION'S STATUTORY ROLE AND MISSION. THE COMMISSION MAY OVERRIDE THE CREATION OR MODIFICATION OF AN ACADEMIC OR VOCATIONAL PROGRAM IF THE CHANGE MADE BY THE GOVERNING BOARD IS INCONSISTENT WITH THE INSTITUTION'S STATUTORY ROLE AND MISSION.

(c) SHALL REPORT TO THE COMMISSION ITS PLANS FOR ANY TUITION OR OTHER PROPOSED INCREASES FOR THE FOLLOWING FISCAL YEAR, USING APPROVED FORMS, FOR THE COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY DURING THE ANNUAL BUDGET PROCESS; EXCEPT THAT THE PROVISIONS OF THIS PARAGRAPH (c) SHALL NOT APPLY FOR FISCAL YEARS 2011-12 THROUGH 2015-16.

(8) WHILE OPERATING PURSUANT TO A PERFORMANCE CONTRACT NEGOTIATED PURSUANT TO THIS SECTION, A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL:

(a) REMAIN ELIGIBLE FOR STATE-FUNDED CAPITAL CONSTRUCTION PROJECTS AND CONTROLLED MAINTENANCE PROJECTS AS PROVIDED IN SECTION 23-1-106; AND

(b) CONTINUE TO ADMIT COLORADO RESIDENT APPLICANTS WITHIN THE REQUIREMENTS OF SECTION 23-1-113.5 WHO MEET THE ADMISSIONS CRITERIA OF THE INSTITUTION.

(9) WHILE A PUBLIC INSTITUTION OF HIGHER EDUCATION IS OPERATING PURSUANT TO A PERFORMANCE CONTRACT NEGOTIATED PURSUANT TO THIS SECTION, THE GENERAL ASSEMBLY RETAINS THE AUTHORITY TO APPROVE TUITION SPENDING AUTHORITY FOR THE GOVERNING BOARD OF THE INSTITUTION; EXCEPT THAT THE PROVISIONS OF THIS SUBSECTION (9) SHALL NOT APPLY FOR FISCAL YEARS 2011-12 THROUGH 2015-16.

(10) THE COMMISSION, IN CONSULTATION WITH THE GOVERNING BOARDS, MAY CALCULATE THE AMOUNT OF UNFUNDED ENROLLMENT GROWTH. DURING THE PERIOD THAT A GOVERNING BOARD IS OPERATING PURSUANT TO A PERFORMANCE CONTRACT NEGOTIATED PURSUANT TO THIS SECTION, THE COMMISSION MAY REQUEST, AS PART OF THE ANNUAL BUDGET CYCLE, A GENERAL FUND APPROPRIATION FOR EACH GOVERNING BOARD FOR THE AMOUNT OF UNFUNDED ENROLLMENT GROWTH, TO THE EXTENT THAT THERE REMAINS AN AMOUNT OF ENROLLMENT GROWTH THAT IS UNFUNDED FOR THE GOVERNING BOARD.

SECTION 4. Repeal. Article 13 of title 23 and 23-1-105 (3.7), Colorado Revised Statutes, are repealed.

SECTION 5. 23-3.3-102 (2), Colorado Revised Statutes, is amended to read:

23-3.3-102. Assistance program authorized - procedure - audits. (2) (a) The commission shall determine, by guideline, the institutions eligible for participation in the program and shall annually determine the amount allocated to each institution.

(b) THE COMMISSION SHALL DEVELOP PERFORMANCE CRITERIA THAT A NONPUBLIC INSTITUTION OF HIGHER EDUCATION SHALL MEET AS A CONDITION OF PARTICIPATING IN THE PROGRAM; EXCEPT THAT THE PERFORMANCE CRITERIA SHALL NOT APPLY TO A NONPUBLIC INSTITUTION OF HIGHER EDUCATION THAT ENTERS INTO A PERFORMANCE CONTRACT PURSUANT TO SECTION 23-5-129. THE DEPARTMENT SHALL COLLECT INFORMATION FROM NONPUBLIC INSTITUTIONS OF HIGHER EDUCATION AS NECESSARY TO APPLY THE PERFORMANCE CRITERIA. THE PERFORMANCE CRITERIA SHALL APPLY FOR FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2012.

SECTION 6. 22-60.5-116.5 (1) (b) and (2), Colorado Revised Statutes, are amended to read:

22-60.5-116.5. Education committees - evaluation of teacher preparation programs - biennial joint meeting. (1) (b) At the meeting,

the committees shall consider the reports on the review of approved teacher preparation programs received from the Colorado commission on higher education pursuant to section 23-1-121 (6), C.R.S. The committees shall take testimony from representatives of the institutions of higher education that provide the teacher preparation programs, the state board of education, the Colorado commission on higher education, and from any other interested persons. Based on the review of said reports and any testimony received, the committees shall assess whether the approved teacher preparation programs are adequately preparing teacher candidates to meet the performance-based teacher licensure standards adopted by rule of the state board of education pursuant to section 22-2-109 (3). ~~In addition, the committees shall assess whether each approved teacher preparation program is being implemented in accordance with the requirements of the "Higher Education Quality Assurance Act", article 13 of title 23, C.R.S.~~

~~(2) If the committees, based on the reports received from the Colorado commission on higher education and the state board of education, determine that an approved educator preparation program is not adequately preparing licensure candidates or is not being implemented in accordance with the requirements of the "Higher Education Quality Assurance Act", article 13 of title 23, C.R.S., the committees shall instruct the Colorado commission on higher education to reduce the funding received by the institution of higher education that provides the approved educator preparation program during the next fiscal year. The commission shall notify the committees of the amount of said reduction prior to introduction of the annual general appropriation bill.~~

SECTION 7. 23-1-107 (1) (b) and (3), Colorado Revised Statutes, are amended to read:

23-1-107. Duties and powers of the commission with respect to program approval, review, reduction, and discontinuance.

(1) (b) An institution of higher education shall submit a proposal for a new program to the department. Within a reasonable time after receipt of a proposal for a new program, the department shall review and, consistent with the institutional role and mission and the statewide ~~expectations and~~ goals specified in section ~~23-13-104~~ 23-1-108 AND FURTHER ARTICULATED IN THE MASTER PLAN ADOPTED PURSUANT TO SECTION 23-1-108, make recommendations to the commission for appropriate action on a proposal for a new program.

(3) Each governing board of the state-supported institutions of higher education shall submit to the department a plan describing the procedures and schedule for periodic program reviews and evaluation of each academic program at each institution consistent with the statewide ~~expectations and~~ goals specified in section ~~23-13-104~~ 23-1-108 AND FURTHER ARTICULATED IN THE MASTER PLAN ADOPTED PURSUANT TO SECTION 23-1-108 and the role and mission of each institution. The information to be provided to the department shall include, but shall not be limited to, the procedures for using internal and external evaluators, the sequence of such reviews, and the anticipated use of the evaluations.

SECTION 8. 23-1-112, Colorado Revised Statutes, is amended to read:

23-1-112. Tuition - reciprocal agreements. Except as provided in section ~~23-1-108 (10)~~ SECTION 23-1-108.1 (8), the commission shall identify those circumstances where the waiving of the nonresident differential in tuition rates, on a reciprocal basis with other states, would enhance educational opportunities for Colorado residents. Relative to such identified circumstances, the commission shall negotiate with the other states involved with the objective of establishing reciprocal agreements for the waiving of the nonresidential differential for Colorado residents attending state institutions of higher education in other states in exchange for Colorado state institutions of higher education waiving the nonresident differential for residents of the other states. Agreements negotiated between Colorado and other states shall provide for an equal number of resident and nonresident students to be exchanged between the states. Upon successful completion of such negotiations, the commission may identify the numbers of Colorado residents by grade level whose educational opportunities would be enhanced and the numbers of nonresident students by grade level for whom the nonresident differential is to be waived by the Colorado state institutions of higher education and may direct that the state institutions of higher education grant such

waivers. The commission shall establish regulations for the administration of this section, based on the application of the closest college concept, and for the reporting to the general assembly of the numbers of students to whom the waivers are given.

SECTION 9. 23-1-113 (1) (c), Colorado Revised Statutes, is amended to read:

23-1-113. Commission directive - admission standards for baccalaureate and graduate institutions of higher education.

(1) (c) The standards established for transfer students shall use college academic performance indicators as the eligibility criteria for admitted transfer students. In lieu of such criteria, additional criteria may be used for up to twenty percent of the admitted transfer students. The academic admission standards and policies established for transfer students shall be consistent with the student transfer agreements established by the commission pursuant to ~~section 23-1-108 (7) (f)~~ SECTION 23-1-108.3. Students who meet the minimum criteria for admission shall not be guaranteed admission to the institution to which they have applied, but they shall be eligible for consideration.

SECTION 10. 23-1-121 (1) (a) and (4) (b), Colorado Revised Statutes, are amended to read:

23-1-121. Commission directive - approval of teacher preparation programs. (1) As used in this section, unless the context otherwise requires:

(a) "Approved teacher preparation program" means a teacher preparation program that has been reviewed pursuant to the provisions of this section and has been determined by the commission to meet the performance-based standards established by the commission pursuant to this section. ~~and the requirements of section 23-1-108 and to be designed and implemented in accordance with the requirements of the "Higher Education Quality Assurance Act", article 13 of this title.~~

(4) (b) Each program review conducted pursuant to paragraph (a) of this subsection (4) shall ensure that the program meets the minimum requirements adopted pursuant to subsections (2) and (3) of this section and the requirements of ~~section 23-1-108~~ SECTION 23-1-108.1 and any policies adopted pursuant thereto. ~~In addition, the department shall ensure that the program is designed and implemented in accordance with the requirements of the "Higher Education Quality Assurance Act", article 13 of this title, for institutions of higher education that are subject to said act.~~ In determining whether to initially approve or continue the approval of a teacher preparation program, the commission shall consider any recommendations made by the state board of education pursuant to section 22-2-109 (5), C.R.S., concerning the effectiveness of the program content. If the state board of education recommends that a program not be approved, the commission shall follow the recommendation by refusing initial approval of the program or placing the program on probation.

SECTION 11. 23-3.1-206.9 (1) (a) (III), Colorado Revised Statutes, is amended to read:

23-3.1-206.9. Colorado collegeinvest scholarship program - administration - fund - policies. (1) There is hereby created the Colorado collegeinvest scholarship program for the purpose of increasing access to postsecondary education. The Colorado collegeinvest scholarship program shall be implemented and administered by the authority. A scholarship under the Colorado collegeinvest scholarship program may be awarded only to an undergraduate student who, each year:

(a) (III) Attends an area vocational school, as defined in section 23-60-103 (1), and is earning postsecondary credits that may be transferred into an associate degree program at a community college or into a degree program at a four-year institution of higher education as provided in ~~section 23-1-108 (7)~~ SECTION 23-1-108.3 and the state credit transfer policies established by the Colorado commission on higher education; and

SECTION 12. 23-5-121 (2), Colorado Revised Statutes, is amended to read:

23-5-121. Governing boards - authority to establish nonprofit corporations for developing discoveries and technology. (2) The governing board of any state-supported institution of higher education or the commission may incorporate one or more private nonprofit

corporations under articles 121 to 137 of title 7, C.R.S., for the purpose of developing discoveries and technology resulting from science and technology research at such state-supported institution of higher education. Such a corporation shall have all rights and powers of a private nonprofit corporation organized under the laws of this state and shall not be an agency of state government or a department or political subdivision thereof and shall not be subject to any provisions of law affecting only governmental or public entities; except that provisions as provided for in ~~section 23-1-108 (1) (f)~~ SECTION 23-1-108.1 (1) (f) regarding affirmative action shall be followed.

SECTION 13. 23-18-202 (2) (e), Colorado Revised Statutes, is amended to read:

23-18-202. College opportunity fund - appropriations - payment of stipends - reimbursement - repeal. (2) (e) An eligible undergraduate student who attends a participating private institution of higher education may receive financial assistance under this part 2 in the amount of fifty percent of the stipend amount; except that the amount of the stipend under this paragraph (e) may increase in proportion to the percent of unfunded enrollment growth that is appropriated to the governing boards pursuant to ~~section 23-5-129 (8)~~ 23-5-129 (10).

SECTION 14. The introductory portion to 23-41-104.6 (3), Colorado Revised Statutes, is amended to read:

23-41-104.6. Performance contract - authorization - operations. (3) Beginning July 1, 2001, for the contract in effect through ~~June 30, 2011~~ JUNE 30, 2012, and beginning ~~July 1, 2010~~ JULY 1, 2012, for the contract in effect through ~~June 30, 2021~~ JUNE 30, 2022, the board of trustees of the Colorado school of mines shall negotiate a performance contract with the Colorado commission on higher education that shall specify the performance goals that the institution shall achieve during the period that it operates under the performance contract. ~~Compliance with the goals specified in the performance contract shall be in lieu of compliance with the requirements of the "Higher Education Quality Assurance Act", article 13 of this title, and the Colorado school of mines shall therefore be exempt from the requirements of said act while operating pursuant to the performance contract.~~ The specified goals shall be measurable and specific to the Colorado school of mines' role and mission and shall include, at a minimum, the following issues:

SECTION 15. 23-60-211 (1), Colorado Revised Statutes, is amended to read:

23-60-211. Degrees. (1) Before a community college offers a two-year degree program with academic designation, as authorized by section 23-60-201, the community college shall determine the program designation for the degree. A two-year degree program with academic designation shall only be for a degree program that has a valid student transfer agreement pursuant to ~~section 23-1-108 (7)~~ SECTION 23-1-108.3. The community college shall then submit the degree program designation to the board for its review and approval. The community college may offer the degree program only after it has been approved by the board and by the Colorado commission on higher education. The community college shall exclusively use the degree program designation name in official publications, course catalogs, diplomas, and official transcripts.

SECTION 16. 23-60-802, Colorado Revised Statutes, is amended to read:

23-60-802. Area vocational schools - credits - transfer. On or before September 1, 2004, the board shall adopt policies to ensure that, if a student completes a program of study at an area vocational school and subsequently enrolls in an institution within the state system of community and technical colleges, or transfers from an area vocational school to an institution within the state system of community and technical colleges, any postsecondary course credits earned by the student while enrolled in the area vocational school will apply in full at another area vocational school or to an appropriate program leading to a certificate or to an associate degree at a community or technical college. Postsecondary credits earned by a student at an area vocational school may be transferred into an associate degree program at a community college or into a degree program at a four-year institution of higher education as provided in ~~section 23-1-108 (7)~~ SECTION 23-1-108.3 and the state credit transfer policies established by the Colorado commission on higher education.

	SECTION 17. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."	1 2 3 4 5
Appropriations	After consideration on the merits, the Committee recommends that SB11-198 be referred to the Committee of the Whole with favorable recommendation.	6 7 8 9
Appropriations	After consideration on the merits, the Committee recommends that HB11-1155 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	10 11 12 13 14
	Strike the State, Veterans & Military Affairs Committee Report, dated March 14, 2011.	15 16 17 18
Appropriations	After consideration on the merits, the Committee recommends that HB11-1033 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.	19 20 21 22 23
	Amend reengrossed bill, page 1, line 103 strike "INSURANCE." and substitute "INSURANCE, AND MAKING AN APPROPRIATION THEREFOR."	24 25 26 27
Appropriations	After consideration on the merits, the Committee recommends that HB11-1097 be referred to the Committee of the Whole with favorable recommendation.	28 29 30 31
Appropriations	After consideration on the merits, the Committee recommends that HB11-1101 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.	32 33 34 35 36
	Amend reengrossed bill, page 4, line 5, strike "appropriations" and substitute "appropriation".	37 38 39
	Page 4, line 8, after "for" insert "the".	40 41
	Page 4, line 9, strike "are" and substitute "is".	42 43
	Page 4, line 12, strike "C.R.S." and substitute "Colorado Revised Statutes."	44 45 46 47
Appropriations	After consideration on the merits, the Committee recommends that HB11-1159 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.	48 49 50 51 52
	Amend reengrossed bill, page 4, after line 17 insert:	53 54
	"SECTION 5. Appropriation - adjustments in 2011 long bill.	55
	For the implementation of this act, the cash funds appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the department of agriculture, agricultural services division, for inspection and consumer services, is increased by six hundred dollars (\$600). Said sum shall be from the inspection and consumer services cash fund created in section 35-1-106.5 (1), Colorado Revised Statutes."	56 57 58 59 60 61 62
	Renumber succeeding section accordingly.	63 64
	Page 1, line 107, strike "PURPOSES." and substitute "PURPOSES, AND MAKING AN APPROPRIATION."	65 66 67 68 69

Appropriations	After consideration on the merits, the Committee recommends that SB11-070 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
Appropriations	After consideration on the merits, the Committee recommends that SB11-128 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend printed bill, page 2, line 16, strike "HEALTH INSURANCE COVERAGE" and substitute "A HEALTH BENEFIT PLAN". Page 2, line 18, strike "FOR HEALTH CARE SERVICES". Page 2, line 21, strike "COVERAGE" and substitute "BENEFIT". Page 5, after line 26, insert: "(6) FEDERAL GRANT MONEYS SHALL BE USED TO IMPLEMENT THIS SECTION." Renumber succeeding subsection accordingly. Page 6, before line 1 insert: "Section 4. Appropriation - adjustments to the 2011 long bill. (1) The general assembly anticipates that, for the fiscal year beginning July 1, 2011, the department of regulatory agencies, division of insurance, will receive the sum of five thousand four hundred fifty-five dollars (\$5,455) in federal funds for the implementation of this act. Said sum shall be from funds received through the federal patient protection and affordable care act, Pub. L. 111-148. 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 law, for the fiscal year beginning July 1, 2011, the sum of two thousand nine hundred thirty-five dollars (\$2,935), 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 of out of the appropriation made in subsection (1) of this section." Renumber succeeding section accordingly. Page 1, line 103, strike "BASIS." and substitute "BASIS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH".	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
Appropriations	After consideration on the merits, the Committee recommends that SB11-169 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Strike the Finance Committee Report, dated February 24, 2011. Amend the Health and Human Services Committee Report, dated February 17, 2011, page 1 of the committee report, line 3, strike "A NEW SUBSECTION" and substitute "THE FOLLOWING NEW SUBSECTIONS". Page 1 of the committee report, line 4, strike "17." and substitute "17 and substitute: (5.5) "PHYSICAL THERAPIST ASSISTANT" MEANS A PERSON WHO IS REQUIRED TO BE CERTIFIED UNDER PART 2 OF THIS ARTICLE AND WHO ASSISTS A PHYSICAL THERAPIST IN SELECTED COMPONENTS OF PHYSICAL THERAPY."." Page 1 of the committee report, before line 5 insert:	50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69

"Page 5 of the bill, strike lines 7 and 8.

Page 5 of the bill, after line 15, insert:

"(b) EACH MEMBER OF THE BOARD RECEIVES THE COMPENSATION PROVIDED FOR IN SECTION 24-34-102 (13), C.R.S.

(c) THE BOARD EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS UNDER THE DIVISION OF REGISTRATIONS AS IF THE POWERS, DUTIES, AND FUNCTIONS WERE TRANSFERRED TO THE DIVISION BY A TYPE 1 TRANSFER, AS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S. THE DIVISION SHALL PROVIDE NECESSARY MANAGEMENT SUPPORT TO THE BOARD UNDER SECTION 24-34-102, C.R.S."

Reletter succeeding paragraph accordingly.

Page 8 of the bill, line 18, after the semicolon add "AND".

Page 8 of the bill, strike lines 20 through 23 and substitute:

~~"(f) Subject to the provisions of section 12-41-128 and section 24-34-105, C.R.S., to establish fines, set fees, and make such expenditures as the director may deem necessary for the administration of the provisions of this article;"~~

Reletter succeeding paragraph accordingly.

Page 9 of the bill, strike lines 23 through 25 and substitute "possess a valid license issued by the director in accordance with this article and any rules and regulations adopted under this article."

Page 11 of the bill, line 17, after "12-41-109" insert "(1) (a),".

Page 11 of the bill, strike line 19 and substitute:

"12-41-109. Licensure by endorsement. (1) An applicant for licensure by endorsement shall:

(a) Possess ~~an active~~; A valid license in good standing from another state or territory of the United States;

(2) Upon receipt of all".

Page 11 of the bill, strike lines 24 and 25 and substitute:

~~"(4) The director shall notify the applicant in writing of the denial or approval of the application;"~~

Page 12 of the bill, line 14, strike "(2)," and substitute "(1) (b),".

Page 12 of the bill, line 18, after "**13.**" insert "The introductory portion to 12-41-111 (1) and".

Page 12 of the bill, line 21, strike "by examination" and substitute "~~by examination~~".

Page 13 of the bill, strike line 4 and substitute "TO BE LICENSED."

Page 13 of the bill, after line 23, insert:

"SECTION 15. Part 1 of article 41 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-41-112.5 Inactive license. A PHYSICAL THERAPIST MAY REQUEST THAT THE BOARD INACTIVATE OR ACTIVATE THE PHYSICAL THERAPIST'S LICENSE. THE BOARD SHALL PROMULGATE RULES GOVERNING THE ACTIVATION AND INACTIVATION OF LICENSES. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE BOARD'S RULES MAY LIMIT THE APPLICABILITY OF STATUTORY REQUIREMENTS FOR MAINTAINING PROFESSIONAL LIABILITY INSURANCE AND CONTINUING PROFESSIONAL

COMPETENCE FOR A LICENSEE WHOSE LICENSE IS CURRENTLY INACTIVE.
THE BOARD NEED NOT REACTIVATE AN INACTIVE LICENSE IF THE PHYSICAL
THERAPIST HAS COMMITTED ANY ACT THAT WOULD BE GROUNDS FOR
DISCIPLINARY ACTION UNDER SECTION 12-41-115. A PHYSICAL THERAPIST
WHOSE LICENSE IS CURRENTLY INACTIVE SHALL NOT PRACTICE PHYSICAL
THERAPY."

Renumber succeeding sections accordingly."

Page 1 of the committee report, line 19, strike "12-41-124." and
substitute "12-41-124 IF THE INSURANCE COVERS AT LEAST ONE MILLION
DOLLARS PER CLAIM AND AT LEAST THREE MILLION DOLLARS PER YEAR."."

Page 2 of the committee report, before line 1 insert:

"Page 16 of the bill, strike lines 14 and 15 and substitute:

"(b) THE BOARD SHALL ADOPT RULES ESTABLISHING".

Page 2 of the committee report, after line 11 insert:

"Page 19 of the bill, line 8, strike "12-41-118" and substitute
"12-41-118.5,".

Page 19 of the bill, line 9, strike "(5),".

Page 2 of the committee report, line 27, after "THERAPIST" insert
"RESPONSIBLE FOR PATIENT RECORDS".

Page 3 of the committee report, after line 12 insert:

"Page 20 of the bill, line 13, strike "LAPSED," and substitute "INACTIVE,
EXPIRED,".

Page 21 of the bill, strike lines 10 and 11 and substitute:

~~"(c) The director may take disciplinary action on an emergency
basis as provided in section 24-4-105, C.R.S."~~ IN THE CASE OF A
DELIBERATE AND WILLFUL VIOLATION OF THIS ARTICLE OR IF THE PUBLIC
HEALTH, SAFETY, AND WELFARE REQUIRE EMERGENCY ACTION, THE
BOARD MAY TAKE DISCIPLINARY ACTION ON AN EMERGENCY BASIS UNDER
SECTIONS 24-4-104 AND 24-4-105, C.R.S."

Page 35 of the bill, line 5, after "OWNER" insert "WHO RECEIVED THE
STOCKS FROM THE SHAREHOLDER"."

Page 3 of the committee report, strike lines 16 and 17 and substitute:

"Page 35 of the bill, line 14, after "when" insert "THE SHAREHOLDERS
MAINTAIN PROFESSIONAL LIABILITY INSURANCE THAT MEETS THE
STANDARDS OF SECTION 12-14-114.5 OR WHEN"."

Page 4 of the committee report, line 1, after the colon insert "AND".

Page 4 of the committee report, strike lines 2 through 7 and substitute:

"(f) ESTABLISH FINES UNDER SECTION 12-41-122."

Page 4 of the committee report, strike lines 36 and 37 and substitute:

"(2) A PHYSICAL THERAPIST ASSISTANT SHALL NOT PRACTICE
PHYSICAL THERAPY".

Page 4 of the committee report, line 40, strike "(1) EXCEPT" and
substitute "EFFECTIVE JUNE 1, 2012, EXCEPT".

Page 5 of the committee report, strike lines 5 through 7.

Page 5 of the committee report, line 8, strike "examination." and

substitute "**examination - repeal**".

Page 5 of the committee report, strike lines 10 and 11 and substitute:

"(a) (I) HAVE SUCCESSFULLY COMPLETED A PHYSICAL THERAPIST ASSISTANT PROGRAM ACCREDITED BY THE COMMISSION ON ACCREDITATION IN PHYSICAL THERAPY EDUCATION OR ANY COMPARABLE ORGANIZATION AS DETERMINED BY THE BOARD; OR

(II) QUALIFY TO TAKE THE PHYSICAL THERAPY EXAMINATION ESTABLISHED UNDER SECTION 12-41-107;".

Page 5 of the committee report, strike lines 19 through 29.

Renumber succeeding subsections accordingly.

Page 5 of the committee report, line 33, strike "IS" and substitute "WOULD BE".

Page 5 of the committee report, line 38, strike "IS" and substitute "WOULD BE".

Page 5 of the committee report, after line 39 insert:

"(4) (a) IN LIEU OF QUALIFYING UNDER SUBSECTION (1) OF THIS SECTION, A PERSON MAY QUALIFY AS A PHYSICAL THERAPIST ASSISTANT IF THE PERSON HAS AT LEAST FIVE YEARS OF EXPERIENCE PRACTICING AS A PHYSICAL THERAPIST ASSISTANT OR IS OTHERWISE QUALIFIED AS DETERMINED BY THE BOARD.

(b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JUNE 1, 2013."

Page 6 of the committee report, strike lines 21 and 22 and substitute:

"(c) THE APPLICANT HAS PASSED AN".

Page 6 of the committee report, strike lines 29 and 30.

Renumber succeeding subsection accordingly.

Page 6 of the committee report, line 31, strike "SUCH".

Page 6 of the committee report, line 32, strike "IS" and substitute "WOULD BE".

Page 6 of the committee report, line 35, strike "BY".

Page 6 of the committee report, line 36, strike "EXAMINATION".

Page 7 of the committee report, strike line 14 and substitute "CERTIFIED."

Page 7 of the committee report, line 18, strike "IS" and substitute "WOULD BE".

Page 8 of the committee report, line 11, strike "SIX" and substitute "SIXTEEN".

Page 8 of the committee report, strike lines 18 through 26.

Page 8 of the committee report, line 36, strike "WHILE".

Page 12 of the committee report, line 4, strike "FEES" and substitute "PENALTIES".

Page 18 of the committee report, line 34, strike "AT A HEARING HELD".

Page 19 of the committee report, after line 18 insert:

"Page 56 of printed bill, after line 2 insert:

"SECTION 33. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the 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 personal services and operating expenses, for the fiscal year beginning July 1, 2011, the sum of one hundred one thousand eight hundred fourteen dollars (\$101,814) cash funds and 1.4 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the 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 executive director's office and administrative services, for legal services, for the fiscal year beginning July 1, 2011, the sum of thirty-eight thousand eight hundred eighty-six dollars (\$38,886) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the 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 executive director's office and administrative services, for information technology costs, for the fiscal year beginning July 1, 2011, the sum of twenty-three thousand six hundred eighty dollars (\$23,680) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(4) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2011, the sum of thirty-eight thousand eight hundred eighty-six dollars (\$38,886) and 0.3 FTE, 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 (2) of this section.

(5) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of twenty-three thousand six hundred eighty dollars (\$23,680) cash funds, or so much thereof as may be necessary, for the programming services to be provided 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 (3) of this section."

Renumber succeeding sections accordingly.

Page 1, line 102 strike "**PRACTICE.**" and "**PRACTICE, AND MAKING AN APPROPRIATION THEREFOR.**".

Appropriations

After consideration on the merits, the Committee recommends that **SB11-172** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Judiciary Committee Report, dated March 7, 2011, page 1, strike lines 1 through 3 and substitute:

"Amend printed bill, page 11, line 5, strike "AND".

Page 11 of the bill, strike lines 6 through 8 and substitute:

"(v) INSURANCE POLICIES FOR LIFE INSURANCE, INCLUDING THE

ABILITY TO COVER A PARTY TO A CIVIL UNION AS A DEPENDENT; AND
(w) (I) INSURANCE COVERAGE PROVIDED BY A HEALTH COVERAGE
PLAN, INCLUDING THE ABILITY TO COVER A PARTY TO A CIVIL UNION AS A
DEPENDENT.
(II) THIS PARAGRAPH (w) IS EFFECTIVE FOR PLANS ISSUED,
DELIVERED, OR RENEWED ON OR AFTER JANUARY 1, 2012."."

Page 2 of the committee report, after line 9 insert:

"Page 35 of the bill, strike lines 3 through 5 and substitute:

"SECTION 28. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the vital statistics records cash fund created in section 25-2-121 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for allocation to the center for health and environmental information, for the fiscal year beginning July 1, 2011, the sum of ten thousand nine hundred seventy-six dollars (\$10,976) cash funds and 0.2 FTE, or so much thereof as may be necessary, for the implementation of this act.
(2) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, department of human services medicaid-funded programs, for office of information technology services - medicaid funding, for the fiscal year beginning July 1, 2011, the sum of two thousand three hundred twelve dollars (\$2,312), or so much thereof as may be necessary, for the implementation of this act. Of said sum, one thousand one hundred fifty-two dollars (\$1,152) shall be from the general fund and five dollars (\$5) shall be cash funds from the old age pension fund created in article XXIV of the Colorado Constitution. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2011, the department of health care policy and financing will receive the sum of one thousand one hundred fifty-five dollars (\$1,155) in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.
(3) In addition to any other appropriation, there is hereby appropriated, to the department of human services, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of six thousand two hundred forty-two dollars (\$6,242), or so much thereof as may be necessary, for the implementation of this act. Of said sum, one thousand five hundred thirty-two dollars (\$1,532) shall be from the general fund, two hundred ninety dollars (\$290) shall be cash funds from the old age pension fund created in article XXIV of the Colorado Constitution, and two thousand three hundred twelve dollars (\$2,312) shall be from reappropriated funds transferred from the department of health care policy and financing from the appropriation in subsection (2) of this section. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2011, the department of human services will receive the sum of two thousand one hundred eight dollars (\$2,108) in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.
(4) In addition to any other appropriation, there is hereby appropriated, to the governor-lieutenant governor-office of state planning and budgeting, for allocation to the office of information technology, statewide information technology services, for the Colorado benefits management system, for the fiscal year beginning July 1, 2011, the sum of six thousand two hundred forty-two dollars (\$6,242), 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 of human services out of the appropriation made in subsection (3) of this section.
SECTION 29. Effective date - applicability. (1) This act shall take effect September 1, 2011; except that section 7 of this act shall take

effect January 1, 2012.

(2) This act shall apply to civil unions entered into on or after September 1, 2011."

Renumber succeeding section accordingly.

Page 1 of the printed bill, line 101, strike "UNIONS." and substitute "UNIONS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."."

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **HB11-1111** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **SB11-131** be postponed indefinitely.

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **HB11-1156** be referred to the Committee on Appropriations with favorable recommendation.

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, March 18 was laid over until Monday, March 21, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023, SJR11-024, SJR11-026.

Consideration of House Amendments to Senate Bills: SCR11-001.

Consideration of Governor's Appointments:

Member of the Colorado Racing Commission

Member of the Colorado Limited Gaming Control Commission

LETTER FROM THE PRESIDENT

March 18, 2011

Ms. Cindi Markwell
Secretary of the Senate
Colorado Senate Chambers
State Capitol Building
Denver, CO 80203

Dear Madam Secretary,

We have received the attached communication from Stephanie Cegielski which sets out a complaint under Senate Rule No. 43 and alleges an ethical violation by Senator John Morse.

Pursuant to Senate Rule No. 43, we are directed to appoint a Committee on Ethics of at least five Senate members. The five members shall be three majority party members appointed by the Senate President from among the chairmen of committees of reference and two minority party members appointed by the Senate Minority Leader from among members of the Senate who are senior in service and experience.

Accordingly, the appointees of the President are Senators Bacon, M. Carroll, and
Steadman. The appointees of the Minority Leader are Senators Mitchell and Spence. The
President designates Senator M. Carroll as chairman and Senator Spence as vice-chairman.
In addition, we are asking the Legislative Council to staff the Committee on Ethics and the
Office of Legislative Legal Services to provide any legal assistance requested by the
Committee.
We request you deliver copies of this letter and the attached complaint to Senator Morse
and to the chairman of the Committee on Ethics, Senator M. Carroll. This letter shall
serve as formal notice of the initiation of the procedure set out in Senate Rule No. 43. As
provided for in Senate Rule No. 43 (c), Senator Morse may submit a written answer to the
Committee on Ethics within ten days after today's date, March 18, 2011. The Committee
shall proceed in accordance with Senate Rule No. 43.
Sincerely,
(signed) (signed)
Brandon Shaffer Mike Kopp
President of the Senate Senate Minority Leader

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, March 21,
2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

69th Legislative Day	Monday, March 21, 2011
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Prayer	By the chaplain, Father Eustace Sequeira, St. Ignatius Loyola Catholic Church, Denver
Call to Order	By the President at 10:00 a.m.
Pledge	By Senator Morse.
Roll Call	Present--32 Absent--3, Carroll, Roberts, Williams S. Present later--3, Carroll, Roberts, Williams S.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Renfro, reading of the Journal of Friday, March 18, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

March 18, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1267.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1166, amended as printed in House Journal, March 15, pages 645-646.
HB11-1211, amended as printed in House Journal, March 17, page 663.
HB11-1106, amended as printed in House Journal, March 17, page 664.

The House has passed on Third Reading and returns herewith SB11-019, 016, 024, 031, 100.

The House has voted to concur in the Senate amendments to HB11-1016, 1118, and has repassed the bills as so amended.

The House has adopted and returns herewith SJR11-027, SJR11-025.

MESSAGE FROM THE REVISOR OF STATUTES

March 18, 2011

We herewith transmit:

Without comment, HB11-1267.
Without comment, as amended, HB11-1106, 1166, and 1211.

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:

HB11-1226 by Representative(s) Conti, Acree, Brown, Kerr J., Scott, Summers; also Senator(s) Spence--Concerning the information provided on a disabled veteran's property tax exemption application form.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Cadman, Heath, Jahn, King K., King S., Kopp, Lambert, Lundberg, Nicholson and Williams S.

HB11-1153 by Representative(s) Hullinghorst; also Senator(s) Newell--Concerning juror service.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

HB11-1239 by Representative(s) Nikkel, Waller; also Senator(s) Roberts--Concerning a requirement to include additional information in fiscal notes for certain bills related to criminal offenses.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Giron, Guzman, King S., Newell, Nicholson and Steadman.

HB11-1178 by Representative(s) Looper; also Senator(s) Williams S.--Concerning the regulation of persons who dispose of human remains in the ordinary course of lawful business.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

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:

SB11-072 by Senator(s) Carroll, Bacon, Boyd, Giron, Hodge, Hudak, Morse, Steadman, Tochtrop, Aguilar, Guzman, Johnston; also Representative(s) Levy, Court, Fields, Tyler--Concerning the creation of remedies in employment discrimination cases brought under state law.

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

YES	20	NO	15	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

HB11-1167 by Representative(s) Ferrandino, Lee, Levy; also Senator(s) Nicholson, Steadman--Concerning the petition process for the sealing of certain drug offense records.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Giron, Guzman and Tochtrop.

HB11-1210 by Representative(s) Hamner, Levy, McCann, Tyler; also Senator(s) Nicholson--Concerning a requirement that the department of transportation recommend to the general assembly actions that can be taken in the short-term to improve mobility in the interstate 70 mountain corridor.

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Giron, Guzman, Heath, Hudak, Schwartz and Williams S.

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

SJR11-028 by Senator(s) Jahn; also Representative(s) Williams A.--Concerning recognition of Single Parents' Day.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Johnston, King K., King S., Kopp, Morse, Newell, Nicholson, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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

GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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:

HB11-1193 by Representative(s) Labuda; also Senator(s) Boyd--Concerning integrated system-of-care family advocacy programs for mental health juvenile justice populations.

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

HB11-1203 by Representative(s) Lee, Ferrandino, Levy, Tyler; also Senator(s) Nicholson--Concerning a requirement that private custodians of criminal records remove records from their databases when a court orders the criminal records sealed.

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

HB11-1262 by Representative(s) Becker and Levy, Baumgardner, Bradford, Court, Ferrandino, Fischer, Gardner D., Hamner, Holbert, Hulinghorst, Jones, Joshi, Kerr A., Labuda, Lee, Looper, Peniston, Solano, Sonnenberg, Tyler, Waller, Wilson; also Senator(s) Johnston and Brophy, Cadman, Giron, Grantham, Guzman, Harvey, King S., Lambert, Mitchell, Nicholson, Renfroe, Scheffel, Schwartz, Jahn--Concerning procedures to ensure transparency in the process of bidding by electric utilities for the acquisition of new generation facilities.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB11-1193, HB11-1203, HB11-1262.

Committee
of the Whole

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

- SB11-107

by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident.

Laid over until Tuesday, March 22, retaining its place on the calendar.
- HB11-1181

by Representative(s) Kefalas; also Senator(s) Newell--Concerning the department of human services child fatality review team.

Laid over until Tuesday, March 22, retaining its place on the calendar.
- SB11-178

by Senator(s) Newell; --Concerning the manner in which a statutory local government may adopt a sales tax exemption.

Ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-180

by Senator(s) Tochtrop; --Concerning authority for taxicabs to pick up passengers outside their assigned geographic areas.

Laid over until Tuesday, March 22, retaining its place on the calendar.
- HB11-1186

by Representative(s) Ryden, Kerr A., McCann, Vigil; also Senator(s) Guzman--Concerning reimbursement by health insurance carriers for acupuncture services.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, March 17, page 479 and placed in members' bill files.)

As amended, **lost** on second reading.

(For further action, see amendments to the report of the Committee of the Whole.)
- HB11-1169

by Representative(s) Levy, Court, Fischer, Gardner B., Labuda, Lee, Looper, McCann, Peniston, Ryden, Waller, Wilson; also Senator(s) Heath--Concerning information-sharing at Colorado state institutions of higher education.

Laid over until Tuesday, March 22, retaining its place on the calendar.

SB11-188 by Senator(s) Bacon and King K.; also Representative(s) Casso--Concerning increasing the state's oversight of the program that allows the financing of capital construction for qualified charter schools.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, March 17, pages 479-480 and placed in members' bill files.)

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

HB11-1013 by Representative(s) Schafer S.; also Senator(s) Bacon--Concerning exemptions from professional regulation for active duty military personnel.

Laid over until Tuesday, March 22, retaining its place on the calendar..

HB11-1183 by Representative(s) Bradford; also Senator(s) Spence--Concerning a requirement that a death certificate indicate whether the decedent was pregnant within the twelve months preceding death.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.

(Printed in Senate Journal, March 17, pages 480-481 and placed in members' bill files.)

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

HB11-1258 by Representative(s) Baumgardner, Casso, Court, Lee, Liston, Miklosi, Ryden, Schafer S.; also Senator(s) Newell, Foster, King S.--Concerning forensic autopsies.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 17, pages 481-482 and placed in members' bill files.)

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

HB11-1189 by Representative(s) Fields, Schafer S., Todd, Vigil; also Senator(s) King K.--Concerning bail bond conditions for those arrested for subsequent substance abuse driving offenses.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 17, page 482 and placed in members' bill files.)

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

HB11-1180 by Representative(s) Levy; also Senator(s) Guzman--Concerning using individualized assessments to aid judges in imposing criminal sentences that reduce the likelihood of criminal offenders committing additional criminal acts.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 17, pages 482-483 and placed in members' bill files.)

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB11-1186 by Representative(s) Ryden, Kerr A., McCann, Vigil; also Senator(s) Guzman--Concerning reimbursement by health insurance carriers for acupuncture services.

Senator Guzman moved to amend the Report of the Committee of the Whole to show that HB11-1186, as amended, did pass.

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	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-178, SB11-188 as amended, HB11-1186 as amended, HB11-1183 as amended, HB11-1258 as amended, HB11-1189 as amended, HB11-1180 as amended.
Laid over until Tuesday, March 22: SB11-107, HB11-1181, SB11-180, HB11-1169, HB11-1013.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of House Amendments to Senate Bills Calendar (SCR11-001, SB11-034) of Monday, March 21 was laid over until Tuesday, March 22, retaining its place on the calendar.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Johnston, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
COLORADO RACING COMMISSION

for a term expiring July 1, 2014:

Sean D. Beirne of Aurora, Colorado, a Republican and resident of the 7th Congressional District, who has been previously engaged in the racing industry for at least five years, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Johnston, the following Governor's appointments were confirmed by a roll call vote:

MEMBER OF THE
COLORADO LIMITED GAMING CONTROL COMMISSION

for a term expiring July 1, 2014:

Debbie J. Jessup of Centennial, Colorado, a Republican from the 6th Congressional District, who has been engaged in business in a management-level capacity for at least five years, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Schwartz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO WATER CONSERVATION BOARD

for a term expiring February 12, 2013

Russ George of Grand Junction, Colorado to serve as a representative from the main Colorado drainage basin to fill the vacancy occasioned by the resignation of John D. Redifer of Grand Junction, Colorado, and as a Republican, appointed;

for terms expiring February 12, 2014:

April D. Montgomery of Norwood, Colorado, a resident of the San Miguel-Dolores-San Juan drainage basin and a Democrat, reappointed;

Travis L. Smith of Del Norte, Colorado to serve as a representative from the Rio Grande drainage basin and as a Republican, reappointed;

Alan C. Hamel of Pueblo, Colorado to serve as a representative from the Arkansas drainage basin and as a Republican, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

MESSAGE FROM THE GOVERNOR

March 18, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-136 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTIONS

Approved March 18th, 2011 at 9:14 a.m.

SB11-137 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF EDUCATION

Approved March 18th, 2011 at 9:15 a.m.

SB11-141 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES

Approved March 18th, 2011 at 9:16 a.m.

SB11-142 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE JUDICIAL DEPARTMENT

Approved March 18th, 2011 at 9:16 a.m.

SB11-144 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF LAW

Approved March 18th, 2011 at 9:17 a.m.

SB11-164 CONCERNING THE AUGMENTATION OF THE GENERAL FUND THROUGH TRANSFERS OF CERTAIN MONEYS

Approved March 18th, 2011 at 9:18 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

SENATE SERVICES REPORT

Correctly Printed: SJR11-028.
Correctly Engrossed: SB11-072; SJR11-025 and 027.
Correctly Revised: HB11-1153, 1167, 1178, 1210, 1226 and 1239.
Correctly Enrolled: SB11-012 and 040.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1122, 1144, 1161, 1187, 1053, 1074, 1089, 1176, HJR11-1008, 1011.

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, March 21 was laid over until Tuesday, March 22, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023, SJR11-024, SJR11-026.
Requests for Conference Committee: SB11-007.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

March 21, 2011

Mr. President:

The House has passed on Third Reading and returns herewith SB11-087.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-083, amended as printed in House Journal, 18, page 682.
SB11-039, amended as printed in House Journal, 18, page 683.

The House has voted to concur in the Senate amendments to HB11-1079, 1083, 1151, and has repassed the bills as so amended.

The House has adopted and returns herewith SJR11-028.

MESSAGE FROM THE REVISOR OF STATUTES

March 21, 2011

We herewith transmit:

Without comment, as amended, SB11-039 and 083.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB11-200

by Senator(s) Boyd; also Representative(s) Stephens--Concerning a Colorado health benefit exchange, and, in connection therewith, creating a process for the implementation of a health benefit exchange in Colorado.
Health and Human Services
- HB11-1080

by Representative(s) Todd; also Senator(s) King S.--Concerning the address confidentiality program, and making an appropriation therefor.
State, Veterans & Military Affairs
- HB11-1163

by Representative(s) Vaad; also Senator(s) Tochtrop--Concerning the issuance by the department of transportation of permits for the movement of super loads on the highways.
Transportation
- HB11-1198

by Representative(s) Kerr J.; also Senator(s) Schwartz--Concerning a reorganization of the statutes governing motor carriers, and, in connection therewith, consolidating the former articles 10, 11, 13, 14, and 16 of title 40, Colorado Revised Statutes, into a single article and making substantive and nonsubstantive amendments to provisions granting regulatory authority to the public utilities commission.
Transportation
- HB11-1200

by Representative(s) Barker, Beezley, Labuda; also Senator(s) Roberts--Concerning conducting a substance abuse assessment at probation intake when the presentence report is waived.
Judiciary
- HB11-1230

by Representative(s) Duran; also Senator(s) Boyd--Concerning the consolidation of state programs that distribute federal moneys to persons needing assistance in obtaining housing into the division of housing within the department of local affairs, and making an appropriation therefor.
Local Government

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, March 22, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

70th Legislative Day Tuesday, March 22, 2011

Prayer By the chaplain, Pastor Randy Popineau, The Church at Briargate, Colorado Springs.

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

Pledge By Senator Morse.

Roll Call Present--34
Excused--1, Johnston.
Present later--1, Johnston.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Roberts, reading of the Journal of Monday, March 21, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

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:

HB11-1193 by Representative(s) Labuda; also Senator(s) Boyd--Concerning integrated system-of-care family advocacy programs for mental health juvenile justice populations.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Foster, Giron, Hodge, Hudak, Jahn, Morse, Newell, Nicholson, Shaffer B., Steadman and Williams S.

HB11-1203 by Representative(s) Lee, Ferrandino, Levy, Tyler; also Senator(s) Nicholson--Concerning a requirement that private custodians of criminal records remove records from their databases when a court orders the criminal records sealed.

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

YES	33	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	*	Roberts	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senator King S.

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

Co-sponsors added: Aguilar, Bacon, Giron, Guzman, Hudak, Jahn, Newell, Steadman, Tochtrop and Williams S.

HB11-1262 by Representative(s) Becker and Levy, Baumgardner, Bradford, Court, Ferrandino, Fischer, Gardner D., Hamner, Holbert, Hullinghorst, Jones, Joshi, Kerr A., Labuda, Lee, Looper, Peniston, Solano, Sonnenberg, Tyler, Waller, Wilson; also Senator(s) Johnston and Brophy, Cadman, Giron, Grantham, Guzman, Harvey, King S., Lambert, Mitchell, Nicholson, Renfroe, Scheffel, Schwartz, Jahn--Concerning procedures to ensure transparency in the process of bidding by electric utilities for the acquisition of new generation facilities.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

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 memorials.

CONSIDERATION OF MEMORIALS

SM11-001 by Senator(s) Bacon; --Memorializing former Senator James Beatty.

On motion of Senator Bacon, the memorial was read at length.

Senate in recess. Senate reconvened.

On motion of Senator Bacon, the memorial was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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:

SB11-178 by Senator(s) Newell; also Representative(s) Sonnenberg--Concerning the manner in which a statutory local government may adopt a sales tax exemption.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

HB11-1186 by Representative(s) Ryden, Kerr A., McCann, Vigil; also Senator(s) Guzman--Concerning reimbursement by health insurance carriers for acupuncture services.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd, Foster, Hodge, Newell, Schwartz, Tochtrop and White.

SB11-188
by Senator(s) Bacon and King K.; also Representative(s) Casso--Concerning increasing the state's oversight of the program that allows the financing of capital construction for qualified charter schools.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Cadman, Giron, Grantham, Jahn, Johnston, King S., Lambert, Lundberg, Roberts and White.

HB11-1183
by Representative(s) Bradford; also Senator(s) Spence--Concerning a requirement that a death certificate indicate whether the decedent was pregnant within the twelve months preceding death.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd, Grantham, Guzman, King K., King S., Lambert and Newell.

IMMEDIATE RECONSIDERATION OF HB11-1183

HB11-1183
by Representative(s) Bradford; also Senator(s) Spence--Concerning a requirement that a death certificate indicate whether the decedent was pregnant within the twelve months preceding death.

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **HB11-1183**.

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

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:

HB11-1183 by Representative(s) Bradford; also Senator(s) Spence--Concerning a requirement that a death certificate indicate whether the decedent was pregnant within the twelve months preceding death.

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd, Brophy, Cadman, Grantham, Guzman, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Newell, Renfroe, Scheffel and White.

HB11-1258 by Representative(s) Baumgardner, Casso, Court, Lee, Liston, Miklosi, Ryden, Schafer S.; also Senator(s) Newell, Foster, King S.--Concerning forensic autopsies.

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.006), by Senator Newell.

Amend revised bill, page 3, line 7, after the period add "IF THE DISTRICT ATTORNEY REQUESTS THE FORENSIC AUTOPSY BUT THE CORONER DOES NOT THINK IT IS NECESSARY, THE DISTRICT ATTORNEY SHALL PAY FOR THE COST OF THE FORENSIC AUTOPSY."

Page 3, line 12, strike "**perform - repeal.**" and substitute "**perform.**".

Page 3, line 22, after "PERSON" insert "IS" and strike "SUFFERS INJURIES".

Page 3, line 23, strike "REQUIRE" and substitute "REQUIRES".

Page 4, line 6, strike "(I)".

Page 4, strike line 11.

Page 4, line 22, strike "PRACTICING" and substitute "PERFORMING AN AUTOPSY".

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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. 2(L.008), by Senator Aguilar.

Amend revised bill, page 3, strike line 22, and substitute "(b) IF A PREVIOUSLY HEALTHY PERSON DIES SUDDENLY AND UNEXPECTEDLY OR A PERSON INVOLVED IN AN INCIDENT SUFFERS INJURIES, INCLUDING THOSE CAUSED BY POTENTIAL DRUG EXPOSURE, THAT".

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

YES	12	NO	23	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	N	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	Y	Johnston	Y	Nicholson	N	Williams S.	N
Giron	N	King K.	N	Renfroe	N	President	N
Grantham	N	King S.	N	Roberts	Y		

As amended, laid over until Wednesday, March 23, retaining its place on the calendar.

HB11-1189 by Representative(s) Fields, Schafer S., Todd, Vigil; also Senator(s) King K.--Concerning bail bond conditions for those arrested for subsequent substance abuse driving offenses.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsor added: King S.

HB11-1180 by Representative(s) Levy; also Senator(s) Guzman--Concerning using individualized assessments to aid judges in imposing criminal sentences that reduce the likelihood of criminal offenders committing additional criminal acts.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd, Foster, Giron, Hodge, Hudak, Nicholson, Steadman, Tochtrop and Williams S.

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

GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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:

HB11-1236 by Representative(s) Todd, Court, Fields, McCann, McKinley, Miklosi; also Senator(s) Williams S.--Concerning a repeal of the requirement that a certain number of group special license plates be issued.

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

HB11-1033 by Representative(s) Williams A.; also Senator(s) Jahn--Concerning the elimination of the requirement that certain insurers file Colorado-specific financial information with the commissioner of insurance, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 18, page 508 and placed in members' bill files.)

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

HB11-1101 by Representative(s) Swalm; also Senator(s) Morse--Concerning an exemption from state licensure requirements for a community clinic that is a federally qualified health center, and making an appropriation in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 18, page 508 and placed in members' bill files.)

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

HB11-1159 by Representative(s) Coram; also Senator(s) Schwartz--Concerning a requirement that the commissioner of agriculture license grain protein analyzers prior to commercial use, and, in connection therewith, exempting grain protein analyzers from the requirement that a certificate of conformance be issued prior to use for commercial or law enforcement purposes, and making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 18, page 508 and placed in members' bill files.)

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

HB11-1111 by Representative(s) Sonnenberg; also Senator(s) Jahn--Concerning the protection of livestock producer information collected by the department of agriculture.

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB11-1236, HB11-1033 as amended, HB11-1101 as amended, HB11-1159 as amended, HB11-1111.

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

SB11-198 by Senator(s) Morse, Shaffer B., Kopp; also Representative(s) Stephens, McNulty, Pace--Concerning payment of expenses of the legislative department.

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

Amend printed bill, page 2, strike lines 4 through 7 and substitute "of the state of Colorado, the sum of thirty-three million five hundred ninety thousand six hundred sixty-five dollars (\$33,590,665), or so much thereof as may be necessary, of which amount thirty-two million five hundred fifty-two thousand two hundred sixty-two dollars (\$32,552,262) shall be out of any moneys in the".

Page 2, line 14, strike "\$11,210,557 ¹/₂" and substitute "\$11,390,505 ¹/₂".

Page 2, line 16, strike "7,758,523 ²/₂" and substitute "7,875,989 ²/₂".

Page 2, line 18, strike "1,456,540" and substitute "1,487,174".

Page 2, line 20, strike "6,488,561" and substitute "6,603,966".

Page 2, line 22, strike "5,085,051 ³/" and substitute "5,178,820".

Page 2, line 27, strike "33,053,443" and substitute "\$33,590,665".

Page 3, line 6, strike "\$11,116,741" and substitute "\$11,296,689".

Page 3, line 7, strike "\$6,813,936" and substitute "\$6,931,402".

Amendment No. 2(L.003), by Senators Steadman, Hodge, and Lambert.

Amend printed till, page 2, line 17, strike "(72.0 FTE)" and substitute "(68.0 FTE)".

Page 2, line 23, strike "(55.1 FTE)" and substitute "(53.0 FTE)".

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 (SB11-107, HB11-1181, SB11-180, HB11-1169, HB11-1013, SB11-052, HB11-1155, HB11-1097, SB11-070, SB11-128, SB11-169, SB11-172) of Tuesday, March 22 was laid over until Wednesday, March 23, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-198 as amended.
Laid over until Wednesday, March 23: SB11-107, HB11-1181, SB11-180, HB11-1169, HB11-1013, SB11-052, HB11-1155, HB11-1097, SB11-070, SB11-128, SB11-169, SB11-172.

CHANGE IN SPONSORSHIP

Upon announcement of President Schaffer, Senators Renfroe and Lundberg will be the Senate joint prime sponsors on **HB11-1082**.

MESSAGE FROM THE GOVERNOR

March 21, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-002 CONCERNING THE LOW-INCOME TELEPHONE ASSISTANCE PROGRAM

Approved March 21th, 2011 at 1:51 p.m.

SB11-020 CONCERNING THE AUTHORIZATION OF CERTAIN EMPLOYEES OF THE DEPARTMENT OF LAW AS PEACE OFFICERS

Approved March 21th, 2011 at 1:51 p.m.

SB11-061 CONCERNING THE PROCESS FOR APPEALS UNDER THE "EXCEPTIONAL CHILDREN'S EDUCATION ACT"

Approved March 21th, 2011 at 1:52 p.m.

SB11-093 CONCERNING THE CONTINUATION OF THE INTERAGENCY TASK FORCE ON DRUNK DRIVING

Approved March 21th, 2011 at 1:52 p.m.

SB11-101 CONCERNING THE CONTINUATION OF THE FIXED TUITION AND FEE RATE PROGRAM

Approved March 21th, 2011 at 1:53 p.m.

SB11-103 CONCERNING THE REPEAL OF THE BENEFIT DESIGN ADVISORY COMMITTEE

Approved March 21th, 2011 at 1:53 p.m.

SB11-104 CONCERNING THE REPEAL OF THE COMMUNITY ACCOUNTABILITY PROGRAM ADVISORY BOARD

Approved March 21th, 2011 at 1:54 p.m.

SB11-106 CONCERNING THE REPEAL OF THE SCIENCE AND TECHNOLOGY EDUCATION CENTER GRANTS ADVISORY BOARD

Approved March 21th, 2011 at 1:54 p.m.

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SB11-123 CONCERNING TECHNICAL CHANGES TO CHILD SUPPORT PROCEDURES

Approved March 21th, 2011 at 1:55 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

SENATE SERVICES REPORT

Correctly Printed: SB11-200.
Correctly Engrossed: SB11-178 and 188; SJR11-028.
Correctly Reengrossed: SB11-072.
Correctly Revised: HB11-1180, 1183, 1186, 1189, 1193, 1203, 1258 and 1262.
Correctly Rerevised: HB11-1153, 1167, 1178, 1210, 1226 and 1239.
Correctly Enrolled: SB11-016 and 100; SJR11-025 and 027.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-012, 021, 040 and 096.

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the Committee recommends that **SB11-085** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike lines 15 through 18 and substitute:

"(I) HAS NO PRIOR CONVICTIONS OR ANY CHARGES PENDING FOR ANY FELONY; FOR ANY OFFENSE DESCRIBED IN SECTION 18-3-305, 18-3-306, OR 18-13-128, C.R.S., IN PART 4 OR 5 OF ARTICLE 3 OF TITLE 18, C.R.S., IN PART 3, 4, 6, 7, OR 8 OF ARTICLE 6 OF TITLE 18, C.R.S., OR IN PART 2, 3, 4, OR 5 OF ARTICLE 7 OF TITLE 18, C.R.S.; OR FOR ANY OFFENSE COMMITTED IN ANOTHER STATE THAT WOULD CONSTITUTE SUCH AN OFFENSE IF COMMITTED IN THIS STATE; AND".

Page 5, line 5, strike "FIVE".

Page 5, line 6, strike "HUNDRED" and substitute "NOT LESS THAN TWO THOUSAND FIVE HUNDRED DOLLARS AND NOT MORE THAN FIVE THOUSAND".

Page 5, after line 22 insert:

"**SECTION 2.** 18-7-202 (2), Colorado Revised Statutes, is amended to read:

18-7-202. Soliciting for prostitution. (2) Soliciting for prostitution is a class 3 misdemeanor. A PERSON WHO IS CONVICTED OF SOLICITING FOR PROSTITUTION SHALL BE REQUIRED TO PAY A FINE OF NOT LESS THAN FIVE THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS IN ADDITION TO ANY PENALTY IMPOSED BY THE COURT PURSUANT TO SECTION 18-1.3-501, WHICH ADDITIONAL FINE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL TRANSFER THE SAME TO THE PROSTITUTION ENFORCEMENT RESOURCES GRANT PROGRAM CASH FUND CREATED IN SECTION 24-33.5-513, C.R.S.

SECTION 3. 18-7-203 (2), Colorado Revised Statutes, is

amended to read:

18-7-203. Pandering. (2) (a) Pandering under paragraph (a) of subsection (1) of this section is a class 5 felony. A PERSON WHO IS CONVICTED OF PANDERING UNDER PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION SHALL BE REQUIRED TO PAY A FINE OF NOT LESS THAN FIVE THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS IN ADDITION TO ANY PENALTY IMPOSED BY THE COURT PURSUANT TO SECTION 18-1.3-401, WHICH ADDITIONAL FINE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL TRANSFER THE SAME TO THE PROSTITUTION ENFORCEMENT RESOURCES GRANT PROGRAM CASH FUND CREATED IN SECTION 24-33.5-513, C.R.S.

(b) Pandering under paragraph (b) of subsection (1) of this section is a class 3 misdemeanor. A PERSON WHO IS CONVICTED OF PANDERING UNDER PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL BE REQUIRED TO PAY A FINE OF NOT LESS THAN FIVE THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS IN ADDITION TO ANY PENALTY IMPOSED BY THE COURT PURSUANT TO SECTION 18-1.3-501, WHICH ADDITIONAL FINE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL TRANSFER THE SAME TO THE PROSTITUTION ENFORCEMENT RESOURCES GRANT PROGRAM CASH FUND CREATED IN SECTION 24-33.5-513, C.R.S.

SECTION 4. 18-7-205 (2), Colorado Revised Statutes, is amended to read:

18-7-205. Patronizing a prostitute. (2) Patronizing a prostitute is a class 1 petty offense; except that patronizing a prostitute is a class 1 misdemeanor if the violation is committed subsequent to two prior convictions of a violation of this section, of a violation of a comparable offense in any other state, or of a violation of a comparable municipal offense. A PERSON WHO IS CONVICTED OF PATRONIZING A PROSTITUTE SHALL BE REQUIRED TO PAY A FINE OF NOT LESS THAN FIVE THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS IN ADDITION TO ANY PENALTY IMPOSED BY THE COURT PURSUANT TO SECTION 18-1.3-401 OR 18-1.3-503, WHICH ADDITIONAL FINE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL TRANSFER THE SAME TO THE PROSTITUTION ENFORCEMENT RESOURCES GRANT PROGRAM CASH FUND CREATED IN SECTION 24-33.5-513, C.R.S.

SECTION 5. 18-1.3-701 (1) (a), Colorado Revised Statutes, is amended to read:

18-1.3-701. Judgment for costs and fines. (1) (a) Where any person, association, or corporation is convicted of an offense, or any juvenile is adjudicated a juvenile delinquent for the commission of an act that would have been a criminal offense if committed by an adult, the court shall give judgment in favor of the state of Colorado, the appropriate prosecuting attorney, or the appropriate law enforcement agency and against the offender or juvenile for the amount of the costs of prosecution, the amount of the cost of care, and any fine imposed. No fine shall be imposed for conviction of a felony except as provided in section 18-1.3-401 OR 18-7-203 (2) (a). Such judgments shall be enforceable in the same manner as are civil judgments, and, in addition, the provisions of section 16-11-101.6, C.R.S., and section 18-1.3-702 apply. A county clerk and recorder may not charge a fee for the recording of a transcript or satisfaction of a judgment entered pursuant to this section.

SECTION 6. Part 5 of article 33.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-33.5-513. Prostitution enforcement resources grant program - application process - cash fund - reports - rules - repeal.

(1) THERE IS HEREBY CREATED IN THE DIVISION THE PROSTITUTION ENFORCEMENT RESOURCES GRANT PROGRAM. UNDER THE PROGRAM, ON AND AFTER JULY 1, 2013, A MUNICIPAL LAW ENFORCEMENT AGENCY MAY APPLY FOR A GRANT TO FUND EFFORTS TO COMBAT PROSTITUTION-RELATED OFFENSES. THE DIVISION SHALL ADMINISTER THE PROGRAM PURSUANT TO THE PROVISIONS OF THIS SECTION.

(2) THE DIVISION SHALL SOLICIT AND REVIEW APPLICATIONS FROM MUNICIPAL LAW ENFORCEMENT AGENCIES FOR GRANTS PURSUANT TO THIS SECTION. THE DEPARTMENT MAY AWARD GRANTS TO MUNICIPAL LAW ENFORCEMENT AGENCIES FOR PERIODS OF ONE TO THREE YEARS.

(3) EACH APPLICATION, AT A MINIMUM, SHALL DESCRIBE HOW THE

1 APPLICANT MUNICIPAL LAW ENFORCEMENT AGENCY WILL USE ANY
2 AWARDED GRANT MONEYS TO COMBAT PROSTITUTION-RELATED OFFENSES.
3 EACH GRANT RECIPIENT SHALL USE ITS GRANT MONEYS TO SUPPLEMENT
4 AND NOT SUPPLANT ANY MONEYS CURRENTLY BEING USED BY THE GRANT
5 RECIPIENT TO COMBAT PROSTITUTION-RELATED OFFENSES.

6 (4) THE DIVISION SHALL SELECT THOSE MUNICIPAL LAW
7 ENFORCEMENT AGENCIES THAT WILL RECEIVE GRANTS PURSUANT TO THIS
8 SECTION AND THE DURATION AND AMOUNT OF EACH GRANT. IN SELECTING
9 THE GRANT RECIPIENTS, THE DIVISION, AT A MINIMUM, SHALL TAKE INTO
10 ACCOUNT THE CRITERIA ESTABLISHED BY RULES PROMULGATED BY THE
11 EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (7) OF THIS SECTION.

12 (5) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
13 PROSTITUTION ENFORCEMENT CASH FUND, REFERRED TO IN THIS SECTION
14 AS THE "FUND", TO BE ADMINISTERED BY THE DIVISION PURSUANT TO THIS
15 SECTION. THE FUND SHALL CONSIST OF MONEYS TRANSFERRED TO THE
16 FUND PURSUANT TO SECTIONS 18-7-202 (2), 18-7-203 (2) (a) AND (2) (b),
17 AND 18-7-205 (2), C.R.S.

18 (b) THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL
19 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DIVISION FOR THE
20 DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS
21 SECTION. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF
22 THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED
23 BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT
24 AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.
25 ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND
26 AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT
27 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND;
28 EXCEPT THAT, ALL UNEXPENDED AND UNENCUMBERED MONEYS
29 REMAINING IN THE FUND AS OF JULY 1, 2018, SHALL BE TRANSFERRED TO
30 THE GENERAL FUND.

31 (c) THE DIVISION MAY EXPEND UP TO THREE PERCENT OF THE
32 MONEYS ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET THE COSTS
33 INCURRED IN IMPLEMENTING THIS SECTION.

34 (6) ON OR BEFORE A DATE SPECIFIED BY THE EXECUTIVE DIRECTOR
35 PURSUANT TO SUBSECTION (7) OF THIS SECTION, THE DIVISION SHALL
36 SUBMIT ANNUALLY TO THE JUDICIARY COMMITTEES OF THE SENATE AND
37 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THE
38 FOLLOWING INFORMATION REGARDING THE ADMINISTRATION OF THE
39 PROGRAM IN THE PRECEDING YEAR:

40 (a) THE NUMBER OF GRANT RECIPIENTS THAT RECEIVED GRANTS
41 UNDER THE PROGRAM;

42 (b) THE AMOUNT OF EACH GRANT AWARDED TO EACH GRANT
43 RECIPIENT;

44 (c) THE AVERAGE AMOUNT OF EACH GRANT AWARDED UNDER THE
45 PROGRAM;

46 (d) THE NUMBER OF ARRESTS FOR PROSTITUTION-RELATED
47 OFFENSES MADE BY THE RECIPIENT MUNICIPAL LAW ENFORCEMENT
48 AGENCY IN THE TWELVE-MONTH PERIOD PRECEDING THE RECEIPT OF
49 GRANT MONEYS; AND

50 (e) THE NUMBER OF ARRESTS FOR PROSTITUTION-RELATED
51 OFFENSES MADE BY THE RECIPIENT MUNICIPAL LAW ENFORCEMENT
52 AGENCY SINCE RECEIVING GRANT MONEYS.

53 (7) ON OR BEFORE APRIL 1, 2012, THE EXECUTIVE DIRECTOR SHALL
54 PROMULGATE RULES FOR THE ADMINISTRATION OF THIS SECTION,
55 INCLUDING BUT NOT LIMITED TO:

56 (a) APPLICATION PROCEDURES BY WHICH A MUNICIPAL LAW
57 ENFORCEMENT AGENCY MAY APPLY FOR A GRANT PURSUANT TO THIS
58 SECTION;

59 (b) CRITERIA FOR THE DIVISION TO APPLY IN SELECTING THE
60 MUNICIPAL LAW ENFORCEMENT AGENCIES THAT SHALL RECEIVE GRANTS
61 AND DETERMINING THE AMOUNT OF GRANT MONEYS TO BE AWARDED TO
62 EACH GRANT RECIPIENT, WHICH CRITERIA, AT A MINIMUM, SHALL REQUIRE
63 EACH GRANT RECIPIENT TO USE AWARDED GRANT MONEYS FOR THE
64 PURPOSE OF COMBATING PROSTITUTION-RELATED OFFENSES; AND

65 (c) THE DESIGNATION OF A DATE BY WHICH THE DEPARTMENT
66 SHALL ANNUALLY SUBMIT TO THE JUDICIARY COMMITTEES OF THE SENATE
67 AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THE
68 INFORMATION DESCRIBED IN SUBSECTION (6) OF THIS SECTION.

69 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2018."

	Renumber succeeding section accordingly.	1
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	Page 1, strike lines 101 and 102 and substitute " CONCERNING INCREASING THE ENFORCEMENT OF PROHIBITIONS AGAINST CERTAIN PROSTITUTION-RELATED OFFENSES, AND, IN CONNECTION THEREWITH, AUTHORIZING THE CREATION OF A PROGRAM FOR CERTAIN FIRST-TIME OFFENDERS OF SUCH OFFENSES. ".	3
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Judiciary	After consideration on the merits, the Committee recommends that HB11-1130 be referred to the Committee of the Whole with favorable recommendation.	10
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Judiciary	After consideration on the merits, the Committee recommends that HB11-1206 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	14
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Judiciary	After consideration on the merits, the Committee recommends that SB11-191 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	19
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	Amend printed bill, page 4, line 2, strike ""ARTICLES" MEANS THE ARTICLES OF" and substitute ""ARTICLES OF ORGANIZATION" OR "ARTICLES" MEANS THE ARTICLES OF ORGANIZATION OF".	23
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	Page 4, line 5, after "ARTICLES" insert "OF ORGANIZATION".	27
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	Page 29, line 22, strike "OF INCORPORATION" and strike the second "OF".	29
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	Page 29, line 23, strike "INCORPORATION".	31
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	Page 96, line 11, after "7-90-102" insert "(2), (3)".	33
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	Page 96, line 13, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,".	35
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	Page 96, after line 16 insert:	38
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	"(2) "Articles of incorporation" means, with respect to:	40
	(a) A domestic cooperative THAT IS NOT A DOMESTIC LIMITED COOPERATIVE ASSOCIATION, a domestic corporation, or other domestic entity that is formed under or subject to the "Colorado Business Corporation Act", articles 101 to 117 of this title, articles of incorporation as that term is used in the "Colorado Business Corporation Act"; With respect to	41
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	(b) A corporation formed under or subject to article 40 of this title, "articles of incorporation" means A certificate of incorporation as that term is used in article 40 of this title; With respect to	43
		44
	(c) A domestic cooperative, a domestic nonprofit corporation, or other domestic entity that is formed under or subject to the "Colorado Revised Nonprofit Corporation Act", articles 121 to 137 of this title, "articles of incorporation" means articles of incorporation as that term is used in the "Colorado Revised Nonprofit Corporation Act"; With respect to AND	45
		46
	(d) A foreign corporation or foreign nonprofit corporation, "articles of incorporation" means the corresponding document filed with the jurisdiction, under the law of which the corporation or nonprofit corporation is formed.	47
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	(3) "Articles of organization" means, with respect to:	50
	(a) A domestic limited liability company, the articles of organization as defined in the "Colorado Limited Liability Company Act", article 80 of this title; With respect to	51
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	(b) A foreign limited liability company, "articles of organization" means the corresponding document filed with the filing officer of the jurisdiction under the law of which the foreign limited liability company is formed; AND	53
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	(c) A DOMESTIC LIMITED COOPERATIVE ASSOCIATION, THE ARTICLES OF ORGANIZATION AS DEFINED IN THE "COLORADO UNIFORM	56
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LIMITED COOPERATIVE ASSOCIATION ACT", ARTICLE 58 OF THIS TITLE."

Page 96, after line 22 insert:

"(14.5) "DOMESTIC LIMITED COOPERATIVE ASSOCIATION" MEANS
A LIMITED COOPERATIVE ASSOCIATION FORMED UNDER OR SUBJECT TO THE
"COLORADO UNIFORM LIMITED COOPERATIVE ASSOCIATION ACT",
ARTICLE 58 OF THIS TITLE."

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB11-1123** be
postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB11-190** be
postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB11-1088** be
postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB11-1100** be referred
to the Committee on Finance with favorable recommendation.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB11-1121** be referred
to the Committee on Appropriations with favorable recommendation.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB11-1207** be
postponed indefinitely.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Aguilar, Chair, Spence, and Johnston as Senate
conferees on the first conference committee on **HB11-1069**.

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-201

by Senator(s) Roberts and Carroll; also Representative(s) Barker--Concerning clarifying the
elements of the criminal offense of criminal impersonation.
Judiciary

HB11-1160 by Representative(s) Gerou; also Senator(s) Jahn--Concerning the establishment of a green building incentive pilot program administered by the governor's energy office to incentivize the making of energy efficiency improvements to existing residences with current home energy ratings below minimum standards for people who purchase highly efficient new residential construction.

Local Government

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, March 22 was laid over until Wednesday, March 23, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023, SJR11-024, SJR11-026.

Consideration of House Amendments to Senate Bills: SCR11-001, SB11-034, SB11-083, SB11-039.

Consideration of Governor's Appointments:

Members of the Board of Trustees for Mesa State College

Requests for Conference Committee: SB11-007.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, March 23, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

71st Legislative Day	Wednesday, March 23, 2011
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Prayer	By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator Jahn.
Roll Call	Present--34 Excused--1, Mitchell. Present later--1, Mitchell.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Roberts, reading of the Journal of Tuesday, March 22, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

March 22, 2011

Mr. President:

The House has postponed indefinitely SB11-009. The bill is returned herewith.

House has passed on Third Reading and transmitted to the Revisor of Statutes
HB11-1145, amended as printed in House Journal, March 18, page 707.
HB11-1199, amended as printed in House Journal, March 21, pages 707-708.
HB11-1201, amended as printed in House Journal, March 21, page 708.
HB11-1241, amended as printed in House Journal, March 21, page 708.
HB11-1140, amended as printed in House Journal, March 21, page 708.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
SB11-025, amended as printed in House Journal, March 21, page 707.

The House has voted not to concur in the Senate amendments to HB11-1069 and requests that a conference committee be appointed. The Speaker has appointed Representatives Massey, chairman, Fields, and Ramirez as House conferees on the First Conference Committee on HB11-1069. The bill is transmitted herewith.

The House has voted to concur in the Senate amendments to HB11-1210 and has repassed the bill as so amended.

The House has voted to adhere to its position on SB11-007. The bill is returned herewith.

MESSAGE FROM THE REVISOR OF STATUTES

March 22, 2011

We herewith transmit:

Without comment, as amended, HB11-1140, 1145, 1199, 1201, and 1241.
Without comment, as amended, SB11-025.

INTRODUCTION OF BILLS -- FIRST READING

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

HB11-1076 by Representative(s) Riesberg; also Senator(s) Roberts--Concerning time payment fees in
judicial matters.
Judiciary

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:

HB11-1236 by Representative(s) Todd, Court, Fields, McCann, McKinley, Miklosi; also Senator(s)
Williams S.--Concerning a repeal of the requirement that a certain number of group special
license plates be issued.

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	N	Mitchell	E	Steadman	N
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfro	Y	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

HB11-1033 by Representative(s) Williams A.; also Senator(s) Jahn--Concerning the elimination of the
requirement that certain insurers file Colorado-specific financial information with the
commissioner of insurance, 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
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsor added: Steadman

HB11-1101 by Representative(s) Swalm; also Senator(s) Morse--Concerning an exemption from state licensure requirements for a community clinic that is a federally qualified health center, and making an appropriation in connection therewith.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Giron, Guzman, Heath, Hodge, Newell, Nicholson, Tochtrop and White.

HB11-1159 by Representative(s) Coram; also Senator(s) Schwartz--Concerning a requirement that the commissioner of agriculture license grain protein analyzers prior to commercial use, and, in connection therewith, exempting grain protein analyzers from the requirement that a certificate of conformance be issued prior to use for commercial or law enforcement purposes, and making an appropriation.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

HB11-1111 by Representative(s) Sonnenberg; also Senator(s) Jahn--Concerning the protection of livestock producer information collected by the department of agriculture.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Grantham, Harvey, King S., Lambert, Lundberg, Roberts and White.

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:

HB11-1258 by Representative(s) Baumgardner, Casso, Court, Lee, Liston, Miklosi, Ryden, Schafer S.; also Senator(s) Newell, Foster, King S.--Concerning forensic autopsies.

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	N		

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

Co-sponsors added: Guzman, Spence and Williams S.

SB11-198 by Senator(s) Morse, Shaffer B., Kopp; also Representative(s) Stephens, McNulty, Pace--Concerning payment of expenses of the legislative department.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsor added: Steadman

Committee of the Whole On motion of Senator Carroll, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Carroll 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 bill, 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, the following bills were laid over until Thursday, March 24, retaining their place on the calendar: SB11-107, HB11-1181, SB11-180, HB11-1169, HB11-1013, SB11-052, HB11-1155, HB11-1097, SB11-070, SB11-128, SB11-169.

SB11-172 by Senator(s) Steadman, Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, Morse, Newell, Nicholson, Shaffer B., Tochtrop, Williams S., Schwartz; also Representative(s) Ferrandino, Court, Duran, Fischer, Gardner D., Hamner, Hullinghorst, Jones, Kagan, Kefalas, Kerr A., Labuda, Lee, Levy, McCann, Miklosi, Pabon, Peniston, Ryden, Schafer S., Tyler, Williams A., Wilson, Casso, Fields, Todd, Vigil--Concerning authorization of civil unions.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 8, pages 405-406 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 18, pages 513-515 and placed in members' bill files.)

Amendment No. 3(L.012), by Senator Steadman.

Amend the Appropriations Committee Report, dated March 18, 2011, page 1, line 14, strike "**Appropriation.**" and substitute "**Appropriation - legislative intent.**".

Page 2, after line 40 insert:

"(4) It is the intent of the general assembly that the general fund appropriations in subsections (2) and (3) of this section for the implementation of this act shall be derived from savings generated from the implementation of the provisions of House Bill 11-1033, as enacted during the first regular session of the sixty-eighth general assembly."

Renumber succeeding subsection accordingly.

Page 3, line 14, strike "2011." and substitute "2011.

(3) Notwithstanding the provisions of subsection (1) of this section, this act shall only take effect if:

(a) The final fiscal estimate for House Bill 11-1033, as reflected in the appropriations clause for said act, shows a net general fund savings that is equal to or greater than the final general fund fiscal estimate for this act, as reflected in section 28 of this act; and

(b) House Bill 11-1033 is enacted at the first regular session of the sixty-eighth general assembly and becomes law; and

(c) The staff director of the joint budget committee files written notice with the revisor of statutes no later than July 15, 2011, that the requirement set forth in paragraph (a) of this subsection (3) has been met.".

Amendment No. 4(L.014), by Senator King K.

Amend printed bill, page 12, line 5, strike "UNION." and substitute "UNION, REGARDLESS OF WHERE THE CIVIL UNION WAS ENTERED INTO."

Page 26, line 10, after "jurisdiction." insert "(1)".

Page 26, after line 18 insert:

"(2) THE COURT SHALL FOLLOW THE LAWS OF COLORADO IN A MATTER FILED IN COLORADO THAT IS SEEKING A DISSOLUTION, LEGAL SEPARATION, OR INVALIDITY OF A CIVIL UNION THAT WAS ENTERED INTO IN ANOTHER STATE."

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-172 as amended.

Laid over until Thursday, March 24: SB11-107, HB11-1181, SB11-180, HB11-1169, HB11-1013, SB11-052, HB11-1155, HB11-1097, SB11-070, SB11-128, SB11-169.

MESSAGE FROM THE HOUSE

March 23, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1237, amended as printed in House Journal, March 22, page 721.
HB11-1261, amended as printed in House Journal, March 22, page 721.
HB11-1254, amended as printed in House Journal, March 22, page 722.

The House has postponed indefinitely SB11-015, 049. The bills are returned herewith.

The House has passed on Third Reading and returns herewith SB11-008.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-120, amended as printed in House Journal, March 22, pages 719-721.

The House has voted to concur in the Senate amendments to HB11-1178, 1183, and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB11-1189 and requests that a conference committee be appointed. The Speaker has appointed Representatives Waller, chairman, Nikkel, and Fields as House conferees on the First Conference Committee on HB11-1189. The bill is transmitted herewith.

MESSAGE FROM THE REVISOR OF STATUTES

March 23, 2011

We herewith transmit:

Without comment, as amended, HB11-1237, 1254, and 1261.
Without comment, as amended, SB11-120.

MESSAGE FROM THE GOVERNOR

March 22, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-086 CONCERNING PERIODS GOVERNING THE APPEAL BY TAXPAYERS IN TAX DISPUTES WITH LOCAL GOVERNMENTS IN CONNECTION WITH THE IMPOSITION OF SALES OR USE TAX BY SUCH GOVERNMENTS

Approved March 22th, 2011 at 10:31 a.m.

SB11-029 CONCERNING CERTAIN ANNUAL REPORTS OF THE STATE BOARD OF LAND COMMISSIONERS

Approved March 22th, 2011 at 10:29 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

SENATE SERVICES REPORT

Correctly Printed: SB11-201.
Correctly Engrossed: SB11-198; SM11-001.
Correctly Reengrossed: SB11-178 and 188.
Correctly Revised: HB11-1033, 1101, 1111, 1159 and 1236.
Correctly Rerevised: HB11-1180, 1183, 1186, 1189, 1193, 1203 and 1262.
Correctly Enrolled: SJR11-028; SM11-001.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR11-025, 027 and 028; SM11-001.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Tuesday, March 22, 2011, at 11:30 a.m.:
SB11-012, 021, 040 and 096.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB11-1209** 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 19 through 27 and substitute:

"(II) ON OR BEFORE JANUARY 15, 2012, AND ON OR BEFORE EACH JANUARY 15 THEREAFTER, THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT SHALL SUBMIT A REPORT TO THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE AND THE ECONOMIC AND BUSINESS DEVELOPMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR SUCH SUCCESSOR COMMITTEES, WHICH REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE NUMBER OF SMALL BUSINESSES BEING SERVED BY THE SMALL BUSINESS NAVIGATOR."

Page 4, strike lines 1 through 11.

Renumber succeeding section accordingly.

Trans- portation After consideration on the merits, the Committee recommends that **SB11-197** be referred to the Committee on Appropriations with favorable recommendation.

Trans- portation The Committee on Transportation has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COLORADO AERONAUTICAL BOARD

for terms expiring December 19, 2013:

Debra K. Wilcox of Centennial, Colorado, to serve as a member familiar with and supportive of the state's aviation issues, interests, and concerns, reappointed;

Dale E. Hancock of Glenwood Springs, Colorado, to serve as a representative of local government in the western slope which operates airports, reappointed.

Trans- portation After consideration on the merits, the Committee recommends that **HB11-1192** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB11-1205** be postponed indefinitely.

Local Government After consideration on the merits, the Committee recommends that **HB11-1042** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

	Amend reengrossed bill, page 3, line 23, after "IMPROVEMENT," insert "OR".	1 2 3 4
Local Government	After consideration on the merits, the Committee recommends that HB11-1059 be postponed indefinitely.	5 6 7 8
Local Government	After consideration on the merits, the Committee recommends that HB11-1124 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	9 10 11 12 13
Local Government	After consideration on the merits, the Committee recommends that HB11-1174 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	14 15 16 17 18
Judiciary	After consideration on the merits, the Committee recommends that HB11-1128 be postponed indefinitely.	19 20 21 22
Judiciary	After consideration on the merits, the Committee recommends that HB11-1221 be referred to the Committee of the Whole with favorable recommendation.	23 24 25 26 27 28
<hr/>		
On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, March 23 was laid over until Thursday, March 24, retaining its place on the calendar.		29 30 31 32
Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023, SJR11-024, SJR11-026.		33 34
Consideration of House Amendments to Senate Bills: SCR11-001, SB11-034, SB11-083, SB11-039.		35 36
Consideration of Governor's Appointments:		37
Members of the Board of Trustees for Mesa State College		38
Requests for Conference Committee: SB11-007, HB11-1069.		39 40 41 42 43
<hr/>		
On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, March 24, 2011.		44 45 46
Approved:		47 48 49 50
Brandon C. Shaffer President of the Senate		51 52 53
Attest:		54 55 56 57
Cindi L. Markwell Secretary of the Senate		58 59

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

72nd Legislative Day Thursday, March 24, 2011

Prayer By the chaplain, Reverend Paul Kottke, University Park United Methodist Church, Denver. 11

Call to Order By the President at 9:00 a.m. 14

Pledge By Senator Jahn. 17

Roll Call Present--35 19

Quorum The President announced a quorum present. 22

Reading of Journal On motion of Senator Roberts, reading of the Journal of Wednesday, March 23, 2011, was dispensed with and the Journal was approved as corrected by the Secretary. 24

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-202 by Senator(s) Cadman; also Representative(s) Gardner B.--Concerning the authority for the proceeds of the transfer of a hospital owned by certain types of local governments to be used for a public purpose if the public purpose is approved by the voters of the local government. 34

Local Government 38

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB11-172 by Senator(s) Steadman, Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, Morse, Newell, Nicholson, Shaffer B., Tochtrop, Williams S., Schwartz; also Representative(s) Ferrandino, Court, Duran, Fischer, Gardner D., Hamner, Hunninghorst, Jones, Kagan, Kefalas, Kerr A., Labuda, Lee, Levy, McCann, Miklosi, Pabon, Peniston, Ryden, Schafer S., Tyler, Williams A., Wilson, Casso, Fields, Todd, Vigil--Concerning authorization of civil unions, and making an appropriation in connection therewith. 47

The question being "Shall the bill pass?", the roll call was taken with the following result: 55

YES	23	NO	12	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

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

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 House amendments to Senate bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-034 by Senator(s) Nicholson; also Representative(s) Summers--Concerning requiring an educator who provides services through the women, infants, and children program to report child abuse or neglect.

Senator Nicholson moved that the Senate concur in House amendments to **SB11-034**, as printed in House journal, March 15, page 644. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsor added: King S.

SB11-039 by Senator(s) Tochtrop; also Representative(s) Massey--Concerning the consequences of default in payments due for storage of personal property in a self-storage facility.

Senator Tochtrop moved that the Senate concur in House amendments to **SB11-039**, as printed in House journal, March 18, page 683. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-025 by Senator(s) Carroll; also Representative(s) Ferrandino--Concerning accountability for state procurement, and, in connection therewith, enacting the "Colorado Taxpayer Empowerment Act of 2011".

Senator Carroll moved that the Senate concur in House amendments to **SB11-025**, as printed in House journal, March 21, page 707. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

SB11-120 by Senator(s) Newell, Bacon, Foster, Giron, Guzman, Hudak, Jahn, Johnston, Morse, Nicholson, Schwartz, Shaffer B., Steadman, Williams S.; also Representative(s) Kefalas, Ferrandino, Kagan--Concerning rights of certain children in foster care, and, in connection therewith, establishing rights for children in foster care except for those in the custody of the division of youth corrections or a state mental hospital.

Senator Newell moved that the Senate concur in House amendments to **SB11-120**, as printed in House journal, March 22, pages 719-721. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-083 by Senator(s) Roberts; also Representative(s) Barker--Concerning provisions relating to the Colorado probate code.

Senator Roberts moved that the Senate concur in House amendments to **SB11-083**, as printed in House journal, March 18, page 682. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd and Steadman.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF TRUSTEES FOR MESA STATE COLLEGE

effective December 31, 2010, for terms expiring December 31, 2014:

Honorable Jose D.L. Marquez of Englewood, Colorado, a Democrat, reappointed;

Kathleen S. Eck of Edwards, Colorado, a Republican, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

SENATE SERVICES REPORT

Correctly Engrossed: SB11-172.
Correctly Reengrossed: SB11-198.
Correctly Rerevised: HB11-1033, 1101, 1111, 1159, 1236 and 1258.
Correctly Enrolled: SB11-010, 019, 024, 031 and 087.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators King K., Chair, Guzman, and Giron as Senate conferees on the first conference committee on **HB11-1189**.

MESSAGE FROM THE HOUSE

March 24, 2011

Mr. President:

The House has adopted and transmits herewith HJR11-1012.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1268, amended as printed in House Journal, March 22, page 721.

The House has voted to concur in the Senate amendments to HB11-1180, and has repassed the bill as so amended.

COMMITTEE OF REFERENCE REPORTS

Business,
Labor, &
Technology

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

MEMBERS OF THE
STATE ELECTRICAL BOARD

effective July 2, 2010 for terms expiring July 1, 2013:

Michael E. Dell'Orfano of Aurora, Colorado, a member of the public at large, appointed;

Jerry L. Coffee of Pueblo, Colorado, an electrical contractor who has a masters' license, reappointed.

Business,
Labor, &
Technology

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

STATEWIDE INTERNET PORTAL AUTHORITY

for a term expiring June 1, 2014:

Stephan Michael Tadashi Bruce of Englewood, Colorado, as a representative of the private sector, appointed.

Business,
Labor, &
Technology

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

**MEMBERS OF THE
BOARD OF MORTGAGE LOAN ORIGINATORS**

for terms expiring August 10, 2012:

Cheryl L. Dingwell-Keckritz of Colorado Springs, Colorado, a licensed mortgage loan originator, appointed;

Leslie J. Mitchell of Denver, Colorado, a member of the public at large, appointed;

for terms expiring August 10, 2014:

Rosemary Marshall of Denver, Colorado, a member of the public at large, appointed.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB11-167** be referred to the Committee on Legislative Council with favorable recommendation.

Judiciary

After consideration on the merits, the Committee recommends that **SB11-179** be referred to the Committee of the Whole with favorable recommendation.

Judiciary

After consideration on the merits, the Committee recommends that **HB11-1076** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 2, line 14, strike "case." and substitute "case; EXCEPT THAT, IF AMOUNTS OWED IN THE CASE HAVE STILL NOT BEEN PAID IN FULL ONE YEAR AFTER THE DATE OF THE ASSESSMENT, SAID FEE SHALL BE ASSESSED ANNUALLY UNTIL THE DEFENDANT HAS FULLY SATISFIED HIS OR HER FINANCIAL OBLIGATION IN THE CASE.".

Judiciary

After consideration on the merits, the Committee recommends that **HB11-1200** be referred to the Committee on Finance with favorable recommendation.

Judiciary

After consideration on the merits, the Committee recommends that **SB11-133** be amended as follows, and as so amended, be referred to the Committee on Legislative Council with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. Part 1 of article 33 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-33-111. School discipline study - legislative declaration - task force appointed - report - repeal. (1) (a) THE GENERAL ASSEMBLY FINDS THAT:

(I) SECTION 2 OF ARTICLE IX OF THE STATE CONSTITUTION PROVIDES FOR THE ESTABLISHMENT OF A THOROUGH AND UNIFORM SYSTEM OF PUBLIC SCHOOLS WITH THE PURPOSE OF PROVIDING FREE EDUCATION FOR ALL CHILDREN IN THE STATE SO THAT THEY ARE PREPARED TO BECOME PRODUCTIVE AND ENGAGED MEMBERS OF SOCIETY;

(II) TO THAT END, PUBLIC SCHOOLS SHOULD BE SAFE, WELCOMING, AND ENGAGING PLACES FOR CHILDREN TO LEARN. SCHOOL DISCIPLINE POLICIES AND PRACTICES SHOULD BE DESIGNED TO PROTECT STUDENTS FROM HARM, CREATE HEALTHY AND PRODUCTIVE LEARNING ENVIRONMENTS, ASSIST YOUTH IN LEARNING FROM THEIR MISTAKES, AND

MAXIMIZE STUDENTS' OPPORTUNITIES TO LEARN.

(III) IN PUBLIC SCHOOLS ACROSS THE STATE, ZERO-TOLERANCE POLICIES HAVE LED TO STUDENTS BEING REMOVED FROM SCHOOL THROUGH OUT-OF-SCHOOL SUSPENSION, EXPULSION, AND REFERRALS TO ALTERNATIVE SCHOOLS FOR MINOR INCIDENTS OF MISBEHAVIOR THAT COULD BE MORE APPROPRIATELY DEALT WITH USING MORE EFFECTIVE STRATEGIES;

(IV) SIMILARLY, PUBLIC SCHOOLS ACROSS THE STATE, STUDENTS ARE BEING TICKETED, ARRESTED, OR OTHERWISE REFERRED TO LAW ENFORCEMENT OFFICIALS FOR MINOR MISBEHAVIOR THAT COULD BE DEALT WITH USING MORE EFFECTIVE SCHOOL DISCIPLINARY METHODS; AND

(V) THESE PROBLEMS EXIST AND THEY CONTRIBUTE TO HIGH DROPOUT RATES, LOW GRADUATION RATES, ACHIEVEMENT GAPS, AND LONG-TERM COSTS TO THE COMMUNITY IN THE FORM OF LESS EDUCATED AND LESS PRODUCTIVE CITIZENS.

(b) THE GENERAL ASSEMBLY DECLARES THAT IT IS NECESSARY AND APPROPRIATE TO CREATE A LEGISLATIVE TASK FORCE TO ASSESS THE CURRENT USE OF SCHOOL DISCIPLINE STRATEGIES AS THEY RELATE TO THE JUVENILE JUSTICE SYSTEM, ALONG WITH EVIDENCE-BASED SOLUTIONS THAT PROMOTE DISCIPLINE STRATEGIES TO KEEP STUDENTS IN SCHOOL AND REDUCE THE CRIMINALIZATION OF SCHOOL-BASED BEHAVIORS.

(2) THERE IS HEREBY CREATED A LEGISLATIVE TASK FORCE TO STUDY AND ASSESS:

(a) CURRENT SCHOOL DISCIPLINE PRACTICES AND STATUTES CONCERNING ZERO TOLERANCE PRACTICES IN COLORADO SCHOOLS;

(b) THE USE OF LAW ENFORCEMENT TICKETS, ARRESTS, AND OTHER JUVENILE JUSTICE SANCTIONS FOR SCHOOL-BASED BEHAVIORS IN ELEMENTARY AND SECONDARY PUBLIC SCHOOLS IN COLORADO; AND

(c) THE INTERACTION OF SCHOOL DISCIPLINE PRACTICES WITH THE JUVENILE JUSTICE SYSTEM IN COLORADO.

(3) (a) (I) THE TASK FORCE SHALL CONSIST OF SIX LEGISLATIVE MEMBERS APPOINTED AS FOLLOWS:

(A) THREE MEMBERS OF THE SENATE, TWO OF WHOM ARE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE OF WHOM IS APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

(B) THREE MEMBERS OF THE HOUSE OF REPRESENTATIVES, TWO OF WHOM ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE OF WHOM IS APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

(II) THE APPOINTING AUTHORITIES SHALL MAKE THEIR APPOINTMENTS NO LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION. THE PRESIDENT OF THE SENATE SHALL SELECT A LEGISLATIVE TASK FORCE MEMBER TO SERVE AS CHAIR OF THE TASK FORCE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL SELECT A LEGISLATIVE MEMBER OF THE TASK FORCE TO SERVE AS VICE-CHAIR OF THE TASK FORCE.

(III) NOTWITHSTANDING THE PROVISIONS OF SECTION 2-2-307, C.R.S., THE LEGISLATIVE MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES INCURRED IN SERVING ON THE TASK FORCE.

(b) (I) THE CHAIR AND VICE-CHAIR OF THE TASK FORCE SHALL JOINTLY SELECT UP TO TEN PERSONS TO SERVE AS NON-VOTING MEMBERS OF THE TASK FORCE AND TO ASSIST THE LEGISLATIVE TASK FORCE MEMBERS IN REVIEWING THE ISSUES IDENTIFIED IN THIS SECTION. THE NON-VOTING MEMBERS SHALL INCLUDE PERSONS WITH KNOWLEDGE AND EXPERIENCE IN THE AREAS OF SCHOOL DISCIPLINE AND JUVENILE JUSTICE AND WHO REPRESENT THE FOLLOWING CONSTITUENCIES:

(A) SCHOOL DISTRICTS;

(B) TEACHERS AND ADMINISTRATORS EMPLOYED IN PUBLIC SCHOOLS;

(C) STUDENTS AND PARENTS OF STUDENTS ENROLLED IN PUBLIC SCHOOLS;

(D) LAW ENFORCEMENT AGENCIES;

(E) DISTRICT ATTORNEYS;

(F) CRIMINAL DEFENSE ATTORNEYS;

(G) RESTORATIVE JUSTICE PRACTITIONERS; AND

(H) COMMUNITY ORGANIZATIONS.

(II) THE NON-VOTING TASK FORCE MEMBERS SHALL SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

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(4) (a) THE TASK FORCE SHALL HOLD AT LEAST FOUR PUBLIC MEETINGS AND MAY HOLD ADDITIONAL PUBLIC MEETINGS AS DEEMED NECESSARY BY THE CHAIR. AT THE MEETINGS, THE TASK FORCE SHALL TAKE TESTIMONY ON AND DISCUSS THE TOPICS SPECIFIED IN SUBSECTION (2) OF THIS SECTION. THE TASK FORCE MAY ALSO SOLICIT AND RECEIVE WRITTEN COMMENTS FROM MEMBERS OF THE PUBLIC.

(b) IN ADDITION TO TESTIMONY, THE TASK FORCE SHALL REVIEW ANY AVAILABLE, NON-IDENTIFYING COLORADO DATA COLLECTED BY THE DEPARTMENT OF EDUCATION, SCHOOL DISTRICTS, OR LAW ENFORCEMENT AGENCIES IN STUDYING ISSUES RELATING TO ZERO-TOLERANCE LAWS AND PRACTICES AND THE USE OF JUVENILE JUSTICE SANCTIONS FOR SCHOOL-BASED ADOLESCENT BEHAVIORS. THE TASK FORCE MAY ALSO SOLICIT INFORMATION FROM THE NATIONAL CONFERENCE OF STATE LEGISLATURES, OTHER NATIONAL RESEARCH ORGANIZATIONS, AND OTHER STATES OR ORGANIZATIONS THAT HAVE STUDIED OR INTRODUCED LEGISLATION CONCERNING EVIDENCE-BASED PRACTICES FOR ADDRESSING SCHOOL DISCIPLINE ISSUES.

(5) ON OR BEFORE DECEMBER 15, 2011, THE TASK FORCE SHALL SUBMIT TO THE JUDICIARY COMMITTEES AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, WRITTEN RECOMMENDATIONS FOR STATUTORY CHANGES TO ENHANCE THE EFFECTIVENESS OF SCHOOL DISCIPLINE PRACTICES IN ACHIEVING THE GOALS IDENTIFIED IN SUBSECTION (1) OF THIS SECTION. EACH RECOMMENDATION OF THE TASK FORCE REQUIRES THE AFFIRMATIVE CONSENT OF A MAJORITY OF THE LEGISLATIVE MEMBERS. THE TASK FORCE MAY ALSO SUBMIT ONE OR MORE MINORITY REPORTS.

(6) (a) THE TASK FORCE SHALL NEITHER RECEIVE NOR EXPEND GENERAL FUND MONEYS IN FULFILLING ITS DUTIES. NEITHER THE LEGISLATIVE COUNCIL STAFF NOR THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL PROVIDE STAFF SUPPORT TO THE TASK FORCE. THE TASK FORCE SHALL NOT BE CONSIDERED AN INTERIM COMMITTEE FOR PURPOSES OF RULE 24 (b) (1) (D) OR RULE 24A OF THE JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

(b) THE TASK FORCE MAY SOLICIT, ACCEPT, AND EXPEND PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS, INCLUDING IN-KIND DONATIONS, TO SUPPORT THE TASK FORCE IN FULFILLING ITS DUTIES. ANY MONEYS RECEIVED PURSUANT TO THIS PARAGRAPH (b) SHALL BE CREDITED TO THE LEGISLATIVE DEPARTMENT CASH FUND CREATED IN SECTION 2-2-1601, C.R.S., FOR USE BY THE TASK FORCE.

(7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012.
SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Education After consideration on the merits, the Committee recommends that **HB11-1126** be referred to the Committee of the Whole with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **SB11-173** 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 "and instantaneously" and strike "by radio".

Page 4, strike lines 17 through 27 and substitute:

"(d) Each school district, on or before July 1, 2009, to start to develop in conjunction with local fire departments, local law enforcement agencies, local emergency medical service personnel, local mental health organizations, and local public health agencies, collectively referred to in this subsection (4) as "community partners", a school safety, readiness, and incident management plan, INCLUDING, TO THE EXTENT POSSIBLE, EMERGENCY COMMUNICATIONS, that coordinates with any statewide or local homeland security EMERGENCY OPERATION plans. and that, IN DEVELOPING THE PLAN, A SCHOOL DISTRICT MAY COLLABORATE WITH LOCAL FIRE DEPARTMENTS, STATE AND LOCAL LAW ENFORCEMENT AGENCIES, LOCAL 911 AGENCIES, LOCAL EMERGENCY MEDICAL SERVICE

PERSONNEL, LOCAL MENTAL HEALTH ORGANIZATIONS, LOCAL PUBLIC HEALTH AGENCIES, LOCAL EMERGENCY MANAGEMENT PERSONNEL, AND LOCAL OR REGIONAL HOMELAND SECURITY PERSONNEL, WHICH ENTITIES ARE COLLECTIVELY REFERRED TO IN THIS SUBSECTION (4) AS "COMMUNITY PARTNERS". THE SCHOOL SAFETY, READINESS, AND INCIDENT MANAGEMENT PLAN SHALL, at a minimum, identifies IDENTIFY for each public school in the school district:".

Page 5, line 10, strike "REGULAR".

Page 5, strike lines 20 through 27 and substitute:

"response. (1) THE SCHOOL RESPONSE FRAMEWORK CREATED IN SECTION 22-32-109.1 (4), C.R.S., SETS FORTH THE FRAMEWORK FOR SCHOOL EMERGENCY INCIDENT RESPONSE AND EMERGENCY PREPAREDNESS, INCLUDING EMERGENCY COMMUNICATIONS. PURSUANT TO THE SCHOOL RESPONSE FRAMEWORK, EMERGENCY RESPONSE PERSONNEL ARE COMMUNITY PARTNERS WITH SCHOOLS. AS PART OF ITS DUTY TO REGULARLY INSPECT SCHOOL".

Strike page 6.

Page 9, strike lines 23 through 27 and substitute:

"(j) PROVIDE INFORMATION AND EXPERTISE, TO THE EXTENT POSSIBLE, REGARDING INTEROPERABLE AND EMERGENCY COMMUNICATIONS PLANNING, TECHNOLOGY, TRAINING, AND FUNDING OPPORTUNITIES TO STATE, REGIONAL, TRIBAL, AND LOCAL AGENCIES AND EMERGENCY PERSONNEL AND ALL OTHER STAKEHOLDERS, INCLUDING BUT NOT LIMITED TO PUBLIC, PRIVATE AND NONGOVERNMENTAL ORGANIZATIONS.".

Page 10, strikes lines 1 through 4.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB11-187** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 12, line 3, after "(6)," insert "(7.5),".

Page 12, after line 18 insert:

"(7.5) "Professional relationship" means an interaction that is deliberately planned or directed, or both, by the ~~psychologist~~ **psychologist** LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER toward obtaining specific ~~psychological~~ **psychological** objectives. ~~such as those set forth in subsection (9) of this section.~~"

Page 12, strike lines 23 through 27.

Page 13, strike lines 1 through 9 and substitute:

~~"(9) "Psychotherapy" means the treatment, diagnosis, testing, assessment, or counseling in a professional relationship to assist individuals or groups to alleviate mental disorders, understand unconscious or conscious motivation, resolve emotional, relationship, or attitudinal conflicts, or modify behaviors which interfere with effective emotional, social, or intellectual functioning. Psychotherapy follows a planned procedure of intervention which takes place on a regular basis, over a period of time, or in the cases of testing, assessment, and brief psychotherapy, it can be a single intervention. It is the intent of the general assembly that the definition of psychotherapy as used in this part 2 be interpreted in its narrowest sense to regulate only those persons who clearly fall within the definition set forth in this subsection (9)."~~

Page 17, line 18, strike "**Repeal.**".

Page 17, line 19, strike "repealed as follows:" and substitute "amended to

read:". 1

Page 17, strike lines 22 through 27. 2

Page 18, strike lines 1 through 5 and substitute: 3

"(3) (a) "Psychotherapy" means the treatment, diagnosis, testing, 4
assessment, or counseling in a professional relationship to assist 5
individuals or groups to alleviate mental disorders, understand 6
unconscious or conscious motivation, resolve emotional, relationship, or 7
attitudinal conflicts, or modify behaviors ~~which~~ THAT interfere with 8
effective emotional, social, or intellectual functioning. Psychotherapy 9
follows a planned procedure of intervention ~~which~~ THAT takes place on 10
a regular basis, over a period of time, OR IN THE CASES OF TESTING, 11
ASSESSMENT, AND BRIEF PSYCHOTHERAPY, IT CAN BE A SINGLE 12
INTERVENTION. 13

(b) It is the intent of the general assembly that the definition of 14
psychotherapy as used in this part 7 be interpreted in its narrowest sense 15
to regulate only those persons who clearly fall within the definition set 16
forth in this subsection (3)". 17

Page 20, after line 11 insert: 18

"(6) A REGISTERED PSYCHOTHERAPIST SHALL INCLUDE IN ANY 19
ADVERTISING OR WRITTEN MATERIAL GIVEN TO THE PUBLIC AND 20
POTENTIAL CLIENTS, INCLUDING ON THE REGISTERED PSYCHOTHERAPIST'S 21
WEB PAGE, IN A WRITTEN OR ELECTRONIC ADVERTISEMENT CONTAINED IN 22
OR POSTED ON A PHYSICAL OR WEB-BASED DIRECTORY LISTING OF 23
BUSINESSES, ON A BUSINESS CARD, OR ON ANY OTHER ADVERTISEMENT OR 24
WRITTEN MATERIAL THAT LISTS THE REGISTERED PSYCHOTHERAPIST'S 25
NAME AND CONTACT INFORMATION, A STATEMENT THAT THE PERSON IS 26
REGISTERED BY THE STATE TO PRACTICE PSYCHOTHERAPY BUT IS NOT 27
LICENSED BY THE STATE.". 28

Page 28, line 2, strike "A" and substitute "THE FOLLOWING" and strike 29
"SECTION" and substitute "SECTIONS". 30

Page 29, after line 24 insert: 31

**"12-43-227.5. Mental health professional peer health 32
assistance program - fees - administration - rules. (1) (a) ON AND 33
AFTER JULY 1, 2011, AS A CONDITION OF LICENSURE, REGISTRATION, OR 34
CERTIFICATION AND RENEWAL IN THIS STATE, EVERY PERSON APPLYING 35
FOR A NEW LICENSE, REGISTRATION, OR CERTIFICATION OR TO RENEW HIS 36
OR HER LICENSE, REGISTRATION, OR CERTIFICATION SHALL PAY TO THE 37
APPROPRIATE BOARD, FOR USE BY THE ADMINISTERING ENTITY SELECTED 38
BY THE BOARD PURSUANT TO THIS SUBSECTION (1), AN AMOUNT NOT TO 39
EXCEED TWENTY-FIVE DOLLARS PER APPLICATION FOR A NEW OR TO 40
RENEW A LICENSE, REGISTRATION, OR CERTIFICATION, WHICH MAXIMUM 41
AMOUNT MAY BE ADJUSTED ON JANUARY 1, 2012, AND ANNUALLY 42
THEREAFTER BY THE APPROPRIATE BOARD TO REFLECT CHANGES IN THE 43
UNITED STATES BUREAU OF STATISTICS CONSUMER PRICE INDEX FOR THE 44
DENVER-BOULDER CONSOLIDATED METROPOLITAN STATISTICAL AREA FOR 45
ALL URBAN CONSUMERS OR GOODS, OR ITS SUCCESSOR INDEX. THE 46
APPROPRIATE BOARD SHALL FORWARD THE FEE TO THE CHOSEN 47
ADMINISTERING ENTITY FOR USE IN SUPPORTING DESIGNATED PROVIDERS 48
SELECTED BY THE BOARD TO PROVIDE ASSISTANCE TO LICENSEES, 49
REGISTRANTS, OR CERTIFICATE HOLDERS NEEDING HELP IN DEALING WITH 50
PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS THAT MAY BE 51
DETRIMENTAL TO THEIR ABILITY TO PRACTICE THEIR MENTAL HEALTH 52
PROFESSION. 53**

(b) THE APPLICABLE BOARD SHALL SELECT ONE OR MORE PEER 54
HEALTH ASSISTANCE PROGRAMS AS DESIGNATED PROVIDERS. TO BE 55
ELIGIBLE FOR DESIGNATION BY THE BOARD, A PEER HEALTH ASSISTANCE 56
PROGRAM MUST: 57

(I) PROVIDE FOR THE EDUCATION OF MENTAL HEALTH 58
PROFESSIONALS WITH RESPECT TO THE RECOGNITION AND PREVENTION OF 59
PHYSICAL, EMOTIONAL, AND PSYCHOLOGICAL CONDITIONS AND PROVIDE 60
FOR INTERVENTION WHEN NECESSARY OR UNDER CIRCUMSTANCES 61

ESTABLISHED BY THE BOARD BY RULE;

(II) OFFER ASSISTANCE TO A MENTAL HEALTH PROFESSIONAL IN IDENTIFYING PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS;

(III) EVALUATE THE EXTENT OF PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS AND REFER THE MENTAL HEALTH PROFESSIONAL FOR APPROPRIATE TREATMENT;

(IV) MONITOR THE STATUS OF A MENTAL HEALTH PROFESSIONAL WHO HAS BEEN REFERRED FOR TREATMENT;

(V) PROVIDE COUNSELING AND SUPPORT FOR THE MENTAL HEALTH PROFESSIONAL AND FOR THE FAMILY OF ANY MENTAL HEALTH PROFESSIONAL REFERRED FOR TREATMENT;

(VI) AGREE TO RECEIVE REFERRALS FROM THE BOARD; AND

(VII) AGREE TO MAKE ITS SERVICES AVAILABLE TO ALL LICENSED, REGISTERED, OR CERTIFIED MENTAL HEALTH PROFESSIONALS.

(c) THE BOARD MAY SELECT AN ENTITY TO ADMINISTER THE MENTAL HEALTH PROFESSIONAL PEER ASSISTANCE PROGRAM. AN ADMINISTERING ENTITY MUST BE A NONPROFIT PRIVATE FOUNDATION THAT IS QUALIFIED UNDER SECTION 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND THAT IS DEDICATED TO PROVIDING SUPPORT FOR CHARITABLE, BENEVOLENT, EDUCATIONAL, AND SCIENTIFIC PURPOSES THAT ARE RELATED TO MENTAL HEALTH PROFESSIONS, MENTAL HEALTH PROFESSIONAL EDUCATION, MENTAL HEALTH RESEARCH AND SCIENCE, AND OTHER MENTAL HEALTH CHARITABLE PURPOSES.

(d) THE ADMINISTERING ENTITY SHALL:

(I) DISTRIBUTE THE MONEYS COLLECTED BY THE APPLICABLE BOARD, LESS EXPENSES, TO THE DESIGNATED PROVIDER, AS DIRECTED BY THE BOARD;

(II) PROVIDE AN ANNUAL ACCOUNTING TO THE BOARD OF ALL AMOUNTS COLLECTED, EXPENSES INCURRED, AND AMOUNTS DISBURSED; AND

(III) POST A SURETY PERFORMANCE BOND IN AN AMOUNT SPECIFIED BY THE BOARD TO SECURE PERFORMANCE UNDER THE REQUIREMENTS OF THIS SECTION. THE ADMINISTERING ENTITY MAY RECOVER THE ACTUAL ADMINISTRATIVE COSTS INCURRED IN PERFORMING ITS DUTIES UNDER THIS SECTION IN AN AMOUNT NOT TO EXCEED TEN PERCENT OF THE TOTAL AMOUNT COLLECTED.

(e) THE APPLICABLE BOARD SHALL 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 OR DUE TO THE BOARD FOR EACH FISCAL YEAR ARE CUSTODIAL FUNDS THAT ARE NOT SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY, AND THE DISTRIBUTION OF 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.

(2) (a) ANY MENTAL HEALTH PROFESSIONAL WHO IS REFERRED BY THE APPLICABLE BOARD TO A PEER HEALTH ASSISTANCE PROGRAM SHALL ENTER INTO A STIPULATION WITH THE BOARD PURSUANT TO SECTION 12-43-223 (6) BEFORE PARTICIPATING IN THE PROGRAM. THE AGREEMENT MUST CONTAIN SPECIFIC REQUIREMENTS AND GOALS TO BE MET BY THE PARTICIPANT, INCLUDING THE CONDITIONS UNDER WHICH THE PROGRAM WILL BE SUCCESSFULLY COMPLETED OR TERMINATED, AND A PROVISION THAT A FAILURE TO COMPLY WITH THE REQUIREMENTS AND GOALS ARE TO BE PROMPTLY REPORTED TO THE BOARD AND THAT SUCH FAILURE WILL RESULT IN DISCIPLINARY ACTION BY THE BOARD.

(b) NOTWITHSTANDING SECTIONS 12-43-223, 12-43-224, AND 24-4-104, C.R.S., THE APPLICABLE BOARD MAY IMMEDIATELY SUSPEND THE LICENSE OF ANY MENTAL HEALTH PROFESSIONAL WHO IS REFERRED TO A PEER HEALTH ASSISTANCE PROGRAM BY THE BOARD AND WHO FAILS TO ATTEND OR TO COMPLETE THE PROGRAM. IF THE MENTAL HEALTH PROFESSIONAL OBJECTS TO THE SUSPENSION, HE OR SHE MAY SUBMIT A WRITTEN REQUEST TO THE BOARD FOR A FORMAL HEARING ON THE SUSPENSION WITHIN TEN DAYS AFTER RECEIVING NOTICE OF THE SUSPENSION, AND THE BOARD SHALL GRANT THE REQUEST. IN THE HEARING, THE MENTAL HEALTH PROFESSIONAL BEARS THE BURDEN OF PROVING THAT HIS OR HER LICENSE, REGISTRATION, OR CERTIFICATION

SHOULD NOT BE SUSPENDED.

(c) ANY MENTAL HEALTH PROFESSIONAL WHO SELF-REFERS AND IS ACCEPTED INTO A PEER HEALTH ASSISTANCE PROGRAM SHALL AFFIRM THAT, TO THE BEST OF HIS OR HER KNOWLEDGE, INFORMATION, AND BELIEF, HE OR SHE KNOWS OF NO INSTANCE IN WHICH HE OR SHE HAS VIOLATED THIS ARTICLE OR THE RULES OF THE BOARD, EXCEPT IN THOSE INSTANCES AFFECTED BY THE MENTAL HEALTH PROFESSIONAL'S PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS.

(3) NOTHING IN THIS SECTION CREATES ANY LIABILITY ON THE APPLICABLE BOARD OR THE STATE OF COLORADO FOR THE ACTIONS OF THE BOARD IN MAKING GRANTS TO PEER ASSISTANCE PROGRAMS, AND NO CIVIL ACTION MAY BE BROUGHT OR MAINTAINED AGAINST THE BOARD OR THE STATE FOR AN INJURY ALLEGED TO HAVE BEEN THE RESULT OF THE ACTIVITIES OF ANY STATE-FUNDED PEER ASSISTANCE PROGRAM OR THE RESULT OF AN ACT OR OMISSION OF A MENTAL HEALTH PROFESSIONAL PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER ASSISTANCE PROGRAM. HOWEVER, THE STATE REMAINS LIABLE UNDER THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S., IF AN INJURY ALLEGED TO HAVE BEEN THE RESULT OF AN ACT OR OMISSION OF A MENTAL HEALTH PROFESSIONAL PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER ASSISTANCE PROGRAM OCCURRED WHILE SUCH MENTAL HEALTH PROFESSIONAL WAS PERFORMING DUTIES AS AN EMPLOYEE OF THE STATE.

(4) THE BOARDS MAY PROMULGATE RULES NECESSARY TO IMPLEMENT THIS SECTION.

(5) AS USED IN THIS SECTION, "MENTAL HEALTH PROFESSIONAL" MEANS A PSYCHOLOGIST, SOCIAL WORKER, CLINICAL SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, LICENSED PROFESSIONAL COUNSELOR, OR PSYCHOTHERAPIST REGULATED UNDER THIS ARTICLE."

Page 38, line 1, strike "12-43-201 (9)." and substitute "~~12-43-201 (9)~~ 12-43-701 (3)."

Page 45, line 7, after "(1) (a)," insert "(1) (b)," and before "and" insert "(4) (d)."

Page 45, line 8, strike "amended" and substitute "amended, and the said 12-43-214 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH,".

Page 45, line 12, after "information" insert "VERBALLY AND".

Page 45, after line 16 insert:

"(b) (I) AN EXPLANATION OF THE LEVELS OF REGULATION APPLICABLE TO MENTAL HEALTH PROFESSIONALS UNDER THIS ARTICLE AND THE DIFFERENCES BETWEEN LICENSURE, REGISTRATION, AND CERTIFICATION, INCLUDING THE EDUCATIONAL, EXPERIENCE, AND TRAINING REQUIREMENTS APPLICABLE TO THE PARTICULAR LEVEL OF REGULATION; AND

(II) A listing of any degrees, credentials, certifications, REGISTRATIONS, and licenses HELD OR OBTAINED BY THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER, INCLUDING THE EDUCATION, EXPERIENCE, AND TRAINING THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER WAS REQUIRED TO SATISFY IN ORDER TO OBTAIN THE DEGREE, CREDENTIALS, CERTIFICATIONS, REGISTRATIONS, OR LICENSES;"

Page 45, line 21, after "board" insert "and".

Page 45, line 22, strike "and".

Page 46, line 9, strike "therapy." and substitute "therapy; AND".

Page 46, after line 9 insert:

"(e) IF THE MENTAL HEALTH PROFESSIONAL IS A REGISTERED PSYCHOTHERAPIST, A STATEMENT INDICATING THAT A REGISTERED PSYCHOTHERAPIST IS A PSYCHOTHERAPIST LISTED IN THE STATE'S DATA BASE AND IS AUTHORIZED BY LAW TO PRACTICE PSYCHOTHERAPY IN

COLORADO BUT IS NOT LICENSED BY THE STATE AND IS NOT REQUIRED TO SATISFY ANY FORMAL EDUCATIONAL OR TESTING REQUIREMENTS TO OBTAIN A REGISTRATION FROM THE STATE."

Page 46, after line 12 insert:

"(d) The client is in the physical custody of either the department of corrections or the department of human services and such department has developed an alternative program to provide similar information to such client and such program has been established through rule or regulation; pursuant to the "State Administrative Procedure Act", article 4 of title 24, C.R.S."

Page 46, line 17, strike "(5)," and substitute "(5) and (7)," and strike "is" and substitute "are".

Page 46, after line 23 insert:

"(7) ~~The provisions of this article shall not apply to mental health professionals acting within the scope of a court appointment to undertake custodial evaluations in domestic relations cases in the courts of this state or to mental health professionals acting within the scope of a court appointment to undertake domestic and child abuse evaluations for purposes of legal proceedings in the courts of this state.~~"

Page 46, line 27, strike "amended" and substitute "amended, and the said 12-43-218 is further amended BY THE ADDITION OF A NEW SUBSECTION,".

Page 48, after line 20 insert:

"(6) THIS SECTION DOES NOT APPLY TO COVERED ENTITIES, THEIR BUSINESS ASSOCIATES, OR HEALTH OVERSIGHT AGENCIES, AS EACH IS DEFINED IN THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", AS AMENDED BY THE FEDERAL "HEALTH INFORMATION TECHNOLOGY FOR ECONOMIC AND CLINICAL HEALTH ACT", AND THE RESPECTIVE IMPLEMENTING REGULATIONS."

Page 64, line 12, strike "OPTIONS, INCLUDING" and substitute "OPTIONS".

Page 64, line 13, strike "MEDICATION,".

Page 86, strike lines 9 through 27.

Page 87, strike lines 1 through 3.

Renumber succeeding sections accordingly.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB11-1138** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 17, line 19, strike "2015." and substitute "2016."

Corrected page 27, strike lines 13 through 20 and substitute:

"**SECTION 11.** 24-34-104 (47.5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (47.5) The following agencies, functions, or both, shall terminate on September 1, 2016:

(c) THE SEX OFFENDER MANAGEMENT BOARD CREATED IN SECTION 16-11.7-103, C.R.S."

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1080 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	1 2 3 4 5 6
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1084 be postponed indefinitely.	7 8 9 10 11 12
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1065 be postponed indefinitely.	13 14 15 16 17 18
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1055 be postponed indefinitely.	19 20 21 22 23 24
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1168 be postponed indefinitely.	25 26 27 28 29

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR11-1012 by Representative(s) Stephens, Swerdfeger, Pace, Vigil; also Senator(s) Scheffel-- Concerning the designation of a portion of State Highway 105 as "Medal of Honor Master Sergeant William J. Crawford Highway".

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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, March 24 was laid over until Friday, March 25, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1206.
- General Orders -- Second Reading of Bills: SB11-107, HB11-1181, SB11-180, HB11-1169, HB11-1013, SB11-052, HB11-1155, HB11-1097, SB11-070, SB11-128, SB11-169, SB11-085, HB11-1130.
- Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023, SJR11-024, SJR11-026.
- Consideration of House Amendments to Senate Bills: SCR11-001.
- Consideration of House Adherence: SB11-007.
- Requests for Conference Committee: HB11-1069, HB11-1189.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, March 25, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

73rd Legislative Day Friday, March 25, 2011

Prayer By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.

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

Pledge By Senator Jahn.

Roll Call Present--32
Excused--3, Aguilar, Johnston, Renfroe.
Present later--2, Aguilar, Renfroe.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Roberts, reading of the Journal of Thursday, March 24, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE REVISOR OF STATUTES

March 24, 2011

We herewith transmit:

Without comment, as amended, HB11-1268.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB11-203** by Senator(s) Schwartz; also Representative(s) Sonnenberg--Concerning the species conservation trust fund, and, in connection therewith, approving the species conservation eligibility list.
Agriculture, Natural Resources, and Energy
- SB11-204** by Senator(s) Giron and Morse; also Representative(s) Swerdfeger and Stephens, Barker, Gardner B., Lee--Concerning the role of certain southern Colorado university campuses.
Education
- SB11-205** by Senator(s) Tochtrop; also Representative(s) Miklosi--Concerning parity in status between health care providers under health benefit plans, and, in connection therewith, specifying the conditions under which health insurance carriers must grant participating provider status to advanced practice nurses under the carriers' health benefit plans.
Health and Human Services

SB11-206	by Senator(s) Boyd; also Representative(s) Holbert--Concerning the exemption of certain noncommercial mortgage-related activities from the "Mortgage Loan Originator Licensing and Mortgage Company Registration Act". Health and Human Services	1 2 3 4 5 6
SB11-207	by Senator(s) Tochtrop; --Concerning the regulation of roofers by the division of registrations in the department of regulatory agencies. Business, Labor and Technology	7 8 9 10 11
HB11-1106	by Representative(s) Gardner B., Waller, Barker, DelGrosso, Liston, Nikkel, Sonnenberg, Stephens; also Senator(s) Roberts--Concerning the recovery of actual damages in personal injury cases. Local Government	12 13 14 15 16 17
HB11-1140	by Representative(s) Balmer; also Senator(s) Harvey--Concerning measures to strengthen the enforcement of laws against illegal aliens. State, Veterans & Military Affairs	18 19 20 21 22
HB11-1145	by Representative(s) McCann, Labuda, Levy, Pabon; also Senator(s) Tochtrop--Concerning requirements surrounding background checks for child care facilities, and making an appropriation therefor. Education	23 24 25 26 27 28
HB11-1166	by Representative(s) Murray; also Senator(s) Aguilar--Concerning the creation of a type 1 diabetes special license plate, and making an appropriation therefor. Transportation	29 30 31 32 33
HB11-1199	by Representative(s) Gardner B.; also Senator(s) Mitchell--Concerning limits on fees for the approval of the installation of solar energy devices. Business, Labor and Technology	34 35 36 37 38
HB11-1201	by Representative(s) Hamner, Todd, Massey, Fischer, Kerr A., Peniston, Scott, Solano; also Senator(s) Nicholson and White--Concerning measures to facilitate the issuance of educator licenses. Education	39 40 41 42 43 44
HB11-1211	by Representative(s) Pace; also Senator(s) Tochtrop, Carroll--Concerning restrictions on travel-related expenditures by state-chartered entities on behalf of persons affiliated with such entities. Judiciary	45 46 47 48 49
HB11-1237	by Representative(s) Swerdfeger; also Senator(s) Bacon--Concerning the creation of the chargeable quarters and billeting cash fund, and making an appropriation therefor. State, Veterans & Military Affairs	50 51 52 53 54
HB11-1241	by Representative(s) DelGrosso; also Senator(s) Lundberg--Concerning the circumstances in which a nonprofit housing provider that sells low-cost housing to low-income applicants who assist in the construction of the housing is entitled to the property tax exemption for property used strictly for charitable purposes, and making an appropriation in connection therewith. Finance	55 56 57 58 59 60 61 62
HB11-1254	by Representative(s) Priola and Schafer S.; also Senator(s) Steadman--Concerning measures to reduce the frequency of bullying in schools. Education	63 64 65 66 67
HB11-1261	by Representative(s) Waller and Levy; also Senator(s) King S. and Boyd--Concerning the establishment of a THC blood content threshold of five nanograms per milliliter of whole blood for the purpose of charging a person with the criminal offense of DUI per se, and making an appropriation in connection therewith. Judiciary	68 69 70 71 72

HB11-1267 by Representative(s) McCann; also Senator(s) Mitchell--Concerning an expansion of the circumstances in which a court may order further restrictions as conditions of a protection order against a defendant.
Judiciary

HB11-1268 by Representative(s) Levy; also Senator(s) Nicholson--Concerning penalties for traffic offenses involving alcohol and drugs.
Judiciary

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

**GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR**

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:

HB11-1206 by Representative(s) Gardner B.; also Senator(s) Bacon--Concerning the "Uniform Debt-Management Services Act".

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

HB11-1124 by Representative(s) Williams A.; also Senator(s) Carroll--Concerning conflicts of interest of members of the executive board of a unit owners' association.

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

HB11-1174 by Representative(s) Vaad; also Senator(s) Renfroe--Concerning the filing of a certificate of destruction by a person on whose land a manufactured home is situated when a governmental entity has deemed the manufactured home in violation of local codes.

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

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

YES	32	NO	1	EXCUSED	2	ABSENT	0
Aguilar	E	Guzman	Y	Kopp	N	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB11-1206, HB11-1124, HB11-1174.

Committee of the Whole	On motion of Senator Tochtrop, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Tochtrop was called to the chair to act as Chairman.	1 2 3 4 5
GENERAL ORDERS -- SECOND READING OF BILLS		6 7
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:		8 9 10 11
SB11-107	by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident. Laid over until Monday, March 28, retaining its place on the calendar.	12 13 14 15 16 17
HB11-1181	by Representative(s) Kefalas; also Senator(s) Newell--Concerning the department of human services child fatality review team. <u>Amendment No. 1(L.003), by Senator Newell.</u> Amend reengrossed bill, page 8, line 23, strike "EIGHTEEN" and substitute "TWENTY". Page 9, line 18, strike "FATALITY." and substitute: "FATALITY; AND (f) ONE MEMBER FROM THE HEALTH AND ENVIRONMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES OR ANY SUCCESSOR COMMITTEE, TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND ONE MEMBER FROM THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE OR ANY SUCCESSOR COMMITTEE, TO BE APPOINTED BY THE PRESIDENT OF THE SENATE. THE MEMBERS APPOINTED PURSUANT TO THIS PARAGRAPH (f) SHALL BE NON-VOTING MEMBERS AND SHALL NOT BE REQUIRED TO BE PRESENT AT ANY MEETING OF THE TEAM. (7) AT THE CONCLUSION OF A CHILD FATALITY REVIEW CONDUCTED PURSUANT TO THIS SECTION, A MEMBER OF THE TEAM APPOINTED PURSUANT TO PARAGRAPHS (a) THROUGH (c) OF SUBSECTION (6) OF THIS SECTION, SHALL PROVIDE A VERBAL AND WRITTEN REPORT TO THE LEGISLATIVE MEMBERS OF THE TEAM APPOINTED PURSUANT TO PARAGRAPH (f) OF SUBSECTION (6) OF THIS SECTION." Renumber succeeding subsection accordingly. As amended, ordered revised and placed on the calendar for third reading and final passage.	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
SB11-180	by Senator(s) Tochtrop; --Concerning authority for taxicabs to pick up passengers outside their assigned geographic areas. Laid over until Monday, March 28, retaining its place on the calendar.	52 53 54 55 56 57
HB11-1169	by Representative(s) Levy, Court, Fischer, Gardner B., Labuda, Lee, Looper, McCann, Peniston, Ryden, Waller, Wilson; also Senator(s) Heath--Concerning information-sharing at Colorado state institutions of higher education. <u>Amendment No. 1, Education Committee Amendment.</u> (Printed in Senate Journal, March 17, page 479 and placed in members' bill files.) As amended, ordered revised and placed on the calendar for third reading and final passage.	58 59 60 61 62 63 64 65 66 67 68 69

- HB11-1013** by Representative(s) Schafer S.; also Senator(s) Bacon--Concerning exemptions from professional regulation for active duty military personnel. 1
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Ordered revised and placed on the calendar for third reading and final passage. 4
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- SB11-052** by Senator(s) Heath, Bacon, King K.; also Representative(s) Massey, Ferrandino-- Concerning expectations for higher education institutions in Colorado. 7
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9
Laid over until Monday, March 28, retaining its place on the calendar. 10
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12
- HB11-1155** by Representative(s) McNulty and Pace, Swerdfeger; also Senator(s) Shaffer B. and Kopp-- Concerning the lieutenant governor of the state of Colorado serving concurrently as the head of a principal department in state government, and making an appropriation in connection therewith. 13
14
15
16
17
Amendment No. 1, State, Veterans & Military Affairs Committee Amendment. 18
(Printed in Senate Journal, March 15, pages 461-463 and placed in members' bill files.) 19
20
Amendment No. 2, Appropriations Committee Amendment. 21
(Printed in Senate Journal, March 18, page 508 and placed in members' bill files.) 22
23
As amended, ordered revised and placed on the calendar for third reading and final passage. 24
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27
- HB11-1097** by Representative(s) Barker; also Senator(s) Guzman--Concerning the voluntary contribution designation benefiting the Goodwill Industries fund that appears on the state individual income tax return forms, and making an appropriation therefor. 28
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31
Amendment No. 1, Finance Committee Amendment. 32
(Printed in Senate Journal, March 11, pages 436-437 and placed in members' bill files.) 33
34
As amended, ordered revised and placed on the calendar for third reading and final passage. 35
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- SB11-070** by Senator(s) Hudak, Bacon, Williams S.; --Concerning providing postsecondary opportunities to students with special needs. 39
40
41
Amendment No. 1, Education Committee Amendment. 42
(Printed in Senate Journal, February 25, page 318-319 and placed in members' bill files.) 43
44
As amended, ordered engrossed and placed on the calendar for third reading and final passage. 45
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48
- SB11-128** by Senator(s) Newell, Bacon, Foster, Guzman, Hudak, Jahn, Johnston, Nicholson, Schwartz, Shaffer B., Steadman, Williams S.; also Representative(s) McCann and Summers, Acree, Court, Duran, Lee, Pabon, Ryden--Concerning requiring a carrier that participates in the individual health insurance market in Colorado to issue child-only plans on a guaranteed-issue basis, and making an appropriation in connection therewith. 49
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54
Amendment No. 1, Health & Human Services Committee Amendment. 55
(Printed in Senate Journal, February 24, pages 297-298 and placed in members' bill files.) 56
57
Amendment No. 2, Finance Committee Amendment. 58
(Printed in Senate Journal, March 2, pages 353-354 and placed in members' bill files.) 59
60
Amendment No. 3, Appropriations Committee Amendment. 61
(Printed in Senate Journal, March 18, page 509 and placed in members' bill files.) 62
63
As amended, ordered engrossed and placed on the calendar for third reading and final passage. 64
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67
- SB11-169** by Senator(s) Boyd; also Representative(s) Summers--Concerning the regulation of people working within a physical therapist's scope of practice, and making an appropriation therefor. 68
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Page 576	Senate Journal-73rd Day-March 25, 2011	
	<u>Amendment No. 1, Health & Human Services Committee Amendment.</u>	1
	(Printed in Senate Journal, February 18, pages 242-252 and placed in members' bill files.)	2
		3
	<u>Amendment No. 2, Finance Committee Amendment.</u>	4
	(Printed in Senate Journal, February 25, page 319 and placed in members' bill files.)	5
		6
	<u>Amendment No. 3, Appropriations Committee Amendment.</u>	7
	(Printed in Senate Journal, March 18, pages 509-513 and placed in members' bill files.)	8
		9
	<u>Amendment No. 4(L.009), by Senator Boyd.</u>	10
		11
	Amend the Health and Human Services Committee Report, dated	12
	February 17, 2011, page 1, after line 19 insert:	13
		14
	"Page 16 of the bill, after line 10 insert:	15
		16
	"(3) THIS SECTION DOES NOT APPLY TO A PHYSICAL THERAPIST	17
	WHO IS A PUBLIC EMPLOYEE ACTING WITHIN THE COURSE AND SCOPE OF	18
	THE PUBLIC EMPLOYEE'S DUTIES AND WHO IS GRANTED IMMUNITY UNDER	19
	THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE	20
	24, C.R.S.". "	21
		22
	Page 12, line 5, strike "THERAPY" and substitute "THERAPIST".	23
		24
		25
	As amended, ordered engrossed and placed on the calendar for third reading and final	26
	passage.	27
		28
		29
SB11-085	by Senator(s) Shaffer B.; also Representative(s) McCann--Concerning increasing the	30
	enforcement of prohibitions against certain prostitution-related offenses, and, in connection	31
	therewith, authorizing the creation of a program for certain first-time offenders of such	32
	offenses.	33
		34
	<u>Amendment No. 1, Judiciary Committee Amendment.</u>	35
	(Printed in Senate Journal, March 22, pages 539-542 and placed in members' bill files.)	36
		37
	As amended, ordered engrossed and placed on the calendar for third reading and final	38
	passage.	39
		40
		41
HB11-1130	by Representative(s) Priola, Todd, Liston, Szabo, Gardner B., Scott, Ramirez, Swerdfeger,	42
	Balmer, Barker, Baumgardner, Beezley, Bradford, Casso, Ferrandino, Levy, Looper,	43
	McNulty, Murray, Nikkel, Solano, Soper, Stephens, Waller; also Senator(s) Heath, Hodge,	44
	King S., Renfroe, Steadman--Concerning commodity metals, and, in connection therewith,	45
	implementing stricter identification and payment requirements for transactions involving	46
	commodity metals, increasing penalties for violations of the law regulating purchase of	47
	commodity metals, basing the classification of offense of theft of a commodity metal on the	48
	weight of the metal, and creating the commodity metals theft task force.	49
		50
	Ordered revised and placed on the calendar for third reading and final passage.	51
		52
		53
SB11-126	by Senator(s) Giron and Johnston, Bacon, Foster, Guzman, Heath, Hodge, Morse,	54
	Nicholson, Shaffer B., Steadman, Williams S.; also Representative(s) Miklosi and Williams	55
	A., Duran, Fields, Hullinghorst, Levy, Pabon, Solano--Concerning classification as an	56
	unsubsidized in-state student for tuition purposes at state institutions of higher education.	57
		58
	Laid over until Monday, March 28, retaining its place on the calendar.	59
		60
		61
SB11-168	by Senator(s) Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Johnston, Morse,	62
	Nicholson, Steadman, Tochtrop; also Representative(s) Kefalas, Court, Fields, Fischer,	63
	Gardner D., Hullinghorst, Jones, Kagan, Levy, McCann, Miklosi, Pace, Solano, Tyler--	64
	Concerning the creation of the Colorado health care authority for the purpose of designing a	65
	health care cooperative.	66
		67
	Laid over until Monday, March 28, retaining its place on the calendar.	68
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HB11-1209 by Representative(s) Jones, Looper, Massey; also Senator(s) Heath--Concerning the creation of a small business navigator by the small business assistance center under the office of economic development.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, March 23, page 552 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Heath.

Amend reengrossed bill, page 3, line 5, strike "(I)".

Page 3, line 9, strike "(A)" and substitute "(I)".

Page 3, line 10, strike "(B)" and substitute "(II)".

Page 3, line 14, strike "(C)" and substitute "(III)".

Page 3, line 16, strike "(D)" and substitute "(IV)".

Page 3, line17, strike "(E)" and substitute "(V)".

Page 3, strike lines 19 through 27.

Page 4, strike lines 1 through 11.

Renumber succeeding section accordingly.

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

HB11-1192 by Representative(s) Coram; also Senator(s) Brophy--Concerning the addition of specified highway segments to those for which a person may apply to the department of transportation for permission to operate a longer vehicle combination under existing law.

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

HB11-1221 by Representative(s) Fields, Hullinghorst, Solano, Pabon, Lee, Levy, Ryden, Labuda, Duran, Schafer S., Williams A.; also Senator(s) Spence, Guzman, Giron, Roberts--Concerning legal remedies for consumer credit laws enforced by the administrator of the "Uniform Consumer Credit Code".

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	E	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-070 as amended, SB11-128 as amended, SB11-169 as amended, SB11-085 as amended, HB11-1181 as amended, HB11-1169 as amended, HB11-1013, HB11-1155 as amended, HB11-1097 as amended, HB11-1130, HB11-1209 as amended, HB11-1192, HB11-1221.
Laid over until March 28: SB11-107, SB11-180, SB11-052, SB11-126, SB11-168.

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 House adherence on SB11-007.

SENATE RECEDE ON SB11-007

SB11-007 by Senator(s) Grantham; also Representative(s) Becker--Concerning the responsibility for the prosecution of a person who is charged with failure to register as a sex offender.

Senator Grantham moved that the Senate recede from its position on **SB11-007**, that the Conference Committee be dissolved, that the Senate Conferees be discharged, and that the Senate concur in House amendments. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	E	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	E	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsor added: Newell

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Hudak, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO AERONAUTICAL BOARD

for terms expiring December 19, 2013:

Debra K. Wilcox of Centennial, Colorado, to serve as a member familiar with and supportive of the state's aviation issues, interests, and concerns, reappointed;

Dale E. Hancock of Glenwood Springs, Colorado, to serve as a representative of local government in the western slope which operates airports, reappointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	E	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

MESSAGE FROM THE HOUSE

March 25, 2011

Mr. President:

The House has postponed indefinitely SB11-043, 069. The bills are returned herewith.

The House has voted to concur in the Senate amendments to HB11-1186, 1033, 1101, 1159, and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB11-1258 and requests that a conference committee be appointed. The Speaker has appointed Representatives Baumgardner Chairman, Barker, and Levy as House conferees on the First Conference Committee on HB11-1258. The bill is transmitted herewith.

The House has voted to recede from its position and discharge the First Conference Committee on HB11-1189. The House voted to concur in Senate amendments, and has repassed the bill as amended. The House requests return of the bill.

SENATE SERVICES REPORT

Correctly Printed: SB11-202.
Correctly Reengrossed: SB11-172.
Correctly Revised: HJR11-1012.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-010, 016, 019, 024, 031, 087 and 100.

		1
		2
Trans-	After consideration on the merits, the Committee recommends that HB11-1185 be	3
portation	amended as follows, and as so amended, be referred to the Committee of the Whole with	4
	favorable recommendation.	5
		6
	Amend reengrossed bill, page 2, line 5, strike "WITHIN" and substitute	7
	"(I) EXCEPT WHEN A LIENHOLDER CAN SHOW EXTENUATING	8
	CIRCUMSTANCES, WITHIN".	9
		10
	Page 2, after line 8 insert:	11
		12
	"(II) AS USED IN THIS SUBSECTION (2), "EXTENUATING	13
	CIRCUMSTANCES" MEANS A SITUATION WHERE ACCESS TO THE TITLE IS	14
	IMPAIRED, MAKING GOOD FAITH COMPLIANCE WITH THIS SUBSECTION (2)	15
	IMPOSSIBLE WITHIN THE TIME FRAME REQUIRED BY PARAGRAPH (a) OF THIS	16
	SUBSECTION (2). "EXTENUATING CIRCUMSTANCES" DOES NOT INCLUDE	17
	INTENTIONAL OR NEGLIGENT ACTS BY A LIENHOLDER THAT RESULT IN	18
	DELAY BEYOND THE TIME FRAME REQUIRED IN THIS SUBSECTION (2).".	19
		20
		21
Agriculture,	After consideration on the merits, the Committee recommends that HB11-1082 be	22
Natural	postponed indefinitely.	23
Resources,		24
and Energy		25
		26
		27
Education	The Committee on <u>Education</u> has had under consideration and has had a hearing on the	28
	following appointments and recommends that the appointments be confirmed:	29
		30
		31
		32
	MEMBERS OF THE	33
	<u>COLORADO SCHOOL OF MINES, BOARD OF TRUSTEES</u>	34
		35
	for a term expiring December 31, 2012:	36
		37
	Frances M. Vallejo of Houston, Texas, a Republican who is a graduate of the Colorado	38
	School of Mines, to fill the vacancy occasioned by the resignation of Maria T. Fox of	39
	Wheat Ridge, Colorado, appointed;	40
		41
	for a term expiring December 31, 2014:	42
		43
	Richard H. Truly of Golden, Colorado, an Unaffiliated who is not a graduate of the	44
	Colorado School of Mines, reappointed.	45
		46
		47
Local	After consideration on the merits, the Committee recommends that HB11-1230 be	48
Government	amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u>	49
	with favorable recommendation.	50
		51
	Amend reengrossed bill, page 4, line 14, strike "FURTHER".	52
		53
	Page 6, line 5, strike "CREATED" and substitute "MAINTAINED".	54
		55
	Page 6, line 7, strike "CREATED" and substitute "MAINTAINED".	56
		57
	Page 7, strike line 7 and substitute "TWENTY-FIVE PERCENT IN THE	58
	NUMBER OF POSITIONS ALLOCATED TO THE DEPARTMENT OF HUMAN	59
	SERVICES WHOSE JOB RESPONSIBILITIES ARE".	60
		61
	Page 8, strike lines 2 through 13.	62
		63
	Renumber succeeding sections accordingly.	64
		65
		66
Local	After consideration on the merits, the Committee recommends that SB11-185 be amended	67
Government	as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with	68
	favorable recommendation.	69

	Amend printed bill, page 2, strike lines 12 and 13 and substitute "UNITED STATES NO LATER THAN TEN".	1 2 3 4
	Page 2, line 19, strike "THE CLAUSE SHALL ALSO CONTAIN THE".	5 6
	Page 2, strike line 20.	7 8
	Page 3, strike line 1.	9 10
	Page 3, strike line 6 and 7 and substitute "ANY OUTSOURCED DUTIES AS SPECIFIED IN THIS SECTION, THE GOVERNMENTAL BODY MAY, IN THE GOVERNMENTAL".	11 12 13 14
	Page 3, strike lines 9 and 10.	15 16
	Page 3, strike lines 13 through 17 and substitute "OF THE DEPARTMENT.".	17 18 19
Local Government	After consideration on the merits, the Committee recommends that HB11-1160 be referred to the Committee of the Whole with favorable recommendation.	20 21 22 23
Trans- portation	After consideration on the merits, the Committee recommends that HB11-1182 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	24 25 26 27
Trans- portation	After consideration on the merits, the Committee recommends that HB11-1198 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	28 29 30 31
Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	32 33 34 35 36
<u>MEMBERS OF THE WASTE TIRE ADVISORY COMMITTEE</u>		37 38 39 40
	for a term expiring September 9, 2012:	41 42
	Larry G. Hudson of Denver, Colorado, to serve as a representative of tire manufacturers, appointed.	43 44 45
	Christopher B. Houtchens of Colorado Springs, Colorado, to serve as a waste tire hauler, appointed;	46 47 48 49
	for terms expiring September 9, 2013:	50 51
	Joel F. Bolduc of Colorado Springs, Colorado, to serve as a waste tire end user, appointed;	52 53
	James A. Reid of Colorado Springs, Colorado, to serve as a representative of a local fire authority from a jurisdiction that has a waste tire facility, appointed.	54 55 56 57
Health & Human Services	After consideration on the merits, the Committee recommends that HB11-1164 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	58 59 60 61 62
Finance	After consideration on the merits, the Committee recommends that HB11-1216 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	63 64 65 66

Finance	After consideration on the merits, the Committee recommends that HB11-1115 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	1 2 3 4
	Strike the Business, Labor and Technology Committee Report, dated February 23, 2011.	5 6 7
	Amend reengrossed bill, page 2, strike lines 11 through 18.	8 9
	Renumber succeeding sections accordingly.	10 11
	Page 3, strike lines 14 and 15 and substitute:	12 13
	"(b) THE PUBLIC ENTITY SHALL MAKE A FINAL SETTLEMENT IN".	14 15
	Page 3, strike lines 19 through 27.	16 17
	Page 4, strike lines 1 through 9.	18 19
	Reletter succeeding paragraph accordingly.	20 21
	Page 4, line 11, strike " may SHALL," and substitute "may,".	22 23 24 25 26
		27
	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, March 25 was laid over until Monday, March 28, retaining its place on the calendar.	28 29 30
:	Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023, SJR11-024, SJR11-026.	31 32
	Consideration of House Amendments to Senate Bills: SCR11-001.	33
	Conference Committees to Report: HB11-1069, HB11-1189.	34 35 36 37 38
		39
	On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, March 29, 2011.	40 41
	Approved:	42 43 44 45
	Brandon C. Shaffer President of the Senate	46 47 48
	Attest:	49 50 51 52
	Cindi L. Markwell Secretary of the Senate	53 54

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

76th Legislative Day	Monday, March 28, 2011
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SENATE DID NOT CONVENE ON THIS DAY

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

77th Legislative Day Tuesday, March 29, 2011

Prayer By the chaplain, Randle Loeb, Community Minister, Denver.

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

Pledge By Senator King S.

Roll Call Present--34
Excused--1, Johnston
Present later--1, Johnston.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Giron, reading of the Journal of Friday, March 25, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

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:

HB11-1206 by Representative(s) Gardner B.; also Senator(s) Bacon--Concerning the "Uniform Debt-Management Services Act".

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Newell and Nicholson.

HB11-1174 by Representative(s) Vaad; also Senator(s) Renfroe--Concerning the filing of a certificate of destruction by a person on whose land a manufactured home is situated when a governmental entity has deemed the manufactured home in violation of local codes.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

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:

HB11-1124 by Representative(s) Williams A.; also Senator(s) Carroll--Concerning conflicts of interest of members of the executive board of a unit owners' association.

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

YES	23	NO	11	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	Y	King S.	N	Roberts	Y		

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

HB11-1181 by Representative(s) Kefalas; also Senator(s) Newell--Concerning the department of human services child fatality review team.

Laid over until Wednesday, March 30, retaining its place on the calendar.

HB11-1169 by Representative(s) Levy, Court, Fischer, Gardner B., Labuda, Lee, Looper, McCann, Peniston, Ryden, Waller, Wilson; also Senator(s) Heath--Concerning information-sharing at Colorado state institutions of higher education.

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

YES	26	NO	8	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

Co-sponsors added: King S., Newell, Schwartz, Spence and Williams S.

HB11-1013 by Representative(s) Schafer S.; also Senator(s) Bacon--Concerning exemptions from professional regulation for active duty military personnel.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Heath, Hodge, Hudak, Jahn, King K., King S., Kopp, Lambert, Lundberg, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

HB11-1155 by Representative(s) McNulty and Pace, Swerdfeger; also Senator(s) Shaffer B. and Kopp--Concerning the lieutenant governor of the state of Colorado serving concurrently as the head of a principal department in state government, and making an appropriation in connection therewith.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Foster, Giron, Grantham, Guzman, Heath, Hodge, Jahn, King K., King S., Lundberg, Morse, Nicholson, Roberts, Schwartz, Spence, Steadman, Tochtrop, White and Williams S.

HB11-1097 by Representative(s) Barker; also Senator(s) Guzman--Concerning the voluntary contribution designation benefiting the Goodwill Industries fund that appears on the state individual income tax return forms, and making an appropriation therefor.

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

YES	30	NO	4	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Carroll, Heath, Newell and Nicholson.

SB11-070 by Senator(s) Hudak, Bacon, Williams S.; also Representative(s) Ramirez--Concerning providing postsecondary opportunities to students with special needs.

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

YES	33	NO	1	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Foster, Giron, Guzman, Newell, Nicholson and Tochtrop.

SB11-128 by Senator(s) Newell, Bacon, Foster, Guzman, Hudak, Jahn, Johnston, Nicholson, Schwartz, Shaffer B., Steadman, Williams S.; also Representative(s) McCann and Summers, Acree, Court, Duran, Lee, Pabon, Ryden--Concerning requiring a carrier that participates in the individual health insurance market in Colorado to issue child-only plans on a guaranteed-issue basis, and making an appropriation in connection therewith.

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

YES	25	NO	9	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Carroll, Morse and Tochtrop.

SB11-169 by Senator(s) Boyd; also Representative(s) Summers--Concerning the regulation of people working within a physical therapist's scope of practice, and making an appropriation therefor.

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

YES	22	NO	12	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

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

SB11-085 by Senator(s) Shaffer B.; also Representative(s) McCann--Concerning increasing the enforcement of prohibitions against certain prostitution-related offenses, and, in connection therewith, authorizing the creation of a program for certain first-time offenders of such offenses.

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

YES	32	NO	2	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Carroll, Giron, Guzman, Heath, Nicholson, Tochtrop and Williams S.

HB11-1130 by Representative(s) Priola, Todd, Liston, Szabo, Gardner B., Scott, Ramirez, Swerdfeger, Balmer, Barker, Baumgardner, Beezley, Bradford, Casso, Ferrandino, Levy, Looper, McNulty, Murray, Nikkel, Solano, Soper, Stephens, Waller; also Senator(s) Heath, Hodge, King S., Renfroe, Steadman--Concerning commodity metals, and, in connection therewith, implementing stricter identification and payment requirements for transactions involving commodity metals, increasing penalties for violations of the law regulating purchase of commodity metals, basing the classification of offense of theft of a commodity metal on the weight of the metal, and creating the commodity metals theft task force.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Giron, Newell and Williams S.

HB11-1209 by Representative(s) Jones, Looper, Massey; also Senator(s) Heath--Concerning the creation of a small business navigator by the small business assistance center under the office of economic development.

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

Third Reading Amendment No. 1(L.006), by Senator Heath.

Amend revised bill, page 3, strike lines 19 through 26.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	21	NO	13	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

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

Co-sponsors added: Aguilar, Newell, Schwartz and Williams S.

HB11-1192 by Representative(s) Coram; also Senator(s) Brophy--Concerning the addition of specified highway segments to those for which a person may apply to the department of transportation for permission to operate a longer vehicle combination under existing law.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Grantham and Jahn.

HB11-1221 by Representative(s) Fields, Hullinghorst, Solano, Pabon, Lee, Levy, Ryden, Labuda, Duran, Schafer S., Williams A.; also Senator(s) Spence, Guzman, Giron, Roberts-- Concerning legal remedies for consumer credit laws enforced by the administrator of the "Uniform Consumer Credit Code".

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

YES	26	NO	8	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Carroll, Heath, Jahn and Steadman.

RECONSIDERATION OF HB11-1192

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **HB11-1192**.

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

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

HB11-1192 by Representative(s) Coram; also Senator(s) Brophy--Concerning the addition of specified highway segments to those for which a person may apply to the department of transportation for permission to operate a longer vehicle combination under existing law.

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

YES	32	NO	2	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Tochtrop, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
STATE ELECTRICAL BOARD

effective July 2, 2010 for terms expiring July 1, 2013:

Michael E. Dell'Orfano of Aurora, Colorado, a member of the public at large, appointed;

Jerry L. Coffee of Pueblo, Colorado, an electrical contractor who has a masters' license, reappointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Tochtrop, the following Governor's appointment was confirmed by a roll call vote:

STATEWIDE INTERNET PORTAL AUTHORITY

for a term expiring June 1, 2014:

Stephan Michael Tadashi Bruce of Englewood, Colorado, as a representative of the private sector, appointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Tochtrop, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF MORTGAGE LOAN ORIGINATORS

for terms expiring August 10, 2012:

Cheryl L. Dingwell-Keckritz of Colorado Springs, Colorado, a licensed mortgage loan originator, appointed;

Leslie J. Mitchell of Denver, Colorado, a member of the public at large, appointed;

for terms expiring August 10, 2014:

Rosemary Marshall of Denver, Colorado, a member of the public at large, appointed.

YES	33	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	*	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senator Harvey

On motion of Senator Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO SCHOOL OF MINES, BOARD OF TRUSTEES

for a term expiring December 31, 2012:

Frances M. Vallejo of Houston, Texas, a Republican who is a graduate of the Colorado School of Mines, to fill the vacancy occasioned by the resignation of Maria T. Fox of Wheat Ridge, Colorado, appointed;

for a term expiring December 31, 2014:

Richard H. Truly of Golden, Colorado, an Unaffiliated who is not a graduate of the Colorado School of Mines, reappointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Boyd, the following Governor's appointments were confirmed by a roll call vote:

MEMBER OF THE
WASTE TIRE ADVISORY COMMITTEE

for a term expiring September 9, 2012:

Larry G. Hudson of Denver, Colorado, to serve as a representative of tire manufacturers, appointed.

Christopher B. Houtchens of Colorado Springs, Colorado, to serve as a waste tire hauler, appointed;

for terms expiring September 9, 2013:

Joel F. Bolduc of Colorado Springs, Colorado, to serve as a waste tire end user, appointed;

James A. Reid of Colorado Springs, Colorado, to serve as a representative of a local fire authority from a jurisdiction that has a waste tire facility, appointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfro	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

MESSAGE FROM THE HOUSE

March 29, 2011

Mr. President:

The House has voted to recall SB11-034 for purposes of reconsideration, and requests the return of the bill.

MESSAGE FROM THE GOVERNOR

March 25th, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-012 CONCERNING A PUBLIC SCHOOL STUDENT’S AUTHORITY TO POSSESS PRESCRIPTION MEDICATIONS AT SCHOOL.

Approved March 25th, 2011 at 10:27AM

SB11-096 CONCERNING EXCLUDING A CLASS 6 FELONY DRUG POSSESSION CONVICTION AS A QUALIFYING OFFENSE FOR THE HABITUAL CRIMINAL STATUTE.

Approved March 25th, 2011 at 10:16AM

SB11-021 CONCERNING THE REMOVAL OF TERM LIMITS FOR MEMBERS OF THE WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION BOARD.

Approved March 25th, 2011 at 11:04AM

Sincerely,
(signed)
John W. Hickenlooper

SENATE SERVICES REPORT

Correctly Printed: SB11-203, 204, 205, 206 and 207.
Correctly Engrossed: SB11-070, 085, 128 and 169.
Correctly Revised: HB11-1013, 1097, 1124, 1130, 1155, 1169, 1174, 1181, 1192, 1206, 1209 and 1221.
Correctly Enrolled: SB11-008, 025, 039 and 120.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Friday, March 25, 2011, at 12:10 p.m.:
SB11-010, 016, 019, 024, 031, 087 and 100.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1079, 1083, 1118, 1151, 1153, 1167, 1183, 1193, 1203, 1210, 1226, 1239, 1262, HJR11-1012.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Newell, Chair, King S., and Nicholson as Senate conferees on the first conference committee on **HB11-1258**.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, March 29 was laid over until Wednesday, March 30, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1164.
General Orders -- Second Reading of Bills: SB11-107, SB11-180, SB11-052, SB11-126, SB11-168, SB11-179, HB11-1126, SB11-173, HB11-1185, HB11-1160.
Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023, SJR11-024, SJR11-026.
Consideration of House Amendments to Senate Bills: SCR11-001.
Conference Committees to Report: HB11-1069.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

March 29, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1286.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1146, amended as printed in House Journal, March 18, pages 680-81. HB11-1269, amended as printed in House Journal, March 28, page 776.

The House has passed on Third Reading and returns herewith SB11-175, 110.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-084, amended as printed in House Journal, March 28, page 776. SB11-081, amended as printed in House Journal, March 28, page 776. SB11-115, amended as printed in House Journal, March 28, pages 776-777. SB11-165, amended as printed in House Journal, March 28, page 777.

MESSAGE FROM THE REVISOR OF STATUTES

March 29, 2011

We herewith transmit:

Without comment, HB11-1286.
Without comment, as amended, HB11-1146 and 1269.
Without comment, as amended, SB11-081, 084, 115, and 165.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR11-029 by Senator(s) Williams S. and Spence; also Representative(s) Labuda and Looper-- Concerning the recognition of National Women's History Month, and, in connection therewith, designating March as Colorado Women's History Month.

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

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-208 by Senator(s) Schwartz and Hodge, Bacon, Boyd, Brophy, Cadman, Foster, Giron, Grantham, Guzman, Heath, Hudak, Jahn, King S., Kopp, Lambert, Newell, Nicholson, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; also Representative(s) Sonnenberg and Gerou, Acree, Barker, Baumgardner, Becker, Beezley, Bradford, Coram, Ferrandino, Gardner B., Hamner, Holbert, Joshi, Labuda, Looper, Massey, McCann, Miklosi, Murray, Nikkel, Priola, Ramirez, Ryden, Schafer S., Scott, Stephens, Summers, Swalm, Swerdfeger, Waller, Wilson--Concerning the consolidation of wildlife entities with parks and outdoor recreation entities under the department of natural resources. Agriculture, Natural Resources, and Energy

REPORT OF CONFERENCE COMMITTEE

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB11-1069

THIS REPORT AMENDS THE
REREVISED BILL

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

Your first conference committee appointed on HB11-1069,
concerning measures to increase physical activity in public schools, has
met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 2, strike lines 17 through 23.

Page 3, strike line 1.

Renumber succeeding subparagraphs accordingly.

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Tom Massey, Chairman	Irene Aguilar, Chairman
Robert Ramirez	Nancy Spence
Rhonda Fields	Mike Johnston

MESSAGE FROM THE GOVERNOR

Appointment A letter of designation and appointment from Governor John W. Hickenlooper was read
and assigned to committee as follows:

March 24, 2011

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

MEMBER OF THE
MEDICAL SERVICES BOARD

for a term expiring July 1, 2015:

J. Michael Stahl of Grand Junction, Colorado, an Unaffiliated from the 3rd Congressional District with knowledge of the delivery of health care, reappointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 3/25/11
Cindi Markwell, Secretary of the Senate

Committee on Health & Human Services

March 23, 2011

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

MEMBERS OF THE
MINED LAND RECLAMATION BOARD

for terms expiring March 1, 2015:

Thomas Earl Brubaker, Parker, Colorado, an individual with substantial experience in the mining industry, appointed;

Ronald Dean Peterson, Lamar, Colorado, an individual with substantial experience in the agriculture industry, appointed;

Barbara J. Green, Denver Colorado, an individual with substantial experience in conservation, reappointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 3/25/11
Cindi Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, & Energy

March 29, 2011

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
HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD**

for a term expiring May 15, 2012:

Karl B. Gills of Steamboat Springs, Colorado, an employee of a rural hospital in Colorado, to fill the vacancy occasioned by the resignation of Robert W. Omer of Meeker, Colorado, appointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 3/25/11
Cindi Markwell, Secretary of the Senate

Committee on Health & Human Services

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1016, 1260.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, March 30, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

78th Legislative DayWednesday, March 30, 2011

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

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

Pledge By Senator King S.

Roll Call Present--33
Excused--2, Kopp, Mitchell.
Present later--1, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Giron, reading of the Journal of Tuesday, March 29, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

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:

HB11-1181 by Representative(s) Kefalas; also Senator(s) Newell--Concerning the department of human services child fatality review team.

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.005), by Senator Newell.

Amend revised bill, page 8, line 13, before "AND" insert "THE LEGISLATIVE MEMBERS OF THE TEAM APPOINTED PURSUANT TO PARAGRAPH (f) OF SUBSECTION (6) OF THIS SECTION,".

Page 10, strike lines 1 through 6.

Renumber succeeding subsection accordingly.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Giron, Heath, Hudak, Jahn, King S., Lambert, Lundberg, Nicholson and Williams S.

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 House amendments to Senate bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-084 by Senator(s) Boyd; also Representative(s) Summers--Concerning the employment of physicians at long-term care facilities.

Senator Boyd moved that the Senate concur in House amendments to **SB11-084**, as printed in House journal, March 28, page 776. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-081

by Senator(s) White, Jahn, Roberts, Spence; also Representative(s) McCann--Concerning the voluntary contribution designation benefiting the 9Health Fair fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

Senator White moved that the Senate concur in House amendments to **SB11-081**, as printed in House journal, March 28, page 776. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	29	NO	5	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-115

by Senator(s) Carroll; also Representative(s) Miklosi--Concerning the authority of the state auditor to audit state governmental entities.

Senator Carroll moved that the Senate concur in House amendments to **SB11-115**, as printed in House journal, March 28, pages 776-777. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SB11-165 by Senator(s) Guzman; also Representative(s) Kerr A.--Concerning the "Colorado Uniform Estate Tax Apportionment Act".

Laid over until Thursday, March 31, retaining its place on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB11-1069 by Representative(s) Massey and Fields; also Senator(s) Aguilar--Concerning measures to increase physical activity in public schools.

Senator Aguilar moved for the adoption of the first report of the first conference committee on **HB11-1069**, as printed in Senate journal, March 29, page 597. The motion was **adopted** by the following roll call vote:

YES	21	NO	13	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

YES	20	NO	14	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

SENATE SERVICES REPORT

Correctly Printed: SB11-208; SJR11-029.
Correctly Reengrossed: SB11-070, 085, 128 and 169.
Correctly Rerevised: HB11-1013, 1097, 1124, 1130, 1155, 1169, 1174, 1192, 1206, 1209 and 1221.
Correctly Enrolled: SB11-083.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR11-030 by Senator(s) Giron and Guzman; also Representative(s) Pabon and Vigil--Concerning recognition of "César Chávez Day".

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

MEMORANDUM FROM COMMITTEE ON DELAYED BILLS

MEMORANDUM
BILL REQUESTS PURSUANT
TO SECTION 25-7-133 (2)(c), C.R.S.

Section 25-7-133 (2)(c), C.R.S., authorizes a member of the General Assembly to introduce a bill to modify or delete all or a portion of the state implementation plan (SIP bill) or any rule or additions or changes to SIP elements which are a component thereof. This section further specifies that any SIP bill shall not be counted against the number of bills that members of the General Assembly are limited to by law or joint rule of the Senate and the House of Representatives.

For purposes of efficient legislative management in connection with SIP bill requests and pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, establish the following guidelines and deadlines for SIP bill requests:

1. The deadline for submitting SIP bill draft requests to the Office of Legislative Legal Services is Friday, April 1, 2011. Information necessary to complete the bill must be provided when the request is submitted to the Office. In addition, authorization for the immediate release of information regarding the request to persons necessary to prepare any fiscal notes will be assumed unless specified otherwise.
2. The deadline for introduction of a SIP bill is Friday, April 8, 2011.
3. All of the remaining deadlines in either house prescribed by Joint Rule 23 (a) (1) shall be waived for a SIP bill.
4. Each member shall be limited to one (1) SIP bill request.

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(signed) Senator Shaffer President of the Senate	(signed) Representative McNulty Speaker of the House of Representatives
(signed) Senator Morse Senate Majority Leader	(signed) Representative Stephens House Majority Leader
(signed) Senator Kopp Senate Minority Leader	(signed) Representative Pace House Minority Leader

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1033, 1101, 1111, 1159, 1178, 1180, 1186, 1236.

COMMITTEE OF REFERENCE REPORTS

- Judiciary After consideration on the merits, the Committee recommends that **HB11-1268** be referred to the Committee of the Whole with favorable recommendation.
- Finance After consideration on the merits, the Committee recommends that **HB11-1200** be referred to the Committee on Appropriations with favorable recommendation.
- Finance After consideration on the merits, the Committee recommends that **HB11-1076** be referred to the Committee on Appropriations with favorable recommendation.
- Local Government After consideration on the merits, the Committee recommends that **HB11-1106** be postponed indefinitely.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, March 30 was laid over until Thursday, March 31, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1164.
General Orders -- Second Reading of Bills: SB11-107, SB11-180, SB11-052, SB11-126, SB11-168, SB11-179, HB11-1126, SB11-173, HB11-1185, HB11-1160.
Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023, SJR11-024, SJR11-026, SJR11-029.
Consideration of House Amendments to Senate Bills: SCR11-001.
Conference Committees to Report: HB11-1258.

TRIBUTES

Honoring:
Megan A. Buehler - Girl Scout Gold Award -- by Senator Boyd.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, March 31, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

79th Legislative Day Thursday, March 31, 2011

Prayer By the chaplain, Reverend Timothy Tyler, Shorter Community AME Church, Denver.

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

Pledge By Senator Cadman.

Roll Call Present--32
Absent--1, King S.
Excused--2, Johnston, Kopp.
Present later--1, King S.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Giron, reading of the Journal of Thursday, March 30, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

March 30, 2011

Mr. President:

The House has postponed indefinitely SB11-013. The bill is returned herewith.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1116, amended as printed in House Journal, March 28, page 775.
HB11-1219, amended as printed in House Journal, March 29, page 787.
HB11-1251, amended as printed in House Journal, March 29, page 788.

The House has passed on Third Reading and returns herewith SB11-198, 082.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-119, amended as printed in House Journal, March 29, page 787.
SB11-062, amended as printed in House Journal, March 29, page 787.

MESSAGE FROM THE REVISOR OF STATUTES

March 30, 2011

We herewith transmit:

Without comment, as amended, HB11-1116, 1219, and 1251.
Without comment, as amended, SB11-062 and 119.

CONSIDERATION OF RESOLUTIONS

SJR11-030 by Senator(s) Giron and Guzman; also Representative(s) Pabon and Vigil--Concerning recognition of "César Chávez Day".

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Carroll, Foster, Heath, Hodge, Hudak, Jahn, King K., King S., Morse, Newell, Nicholson, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop and Williams S.

SJR11-029 by Senator(s) Williams S. and Spence; also Representative(s) Labuda and Looper--Concerning the recognition of National Women's History Month, and, in connection therewith, designating March as Colorado Women's History Month.

On motion of Senator Williams S., the resolution was read at length and **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, King K., King S., Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Steadman, Tochtrop and White.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-165 by Senator(s) Guzman; also Representative(s) Kerr A.--Concerning the "Colorado Uniform Estate Tax Apportionment Act".

Senator Guzman moved that the Senate not concur in House amendments to **SB11-165**, as printed in House journal, March 28, page 777, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The President appointed Senators Guzman, Chair, Carroll, and Roberts as Senate conferees on the first conference committee on **SB11-165**.

MESSAGE FROM THE GOVERNOR

March 11, 2011

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:

MEMBERS OF THE
WILDLIFE COMMISSION

for terms expiring March 1, 2015:

- Honorable Robert D. Wingfield of Vernon, Colorado, to serve as a county commissioner, as a member from Wildlife District 3, and as a Democrat, reappointed;
- Gaspar F. Perricone of Denver, Colorado, to serve as a representative of sportsmen or outfitters and to serve as a member from Wildlife District 1, and as a Democrat, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 3/11/11
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, & Energy

SENATE SERVICES REPORT

Correctly Printed: SJR11-030.
Correctly Rerevised: HB11-1181.
Correctly Enrolled: SB11-007, 110 and 175.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1189, SB11-008, 025, 039, 083 and 120.

MESSAGE FROM THE GOVERNOR

March 29th, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-040 CONCERNING THE REQUIREMENT THAT A COACH OF AN ORGANIZED YOUTH ATHLETIC ACTIVITY FOLLOW CONCUSSION GUIDELINES, AND, IN CONNECTION THEREWITH, CREATING THE "JAKE SNAKENBERG YOUTH CONCUSSION ACT".

Approved March 29th, 2011 at 2:20PM

SB11-010 CONCERNING THE TRADE READJUSTMENT ALLOWANCE PROGRAM.

Approved March 29th, 2011 at 3:45PM

SB11-016 CONCERNING INCREASES IN THE AMOUNTS ALLOCATED TO CERTAIN FAMILY MEMBERS DURING THE ADMINISTRATION OF A DECEDENT'S ESTATE.

Approved March 29th, 2011 at 3:46PM

SB11-019 CONCERNING FREE STATE PARKS ADMISSION FOR VETERANS, AND, IN CONNECTION THEREWITH, ESTABLISHING FREE ADMISSION ON A SPECIFIED DAY EACH YEAR FOR VETERANS AND FREE STATE PARKS ADMISSION FOR MEMBERS OF THE UNITED STATES ARMED SERVICES WOUNDED WARRIOR PROGRAMS WHO HAVE SUSTAINED SEVERE COMBAT-RELATED INJURIES WHILE SERVING IN POST-SEPTEMBER 11, 2001, OVERSEAS CONTINGENCY OPERATIONS.

Approved March 29th, 2011 at 3:48PM

SB11-024 CONCERNING MOTOR VEHICLES VALUED AS COLLECTOR'S ITEMS FOR HISTORICAL REASONS.

Approved March 29th, 2011 at 3:50PM

SB11-087 CONCERNING AUTHORITY FOR THE PUBLIC UTILITIES COMMISSION TO CREATE AN EXEMPTION FROM TIERED ELECTRICITY RATE PLANS BASED ON A CUSTOMER'S MEDICAL CONDITION.

Approved March 29th, 2011 at 3:53PM

Sincerely,
(signed)
John W. Hickenlooper
Governor

COMMITTEE OF REFERENCE REPORTS

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB11-194** 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 13, strike the second "A".

Page 3, line 14, strike "SQUARE FOOTAGE" and substitute "RETAIL SPACE".

Page 4, after line 22 insert:

"(9) "TOTAL RETAIL SPACE" MEANS THE AREA OF A LICENSED PREMISES THAT IS ACCESSIBLE TO THE PUBLIC, INCLUDING ENCLOSED REFRIGERATED UNITS AND SPACE LOCATED BEHIND THE POINT OF SALE AREA WHERE PRODUCTS ARE AVAILABLE FOR PURCHASE. "TOTAL RETAIL SPACE" DOES NOT INCLUDE ANY AREA OF THE LICENSED PREMISES USED FOR STORAGE, OFFICE SPACE, OR RESTROOMS."

Page 5, after line 20 insert:

"(III) ANY LICENSEE HOLDING A FERMENTED MALT BEVERAGE RETAILER'S LICENSE THAT WAS ISSUED PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH (c), AS AMENDED, IS ELIGIBLE TO AUTOMATICALLY CONVERT THAT LICENSE TO A MALT LIQUOR RETAILER'S LICENSE WITHOUT ADDITIONAL APPLICATION OR FEE IF THE FOLLOWING CONDITIONS ARE MET ON THE DATE OF ANNUAL RENEWAL OF THE FERMENTED MALT BEVERAGE RETAILER'S LICENSE:

(A) THE FERMENTED MALT BEVERAGE RETAILER'S LICENSE HAS NOT EXPIRED;

(B) THE LICENSEE TIMELY FILES A RENEWAL APPLICATION AND APPLICABLE RENEWAL FEES AND INCLUDES WITH THE APPLICATION A STATEMENT THAT THE LICENSEE ELECTS TO CONVERT THE FERMENTED MALT BEVERAGE RETAILER'S LICENSE, ONCE RENEWED, TO A MALT LIQUOR RETAILER'S LICENSE;

(C) THE LICENSEE IS A CONVENIENCE STORE AND SATISFIES THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (c) AND THE APPLICABLE REQUIREMENTS SET FORTH IN PART 3 OF ARTICLE 47 OF THIS TITLE; AND

(D) THE CONVENIENCE STORE LOCATION IS NOT WITHIN FIVE HUNDRED FEET OF A PUBLIC OR PAROCHIAL SCHOOL OR THE PRINCIPAL CAMPUS OF ANY COLLEGE, UNIVERSITY, OR SEMINARY, UNLESS THE LOCAL LICENSING AUTHORITY OR APPROPRIATE GOVERNING BODY HAS REDUCED OR ELIMINATED THE DISTANCE REQUIREMENT PURSUANT TO SECTION 12-47-313 (1) (d)."

Page 7, line 14, strike "The introductory portion to" and strike "(1) and".

Page 7, line 15, strike "12-46-107 (1) (c)," and strike "are" and substitute "is".

Page 7, strike lines 18 through 27.

Page 8, strike lines 1 through 3 and substitute "fermented malt beverage RETAILER's licenses:

(a) Sales for consumption off the premises of the licensee. A PERSON LICENSED PURSUANT TO THIS PARAGRAPH (a) MAY DELIVER AT RETAIL FERMENTED MALT BEVERAGES IN FACTORY-SEALED CONTAINERS IN CONJUNCTION WITH THE DELIVERY OF FOOD PRODUCTS IF THE PERSON HAS OBTAINED A PERMIT FROM THE STATE LICENSING AUTHORITY FOR THE DELIVERY OF FERMENTED MALT BEVERAGES.

(b) Sales for consumption on the premises of the licensee;

(c) Sales for consumption both on and off the premises of the licensee. A person licensed pursuant to this paragraph (c) may deliver at retail fermented malt beverages in factory-sealed containers in conjunction with the delivery of food products if ~~such~~ THE person has

obtained a permit for the delivery of fermented malt beverages from the state licensing authority. ~~The state licensing authority shall promulgate rules as are necessary for the proper delivery of fermented malt beverages pursuant to this paragraph (c) and shall have the authority to issue a permit to any person who is licensed pursuant to and delivers fermented malt beverages under this paragraph (c).~~

(2) THE LOCAL LICENSING AUTHORITY SHALL ISSUE A MALT LIQUOR RETAILER'S LICENSE, WHICH PERMITS ONLY SALES OF MALT LIQUOR FOR CONSUMPTION OFF THE LICENSED PREMISES. A PERSON LICENSED PURSUANT TO THIS SUBSECTION (2) MAY DELIVER AT RETAIL MALT LIQUOR IN FACTORY-SEALED CONTAINERS IN CONJUNCTION WITH THE DELIVERY OF FOOD PRODUCTS IF THE PERSON HAS OBTAINED A PERMIT FROM THE STATE LICENSING AUTHORITY FOR THE DELIVERY OF MALT LIQUOR.

~~(2)~~ (3) The local licensing authority shall collect an annual license fee of twenty-five dollars if the licensed premises is located in a municipality or city and county and fifty dollars if the licensed premises is located outside the corporate limits of a municipality or city and county."

Page 8, line 5, strike "amended" and substitute "amended, and the said 12-47-103 is further amended BY THE ADDITION OF A NEW SUBSECTION,".

Page 8, after line 7 insert:

"(5.5) "CAFFEINATED ALCOHOL BEVERAGE" MEANS A FERMENTED MALT BEVERAGE OR MALT LIQUOR:

(a) CONTAINING AT LEAST ONE-HALF OF ONE PERCENT ALCOHOL BY VOLUME;

(b) TO WHICH IS ADDED, OR WHICH IS INFUSED WITH, CAFFEINE OR OTHER STIMULANTS, INCLUDING GUARANA, GINSENG, OR TAURINE; AND

(c) THAT IS SOLD OR DISTRIBUTED IN A PRE-MIXED CONTAINER."

Page 8, line 23, strike "~~or fermented malt beverage~~" and substitute "or fermented malt beverage".

Page 9, strike lines 1 through 22 and substitute:

"**SECTION 9.** 12-47-901 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-47-901. Unlawful acts - exceptions. (1) Except as provided in section 18-13-122, C.R.S., it is unlawful for any person:

(n) TO IMPORT, PRODUCE, MANUFACTURE, DISTRIBUTE, SELL AT WHOLESALE OR AT RETAIL, GIVE AWAY, OR SERVE A CAFFEINATED ALCOHOL BEVERAGE."

Education

After consideration on the merits, the Committee recommends that **HB11-1201** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, after line 1 insert:

"**SECTION 1.** 22-60.5-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-60.5-103. Applicants - licenses - authorizations - submittal of form and fingerprints - failure to comply constitutes grounds for denial. (7) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE PROCESSING TIME FOR ISSUING AN EDUCATOR LICENSE IS SIX WEEKS OR LESS FROM THE DATE ON WHICH THE APPLICANT SUBMITS THE LICENSE APPLICATION TO THE DEPARTMENT.

SECTION 2. 22-60.5-110, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-60.5-110. Renewal of licenses. (6) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE PROCESSING TIME FOR RENEWING AN EDUCATOR LICENSE IS SIX WEEKS OR LESS FROM THE DATE ON WHICH THE APPLICANT SUBMITS THE RENEWAL APPLICATION TO THE DEPARTMENT."

Renumber succeeding sections accordingly.

Judiciary

After consideration on the merits, the Committee recommends that **SB11-193** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike lines 5 and 6 and substitute "C.R.S., BY A CAREGIVER."

Page 3, line 8, strike "IMMUNE FROM" and substitute "NOT SUBJECT TO".

Page 4, strike line 4 and substitute "THE CAREGIVER".

Page 4, line 6, after "INDIVIDUAL" insert "CURRENTLY OR FORMERLY".

Page 4, line 7, strike "DISABILITY." and insert "DISABILITY OR A PERSON WHO PROVIDES HOST HOME SERVICES BY CONTRACT AS PART OF RESIDENTIAL SERVICES AND SUPPORTS AS DESCRIBED IN SECTION 27-10.5-104, (1) (f), C.R.S."

Judiciary

After consideration on the merits, the Committee recommends that **SB11-201** be referred to the Committee of the Whole with favorable recommendation.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB11-189** be amended as follows, and as so amended, be referred to the Committee on with favorable recommendation.

Amend printed bill, page 3, strike lines 14 through 27.

Page 4, strike lines 1 through 7 and substitute:

"SECTION 4. 1-4-303 (1), Colorado Revised Statutes, is amended to read:

1-4-303. Nomination of unaffiliated candidates. (1) No later than ~~one hundred forty days~~ ONE HUNDRED FIFTY-FIVE DAYS before the general election, a person who desires to be an unaffiliated candidate for the office of president or vice president of the United States shall submit to the secretary of state either a notarized candidate's statement of intent together with a nonrefundable filing fee of five hundred dollars or a petition for nomination pursuant to the provisions of section 1-4-802 and shall include either on the petition or with the filing fee the names of registered electors who are thus nominated as presidential electors. The acceptance of each of the electors shall be endorsed as appended to the first or last page of the nominating petition or the filing fee.

SECTION 5. 1-4-401 (1), Colorado Revised Statutes, is amended to read:

1-4-401. Time of congressional vacancy elections. (1) Except as provided in section 1-4-401.5, when any vacancy occurs in the office of representative in congress from this state, the governor shall set a day to hold an election to fill the vacancy and cause notice of the election to be given as required in part 2 of article 5 of this title; but no congressional vacancy election shall be held during the ninety days prior to a general election or less than ~~seventy-five days~~ EIGHTY-FIVE DAYS or more than ~~ninety days~~ ONE HUNDRED DAYS after the vacancy occurs.

SECTION 6. 1-4-403 (2), Colorado Revised Statutes, is amended to read:

1-4-403. Nomination of unaffiliated candidates for congressional vacancy election. (2) Petitions must be filed by 3 p.m. on the ~~thirtieth day~~ TWENTIETH DAY after the date of the order issued by

the governor.".

Renumber succeeding sections accordingly.

Page 4, line 13, strike "EIGHTY-FOUR" and substitute "SEVENTY-THREE".

Page 4, line 19, strike "TWENTY" and substitute "TWENTY-FIVE".

Page 5, line 14, strike "SECOND" and substitute "FIRST".

Page 5, line 15, strike "EIGHTY-NINE" and substitute "EIGHTY-FIVE".

Page 5, line 17, strike "(II)".

Page 5, after line 24 insert:

"(d) (I) No petition to nominate an unaffiliated candidate, except petitions for candidates for vacancies to unexpired terms of representatives in congress and for presidential electors, shall be circulated or any signatures obtained thereon earlier than ~~one hundred eighty-six days~~ TWO HUNDREDELEVEN DAYS before the general election."

Page 5, line 25, strike "(d)".

Page 5, line 27, strike "SECOND" and substitute "FIRST".

Page 6, line 4, strike "SEVENTY-NINTH" and substitute "FIFTY-FIFTH".

Page 6, strike lines 4 and 5 and substitute "day ONE HUNDRED SEVENTY-NINTH DAY before the general election or, FOR A CONGRESSIONAL VACANCY ELECTION, NO LATER THAN 3 p.m. on the ~~fifty-fifth day preceding the congressional vacancy election~~ TWENTIETH DAY AFTER THE DATE OF THE ORDER ISSUED BY THE GOVERNOR."

Page 6, line 7, strike "EIGHTY-NINE" and substitute "EIGHTY-FIVE".

Page 6, line 17, strike "TWENTY-ONE DAYS BEFORE THE PRIMARY ELECTION." and substitute "ONE HUNDRED THIRTY-FOUR DAYS BEFORE THE GENERAL ELECTION."

Page 6, line 26, strike "FORTY-FOURTH" and substitute "TWENTY-THIRD".

Page 6, strike line 27 and substitute "before the general election ~~3 p.m. on the fifty-fifth day preceding a~~".

Page 7, line 1, strike "congressional vacancy election," and substitute "~~congressional vacancy election,~~".

Page 7, line 6, strike "THIRTY-THIRD" and substitute "THIRTEENTH".

Page 7, after line 14 insert:

"**SECTION 14.** 1-4-1302 (1), Colorado Revised Statutes, is amended to read:

1-4-1302. Petition to qualify as a minor political party. (1) A petition to qualify as a minor political party shall be signed by at least ten thousand registered electors and shall be submitted to the secretary of state no later than ~~March 1~~ THE SECOND FRIDAY IN THE JANUARY of the election year for which the minor political party seeks to qualify."

Renumber succeeding sections accordingly.

Page 7, line 20, strike "EIGHTY-FOUR" and substitute "SEVENTY-THREE".

Page 8, line 22, strike "election" and substitute "election, WITHIN THIRTY-ONE DAYS AFTER A GENERAL ELECTION,".

Page 9, strike line 17 and substitute "completed no later than the THIRTY-SEVENTH DAY AFTER A GENERAL ELECTION AND NO LATER THAN

	THE thirtieth day after the ANY OTHER election."	1
		2
		3
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1237 be amended as follows, and as so amended, be referred to the Committee on <u>Finance</u> with favorable recommendation.	4
		5
		6
	Amend reengrossed bill, page 3, strike lines 3 through 11.	7
		8
	Renumber succeeding section accordingly.	9
		10
	Page 1, strike lines 102 and 103 and substitute " BILLETING CASH FUND. ".	11
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		13
		14
Health & Human Services	After consideration on the merits, the Committee recommends that SB11-206 be referred to the Committee of the Whole with favorable recommendation.	15
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Agriculture, Natural Resources, and Energy	After consideration on the merits, the Committee recommends that SB11-203 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	20
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	Amend printed bill, page 3, line 21, strike "Purchase" and substitute "Lease".	24
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	On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, March 31 was laid over until April 1, retaining its place on the calendar.	31
		32
		33
		34
	General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1164.	35
	General Orders -- Second Reading of Bills: SB11-107, SB11-180, SB11-052,	36
	SB11-126, SB11-168, SB11-179, HB11-1126, SB11-173, HB11-1185, HB11-1160.	37
	Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023,	38
	SJR11-024, SJR11-026.	39
	Consideration of House Amendments to Senate Bills: SCR11-001.	40
	Conference Committees to Report: HB11-1258.	41
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	On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, April 1, 2011.	46
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	Approved:	48
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		50
		51
	Brandon C. Shaffer	52
	President of the Senate	53
		54
	Attest:	55
		56
		57
		58
	Cindi L. Markwell	59
	Secretary of the Senate	60

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

80th Legislative Day	Friday, April 1, 2011
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Prayer	By Senator Guzman.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator King S.
Roll Call	Present--33 Excused--2, Renfroe, White. Present later--1, Renfroe.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Giron, reading of the Journal of Thursday, March 31, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

March 31, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1290, 1289.

The House has passed on Third Reading and returns herewith SB11-057.

The House has adopted and returns herewith SJR11-030, SJR11-029.

Upon reconsideration, the House has passed on Third Reading and transmitted to the Revisor of Statutes SB11-034, as amended on Third Reading as printed in House Journal, March 31, and as previously amended as printed in House Journal, March 15 page 644.

MESSAGE FROM THE REVISOR OF STATUTES

March 31, 2011

We herewith transmit:

Without comment, as amended, HB11-1289 and 1290.
Without comment, as amended, SB11-034.

INTRODUCTION OF RESOLUTIONS

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

SJR11-031

by Senator(s) Steadman; --Concerning creation of a committee to study dedicated sources of revenue in the state constitution related to health care.
Legislative Council

Committee of the Whole

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

GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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

HB11-1164

by Representative(s) Priola and Fields, Ryden, Schafer S., Summers, Todd, Balmer, Beezley, Gerou, Kerr A., Levy, Liston, Peniston, Solano, Williams A.; also Senator(s) Boyd--Concerning the designation of the presiding officer of the university of Colorado hospital authority's board of directors.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB11-1164.

Committee of the Whole

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

- SB11-180** by Senator(s) Tochtrop; --Concerning authority for taxicabs to pick up passengers outside their assigned geographic areas. 1
2
3
Amendment No. 1(L.003), by Senator Tochtrop. 4
5
Amend printed bill, page 2, line 5, after "(I)" insert "(A)". 6
7
Page 2, strike line 9 and substitute "points in the state of Colorado. 8
9
(B) NOTWITHSTANDING ANY PROVISION OF". 10
11
Page 2, line 17, after the period add "THE PROVISIONS OF THIS 12
13
SUB-SUBPARAGRAPH (B) DO NOT APPLY WHEN A TAXICAB DROPS OFF A 14
15
PASSENGER AT DENVER INTERNATIONAL AIRPORT.". 16
17
As amended, laid over until Monday, April 4, retaining its place on the calendar. 18
19
- SB11-052** by Senator(s) Heath, Bacon, King K.; also Representative(s) Massey, Ferrandino-- 20
Concerning expectations for higher education institutions in Colorado. 21
22
Laid over until Monday, April 4, retaining its place on the calendar. 23
24
25
- SB11-126** by Senator(s) Giron and Johnston, Bacon, Foster, Guzman, Heath, Hodge, Morse, 26
Nicholson, Shaffer B., Steadman, Williams S.; also Representative(s) Miklosi and Williams 27
A., Duran, Fields, Hullinghorst, Levy, Pabon, Solano--Concerning classification as an 28
unsubsidized in-state student for tuition purposes at state institutions of higher education. 29
30
Laid over until Monday, April 4, retaining its place on the calendar. 31
32
33
- SB11-168** by Senator(s) Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Johnston, Morse, 34
Nicholson, Steadman, Tochtrop; also Representative(s) Kefalas, Court, Fields, Fischer, 35
Gardner D., Hullinghorst, Jones, Kagan, Levy, McCann, Miklosi, Pace, Solano, Tyler-- 36
Concerning the creation of the Colorado health care authority for the purpose of designing a 37
health care cooperative. 38
39
Laid over until Monday, April 4, retaining its place on the calendar. 40
41
42
- SB11-179** by Senator(s) Carroll; also Representative(s) Miklosi and Kerr J.--Concerning alternative 43
identification that an employee engaged in work at an off-site premises may provide for 44
purposes of ensuring work site security. 45
46
Amendment No. 1(L.002), by Senator Carroll. 47
48
Amend printed bill, page 4, after line 1 insert: 49
50
"(2) THIS SECTION DOES NOT APPLY TO A PERSON WHO ENTERS 51
INTO A DEFENSE CONTRACT WITH THE FEDERAL GOVERNMENT PURSUANT 52
TO THE NATIONAL INDUSTRIAL SECURITY PROGRAM, OR ITS SUCCESSOR 53
PROGRAM, UNDER WHICH THE PERSON IS CONTRACTUALLY OBLIGATED TO 54
VERIFY IDENTIFICATION USING A GOVERNMENT-ISSUED IDENTIFICATION 55
CARD.". 56
57
Renumber succeeding subsection accordingly. 58
59
60
As amended, ordered engrossed and placed on the calendar for third reading and final 61
passage. 62
63
64
- HB11-1126** by Representative(s) Duran; also Senator(s) Hudak--Concerning measures to encourage 65
greater parent involvement in public schools. 66
67
Ordered revised and placed on the calendar for third reading and final passage. 68
69
(For further action, see amendments to the report of the Committee of the Whole.) 70
71
72

SB11-173	by Senator(s) King S., King K., Morse, Shaffer B., Cadman, Carroll, Giron, Kopp, Roberts, Spence; --Concerning interoperable communications in schools.	1 2 3 4
	<u>Amendment No. 1, Education Committee Amendment.</u> (Printed in Senate Journal, March 24, pages 563-564 and placed in members' bill files.)	5 6 7
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	8 9 10
HB11-1185	by Representative(s) Ramirez; also Senator(s) Mitchell--Concerning the imposition of a time limit within which a lienholder must provide the certificate of title to a motor vehicle with evidence of release of a lien that has been satisfied.	11 12 13 14
	<u>Amendment No. 1, Transportation Committee Amendment.</u> (Printed in Senate Journal, March 25, page 580 and placed in members' bill files.)	15 16 17 18
	As amended, ordered revised and placed on the calendar for third reading and final passage.	19 20 21 22
HB11-1160	by Representative(s) Gerou; also Senator(s) Jahn--Concerning the establishment of a green building incentive pilot program administered by the governor's energy office to incentivize the making of energy efficiency improvements to existing residences with current home energy ratings below minimum standards for people who purchase highly efficient new residential construction.	23 24 25 26 27 28
	Laid over until Monday, April 4, retaining its place on the calendar.	29 30 31
HB11-1109	by Representative(s) Liston, Balmer, Bradford, DelGrosso, Holbert, Kerr J., Looper, Nikkel, Priola, Ramirez, Schafer S., Stephens; also Senator(s) Giron--Concerning the authority for a local government to create an exemption from local sales tax for the sale of equipment used directly in the provision of telecommunications services.	32 33 34 35 36
	Laid over until Monday, April 4, retaining its place on the calendar.	37 38 39
HB11-1268	by Representative(s) Levy; also Senator(s) Nicholson--Concerning penalties for traffic offenses involving alcohol and drugs.	40 41 42
	Laid over until Monday, April 4, retaining its place on the calendar.	43 44 45
SB11-107	by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident.	46 47 48
	<u>Amendment No. 1, Judiciary Committee Amendment.</u> (Printed in Senate Journal, February 10, page 141 and placed in members' bill files.)	49 50 51
	<u>Severed section A of the Judiciary Committee Amendment--</u> Page 1, lines 1 through 17, and page 2, line 10.	52 53 54
	Amend printed bill, page 2, line 3, strike "amended" and substitute "amended, and the said 13-21-102.5 is further amended BY THE ADDITION OF A NEW SUBSECTION,".	55 56 57 58
	Page 3, line 1, after "case" insert "EXCEPT FOR ACTIONS CONCERNING DAMAGES RESULTING FROM ALCOHOL-RELATED OR DRUG-RELATED DRIVING INCIDENTS".	59 60 61 62
	Page 3, after line 11 insert:	63 64
	"(7) NOTWITHSTANDING THE PROVISIONS OF SECTION 42-4-1713, C.R.S., A RECORD OF THE CONVICTION OF ANY PERSON, INCLUDING A PLEA OF GUILTY OR NOLO CONTENDERE, FOR ANY ALCOHOL-RELATED OR DRUG-RELATED TRAFFIC VIOLATION DESCRIBED IN PART 13 OF ARTICLE 4 OF TITLE 42, C.R.S., SHALL BE ADMISSIBLE IN ANY COURT IN ANY CIVIL ACTION SEEKING NONECONOMIC DAMAGES CAUSED BY AN ALCOHOL-RELATED OR DRUG-RELATED DRIVING INCIDENT AS PRIMA FACIE EVIDENCE THAT THE DRIVER WAS DRIVING UNDER THE INFLUENCE OF	65 66 67 68 69 70 71 72

ALCOHOL OR DRUGS OR DRIVING WHILE HIS OR HER ABILITY WAS IMPAIRED
BY ALCOHOL OR DRUGS.

Renumber succeeding bill sections accordingly.

As amended, ordered engrossed 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.)

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB11-1126 by Representative(s) Duran; also Senator(s) Hudak--Concerning measures to encourage greater parent involvement in public schools.

Senator Spence moved to amend the Report of the Committee of the Whole to show that the following Spence floor amendment, (L.012) to HB 11-1126, did pass.

Amend reengrossed bill, page 8, before line 12, insert:

"**SECTION 6.** Part 4 of article 11 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-11-407. School reorganization - parent petition. (1) As USED IN THIS SECTION:

(a) "ADVISORY GROUP" MEANS THE GROUP OF FIVE PARENTS AND THREE REPRESENTATIVES OF A LOCAL SCHOOL BOARD CREATED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (6) OF THIS SECTION TO OVERSEE THE RESTRUCTURING OF AN ELIGIBLE PUBLIC SCHOOL.

(b) "ELIGIBLE PUBLIC SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT, WHICH SCHOOL FOR AT LEAST TWO CONSECUTIVE SCHOOL YEARS HAS OPERATED UNDER:

(I) A PRIORITY IMPROVEMENT PLAN AND BY THE THIRD CONSECUTIVE YEAR HAS NOT IMPROVED TO AT LEAST THE LEVEL OF AN IMPROVEMENT PLAN;

(II) A TURNAROUND PLAN AND BY THE THIRD CONSECUTIVE YEAR HAS NOT IMPROVED TO AT LEAST THE LEVEL OF A PRIORITY IMPROVEMENT PLAN; OR

(III) A COMBINATION OF PRIORITY IMPROVEMENT AND TURNAROUND PLANS AND BY THE THIRD CONSECUTIVE YEAR HAS NOT IMPROVED TO AT LEAST THE NEXT HIGHEST PLAN LEVEL ABOVE THE LEVEL AT WHICH THE SCHOOL OPERATED THE SECOND YEAR.

(c) "PARENT" MEANS A CHILD'S BIOLOGICAL PARENT, ADOPTIVE PARENT, OR LEGAL GUARDIAN OR ANOTHER ADULT PERSON RECOGNIZED BY THE CHILD'S SCHOOL AS THE CHILD'S PRIMARY CAREGIVER.

(2) (a) THE PARENTS OF THE STUDENTS ENROLLED IN AN ELIGIBLE PUBLIC SCHOOL MAY, IN ACCORDANCE WITH THIS SECTION, PRESENT TO THE LOCAL BOARD OF EDUCATION FOR THE ELIGIBLE PUBLIC SCHOOL A PETITION TO:

(I) CLOSE THE ELIGIBLE PUBLIC SCHOOL AND GIVE EACH STUDENT ENROLLED IN THE ELIGIBLE PUBLIC SCHOOL PRIORITY PLACEMENT INTO A HIGHER-ACHIEVING SCHOOL OF THE SCHOOL DISTRICT, AS SELECTED BY THE STUDENT'S PARENT; OR

(II) CONVERT THE ELIGIBLE PUBLIC SCHOOL TO A CHARTER SCHOOL PURSUANT TO THE PROVISIONS OF PART 1 OF ARTICLE 30.5 OF THIS TITLE OR TO AN INNOVATION SCHOOL PURSUANT TO ARTICLE 32.5 OF THIS TITLE.

(b) TO BE VALID, A PETITION PRESENTED PURSUANT TO THIS SUBSECTION (2) SHALL BE SIGNED BY MORE THAN FIFTY PERCENT OF THE FAMILIES OF THE STUDENTS ENROLLED IN THE ELIGIBLE PUBLIC SCHOOL. A VALID PETITION MAY INCLUDE NO MORE THAN ONE ADULT SIGNATURE FROM EACH STUDENT'S HOUSEHOLD.

(c) A SCHOOL DISTRICT SHALL NOT PREVENT PARENTS FROM COLLECTING SIGNATURES ON SCHOOL DISTRICT PROPERTY FOR A PETITION PURSUANT TO THIS SECTION. A PERSON SHALL NOT RECEIVE REMUNERATION OF ANY KIND IN EXCHANGE FOR OR DIRECTLY OR INDIRECTLY RELATED TO COLLECTING SIGNATURES FOR A PETITION PURSUANT TO THIS SECTION.

(3) (a) WITHIN FORTY-FIVE DAYS AFTER RECEIVING A PETITION PURSUANT TO SUBSECTION (2) OF THIS SECTION, A LOCAL SCHOOL BOARD SHALL RESPOND TO THE PETITIONING PARENTS IN WRITING. NO SOONER THAN TEN DAYS, BUT WITHIN FIFTEEN DAYS, AFTER PROVIDING THE WRITTEN RESPONSE, THE LOCAL SCHOOL BOARD SHALL HOLD A PUBLIC HEARING AT WHICH THE LOCAL SCHOOL BOARD SHALL ALLOW THE PETITIONING PARENTS TO TESTIFY CONCERNING THE PETITION AND THE RESPONSE.

(b) A LOCAL SCHOOL BOARD MAY RESPOND TO A PETITION BY:

(I) ACCEPTING THE PARENTS' PETITION AND IMPLEMENTING THE REQUESTED ACTION AS PROVIDED IN THIS SECTION;

(II) ACCEPTING THE PARENTS' PETITION BUT RECOMMENDING IMPLEMENTATION OF THE ALTERNATIVE ACTION TO THAT RECOMMENDED BY THE PETITION, AS DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION; OR

(III) REJECTING THE PARENTS' PETITION.

(c) A LOCAL SCHOOL BOARD MAY RECOMMEND IMPLEMENTING THE ALTERNATIVE ACTION OR REJECT THE PARENTS' PETITION BASED ONLY ON:

(I) DOCUMENTED VALID FISCAL REASONS RELATED TO IMPLEMENTING THE PARENTS' RECOMMENDATION;

(II) THE LACK OF AVAILABLE MANAGEMENT OPTIONS FOR CONVERTING THE ELIGIBLE PUBLIC SCHOOL, IF THE PETITION RECOMMENDED CONVERSION TO A CHARTER SCHOOL OR AN INNOVATION SCHOOL; OR

(III) THE LACK OF AVAILABLE OPTIONS FOR PLACING STUDENTS IF THE ELIGIBLE PUBLIC SCHOOL CLOSES, IF THE PETITION RECOMMENDED CLOSING THE ELIGIBLE PUBLIC SCHOOL.

(4) (a) IF THE LOCAL SCHOOL BOARD RESPONDS AS PROVIDED IN SUBPARAGRAPH (II) OR (III) OF PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION, THE PETITIONING PARENTS MAY APPEAL THE LOCAL SCHOOL BOARD'S DECISION TO THE STATE BOARD WITHIN THIRTY DAYS AFTER RECEIVING THE DECISION. THE PARENTS' APPEAL SHALL BE IN WRITING AND ACCOMPANIED BY ANY DATA THE PARENTS CHOOSE TO SUBMIT IN SUPPORT OF THEIR RECOMMENDATION. THE PARENTS SHALL PROVIDE A COPY OF THE WRITTEN APPEAL AND ALL SUBMITTED DATA TO THE LOCAL SCHOOL BOARD. THE LOCAL SCHOOL BOARD MAY SUBMIT A WRITTEN STATEMENT OF ITS GROUNDS FOR REJECTING THE PARENTS' RECOMMENDATION AND ANY DATA TO SUPPORT THOSE GROUNDS. THE LOCAL SCHOOL BOARD SHALL PROVIDE A COPY OF THE STATEMENT OF GROUNDS AND ALL SUBMITTED DATA TO THE PARENTS.

(b) THE STATE BOARD SHALL REVIEW THE SUBMITTED DATA, AS WELL AS ANY OTHER DATA IT MAY FIND RELEVANT, AND EITHER REVERSE OR UPHOLD THE LOCAL SCHOOL BOARD'S DECISION WITHIN THIRTY DAYS AFTER RECEIVING THE APPEAL. THE STATE BOARD MAY UPHOLD THE LOCAL SCHOOL BOARD'S DECISION ONLY IF IT FINDS THAT THE DECISION MEETS ONE OR MORE OF THE GROUNDS STATED IN PARAGRAPH (c) OF SUBSECTION (3) OF THIS SECTION. THE STATE BOARD SHALL PROVIDE WRITTEN COPIES OF ITS DECISION, INCLUDING THE GROUNDS FOR THE DECISION, TO THE PARENTS AND TO THE LOCAL SCHOOL BOARD. IF THE STATE BOARD FINDS THAT THE LOCAL SCHOOL BOARD DOES NOT HAVE GROUNDS TO REJECT THE RECOMMENDATION OF THE PARENTS, THE LOCAL SCHOOL BOARD SHALL WORK WITH THE PARENTS, AS PROVIDED IN THIS SECTION, TO IMPLEMENT THE RECOMMENDATIONS MADE IN THE PETITION. THE DECISION OF THE STATE BOARD IS FINAL AND NOT SUBJECT TO APPEAL.

(5) IF A LOCAL SCHOOL BOARD AND PARENTS CLOSE AN ELIGIBLE SCHOOL PURSUANT TO THIS SECTION, THE CLOSURE SHALL BE FULLY ACCOMPLISHED NO LATER THAN THE END OF THE SCHOOL YEAR THAT IMMEDIATELY FOLLOWS THE SCHOOL YEAR IN WHICH THE PARENTS SUBMIT THE PETITION.

(6) (a) IF A LOCAL SCHOOL BOARD AND PARENTS RESTRUCTURE AN ELIGIBLE PUBLIC SCHOOL PURSUANT TO THIS SECTION, THE PARENTS SHALL SELECT FROM AMONG THOSE WHO SIGNED THE PETITION FIVE PARENTS WHO WILL REPRESENT THEM ON AN ADVISORY GROUP THAT WILL OVERSEE THE RESTRUCTURING. THE LOCAL SCHOOL BOARD SHALL SELECT THREE REPRESENTATIVES TO SERVE ON THE ADVISORY GROUP.

(b) WITHIN FORTY-FIVE DAYS AFTER THE LOCAL SCHOOL BOARD RESPONDS TO THE PETITION, OR WITHIN FORTY-FIVE DAYS AFTER THE STATE BOARD'S DECISION IF THE PARENTS APPEAL THE LOCAL SCHOOL BOARD'S INITIAL RESPONSE, THE LOCAL SCHOOL BOARD SHALL ISSUE A REQUEST FOR PROPOSALS TO RESTRUCTURE THE SCHOOL. THE REQUEST FOR PROPOSALS SHALL REQUEST RESPONSES TO RESTRUCTURE THE SCHOOL AS A CHARTER SCHOOL AND RESPONSES TO RESTRUCTURE THE SCHOOL AS

AN INNOVATION SCHOOL. THE ADVISORY GROUP SHALL COLLABORATE WITH THE LOCAL SCHOOL BOARD IN CREATING THE REQUEST FOR PROPOSALS.

(c) ANY PERSON OR GROUP THAT CHOOSES TO RESPOND TO THE REQUEST FOR PROPOSALS SHALL HAVE SEVENTY-FIVE DAYS TO DO SO. RESPONDENTS MAY INCLUDE, BUT NEED NOT BE LIMITED TO, PARENTS, THE ADMINISTRATION AND STAFF OF THE ELIGIBLE PUBLIC SCHOOL, AN EXISTING CHARTER MANAGEMENT OR EDUCATION MANAGEMENT ORGANIZATION, OR A NEW DEVELOPMENT GROUP OR ANY COMBINATION THEREOF. AT A MINIMUM, EACH RESPONSE TO THE REQUEST FOR PROPOSALS SHALL COMPLY WITH THE REQUIREMENTS SPECIFIED IN PART 1 OF ARTICLE 30.5 OF THIS TITLE FOR CHARTER SCHOOL APPLICATIONS OR WITH THE REQUIREMENTS SPECIFIED IN ARTICLE 32.5 OF THIS TITLE FOR INNOVATION SCHOOLS, WHICHEVER IS APPLICABLE.

(d) THE ADVISORY GROUP SHALL REVIEW ALL OF THE RESPONSES RECEIVED TO THE REQUEST FOR PROPOSALS. NO LATER THAN SIXTY DAYS AFTER THE CLOSE OF THE RESPONSE PERIOD, THE ADVISORY GROUP SHALL SELECT A PERSON OR GROUP TO MANAGE THE OPERATIONS OF THE ELIGIBLE PUBLIC SCHOOL. IF THE ELIGIBLE PUBLIC SCHOOL IS CONVERTED TO A CHARTER SCHOOL, THE SELECTED PERSON OR GROUP SHALL COMMENCE THE PROCESS OF APPLYING FOR A CHARTER AS PROVIDED IN SECTION 22-30.5-107. IF THE ELIGIBLE PUBLIC SCHOOL IS CONVERTED TO AN INNOVATION SCHOOL, THE LOCAL SCHOOL BOARD SHALL DESIGNATE THE ELIGIBLE PUBLIC SCHOOL AS AN INNOVATION SCHOOL AND COMPLETE THE PROCEDURES FOR DESIGNATION OF THE SCHOOL DISTRICT AS A DISTRICT OF INNOVATION PURSUANT TO ARTICLE 32.5 OF THIS TITLE WITHIN NINETY DAYS AFTER THE ADVISORY GROUP MAKES ITS SELECTION.

(e) AN ELIGIBLE PUBLIC SCHOOL THAT IS CONVERTED TO A CHARTER SCHOOL OR AN INNOVATION SCHOOL PURSUANT TO THIS SECTION SHALL CONTINUE OPERATIONS IN THE BUILDING IN WHICH THE SCHOOL WAS LOCATED PRIOR TO CONVERSION. THE SCHOOL DISTRICT IN WHICH THE ELIGIBLE PUBLIC SCHOOL IS LOCATED IS ENCOURAGED, BUT NOT REQUIRED, TO CONTINUE TRANSPORTATION SERVICES FOR AT LEAST TWO SCHOOL YEARS FOLLOWING THE CONVERSION FOR THE STUDENTS ENROLLED IN THE ELIGIBLE PUBLIC SCHOOL.

(7) FOR THE FIRST YEAR OF OPERATION AFTER CONVERSION OF AN ELIGIBLE PUBLIC SCHOOL TO A CHARTER SCHOOL, THE STUDENTS ENROLLED PRIOR TO THE CONVERSION OR WHO, BASED ON RESIDENCY, ARE ELIGIBLE TO ENROLL IN THE ELIGIBLE PUBLIC SCHOOL SHALL HAVE FIRST PRIORITY FOR ENROLLMENT IN THE CONVERTED ELIGIBLE PUBLIC SCHOOL. FOR SUBSEQUENT SCHOOL YEARS, STUDENT ENROLLMENT IN THE CONVERTED ELIGIBLE PUBLIC SCHOOL SHALL BE DETERMINED BASED ON THE ENROLLMENT POLICY SPECIFIED IN THE SCHOOL'S CHARTER CONTRACT.

(8) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, A PUBLIC SCHOOL THAT IS CONVERTED PURSUANT TO THIS SECTION TO A CHARTER SCHOOL OR AN INNOVATION SCHOOL IS NOT SUBJECT TO A PETITION PROCESS AS DESCRIBED IN THIS SECTION FOR FIVE YEARS FOLLOWING THE DATE ON WHICH THE LOCAL SCHOOL BOARD RESPONDED TO A PETITION PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(9) FOLLOWING CONVERSION PURSUANT TO THIS SECTION, A PUBLIC SCHOOL OF A SCHOOL DISTRICT SHALL CONTINUE TO BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE."

Renumber succeeding section accordingly.

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

YES	14	NO	20	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	E
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

SB11-107 by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident.

Senator Scheffel moved to amend the Report of the Committee of the Whole to show that severed section B (page 1, lines 18 through 21, and page 2, lines 1 through 9) of the Judiciary Committee amendment to SB 11-107, did pass.

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	20	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	E
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

HB11-1126 by Representative(s) Duran; also Senator(s) Hudak--Concerning measures to encourage greater parent involvement in public schools.

Senators King K. and Hudak moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 11-1126 did pass.

Amend reengrossed bill, page 3, line 22, before "NOTICE" insert "INITIAL NOTICE OF THE DETERMINATION OR, IF THE DETERMINATION IS APPEALED, THE FINAL " .

Page 5, line 8, before "NOTICE" insert "INITIAL NOTICE OF THE DETERMINATION OR, IF THE DETERMINATION IS APPEALED, THE FINAL".

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	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

SB11-107 by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident.

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that SB 11-107, as amended, did not pass.

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	20	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	E
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-179 as amended, SB11-173 as amended, SB11-107 as amended, HB11-1126 as amended, HB11-1185 as amended.
Laid over until April 4: SB11-180 as amended, SB11-052, SB11-126, SB11-168, HB11-1160, HB11-1109, HB11-1268.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of House Amendments Calendar (SCR11-001, SB11-062, SB11-119) of Friday, April 1 was laid over until Monday, April 4, retaining its place on the calendar.

SENATE SERVICES REPORT

Correctly Engrossed: SJR11-029 and 030.
Correctly Enrolled: SB11-081, 082, 084, 115 and 198.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-198, HB11-1155, 1174.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Thursday, March 31, 2011, at 2:16 p.m.:
SB11-008, 025, 039, 083, 120 and 198.

CHANGE IN SPONSORSHIP

Upon announcement of President Shaffer, Representative Bradford replaced Representative Holbert as the House prime sponsor on **SB11-206**.

INTRODUCTION OF RESOLUTIONS

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

SJR11-032 by Senator(s) Morse; also Representative(s) Stephens--Concerning the convening date for the 2012 Second Regular Session of the Sixty-eighth General Assembly.
Laid over one day under Senate Rule 30(b).

SJR11-033 by Senator(s) Heath; --Concerning an interim commission to review the findings of any comprehensive tax study.
Legislative Council

INTRODUCTION OF BILLS -- FIRST READING

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

HB11-1146 by Representative(s) Massey; also Senator(s) Steadman--Concerning a requirement that a residence be integral to an agricultural operation in determining whether two acres or less associated with the residence satisfies the definition of agricultural land for property tax purposes.
Agriculture, Natural Resources, and Energy

HB11-1251 by Representative(s) Conti, Acree, Balmer, Brown, Kerr J., Summers, Swerdfeger; also Senator(s) Tochtrop--Concerning an exemption from the restrictions on window tinting for public safety vehicles.
Transportation

HB11-1269 by Representative(s) Miklosi, Gardner D.; also Senator(s) Tochtrop, Carroll--Concerning the limits on uncommitted reserves in cash funds.
Finance

HB11-1286 by Representative(s) Sonnenberg and Becker, Baumgardner, Brown, Coram, DelGrosso, Fischer, Hulinghorst, Joshi, McKinley, McNulty, Pace, Priola, Ramirez, Scott, Swalm, Wilson; also Senator(s) Schwartz, Brophy, Giron, Grantham, Guzman, Hodge, Jahn, Renfro, Tochtrop--Concerning the state engineer's rule-making authority in the case of dewatering of geologic formations by withdrawing nontributary ground water to facilitate the mining of minerals.
Agriculture, Natural Resources, and Energy

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, and Energy After consideration on the merits, the Committee recommends that SB11-208 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 8, line 24, after "(a)" insert "(I) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (6): (A)".

Page 8, line 26, strike "(b)" and substitute "(B)".

Page 9, line 1, strike "(c)" and substitute "(II)" and strike "SUBSECTION (6)," and substitute "PARAGRAPH (a)".

Page 9, line 2, strike "(I)" and substitute "(A)".

Page 9, line 7, strike "(II)" and substitute "(B)".

Page 9, after line 11 insert:

"(b) THE BOARD MAY SPECIFY, BY MAJORITY VOTE, TYPES OF MATTERS UPON WHICH ACTION MAY BE TAKEN BY VOTE OF A SIMPLE MAJORITY. ANY SUCH MATTERS MAY THEREAFTER BE ACTED UPON BY A SIMPLE MAJORITY OF A QUORUM OF THE ENTIRE BOARD."

Page 11, line 6, after the period insert "THE IMPLEMENTATION PLAN MUST TAKE INTO ACCOUNT THE REAFFIRMATION OF ASSENT TO THE PITTMAN-ROBERTSON AND DINGELL-JOHNSON ACTS UNDER SECTION 33-9-107."

Page 11, line 8, after "ITS" insert "NAME,".

Page 12, line 1, after the period add "THE BOARD SHALL NOT INCREASE ANY FEE OR CHARGE UNLESS THE INCREASE IS APPROVED BY THE GENERAL ASSEMBLY, ACTING BY BILL APPROVED BY THE GOVERNOR."

Page 14, line 27, after "(1)" insert "(a)".

Page 15, line 12, after the period add "THE REPORT MUST ALSO DESCRIBE ANY COST SAVINGS THAT ARE EXPECTED TO RESULT FROM THE MERGER OF THE FORMER DIVISION OF WILDLIFE AND THE FORMER DIVISION OF PARKS AND OUTDOOR RECREATION."

Page 15, after line 12 insert:

"(b) ON NOVEMBER 30, 2011, THE EXECUTIVE DIRECTOR SHALL SUBMIT TO THE MEMBERS OF THE HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE AND THE SENATE AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE, OR ANY SUCCESSOR COMMITTEES, AN INFORMAL PROGRESS REPORT THAT PROVIDES A GENERAL UPDATE ON THE BOARD'S EFFORTS TO CREATE THE IMPLEMENTATION PLAN AND THAT IDENTIFIES ANY APPARENT CURRENT, OUTSTANDING, OR REASONABLY ANTICIPATED ISSUES AND POTENTIAL SOLUTIONS TO THOSE ISSUES. THE REPORT MUST BE IN PAPER OR ELECTRONIC FORMAT, AND NEED NOT EXCEED THREE PAGES IN LENGTH."

Page 15, line 19, after the period add "EACH SUCH REPORT MUST SUMMARIZE STAKEHOLDER OUTREACH CONDUCTED DURING THE PRIOR YEAR AND MUST ALSO IDENTIFY DISPOSITION OF ASSETS AND COST SAVINGS, BOTH PLANNED AND REALIZED, SINCE THE PREVIOUS YEAR, INCLUDING SAVINGS PERTAINING TO PERSONNEL, EQUIPMENT, SERVICES, AND PROVISIONING."

Page 15, line 23, strike "33-1-118." and substitute "33-1-118, WHICH ASSENT PROHIBITS DIVERSION OF LICENSE FEES PAID BY HUNTERS AND SPORT FISHERMEN TO PURPOSES OTHER THAN ADMINISTRATION OF THE FISH AND WILDLIFE AGENCY."

Page 17, after line 15 insert:

"(c) ALL PERSONAL AND REAL PROPERTY ACQUIRED IN WHOLE OR IN PART WITH LICENSE FEES OR FEDERAL GRANT FUNDS IS SUBJECT TO ACCOUNTABILITY AND CONTROL BY THE DIVISION TO ASSURE THAT THE PROPERTY SERVES THE PURPOSE FOR WHICH IT WAS ORIGINALLY ACQUIRED THROUGHOUT ITS USEFUL LIFE."

Page 20, line 7, strike "FUNDS AND" and substitute "FUNDS,".

Page 20, line 9, strike "APPROPRIATED." and substitute "APPROPRIATED, AND TO ENSURE THAT APPROPRIATE RECORDS ARE MAINTAINED FOR AUDIT PURPOSES."

Page 23, after line 16 insert:

"SECTION 5. 24-77-102 (7) (b) (IV), Colorado Revised Statutes, is amended to read:

24-77-102. Definitions. As used in this article, unless the context otherwise requires:

(7) (b) "Grant" does not include:

(IV) Any moneys received by the division of PARKS AND wildlife, created in section ~~24-1-124 (3) (h) (i)~~ 33-9-104, from the great outdoors Colorado trust fund established in section 2 of article XXVII of the state constitution;".

Renumber succeeding sections accordingly.

Page 32, after line 21 insert:

"SECTION 13. The introductory portion to 24-33-109.5 (4) (a) and 24-33-109.5 (4) (a) (I) (D) and (4) (a) (I) (E), Colorado Revised Statutes, are amended to read:

24-33-109.5. Colorado kids outdoors grant program - created - fund created - rules - report - definitions - repeal. (4) (a) There is hereby created the Colorado kids outdoors advisory council to assist the executive director in implementing the grant program. The advisory council shall consist of ~~seven~~ SIX members as follows:

(I) The following ex officio members or their designees:

(D) The director of the division of parks and ~~outdoor recreation~~ WILDLIFE in the department of natural resources; and

(E) ~~The director of the division of wildlife in the department of natural resources; and~~

SECTION 14. 24-33.5-415.6 (7) and (8), Colorado Revised Statutes, are amended to read:

24-33.5-415.6. Offender identification - fund. (7) A surcharge of two dollars and fifty cents is hereby levied against each penalty assessment issued pursuant to section 33-6-104 OR 33-15-102, C.R.S., that results in payment of the penalty assessment without the commencement of a criminal action. All moneys collected by the division of PARKS AND wildlife in the department of natural resources pursuant to this subsection (7) shall be transmitted to the state treasurer, who shall credit the same to the fund.

~~(8) A surcharge of two dollars and fifty cents is hereby levied against each penalty assessment issued pursuant to section 33-15-102, C.R.S., that results in payment of the penalty assessment without the commencement of a criminal action. All moneys collected by the division of parks and outdoor recreation in the department of natural resources pursuant to this subsection (8) shall be transmitted to the state treasurer, who shall credit the same to the fund.~~

SECTION 15. The introductory portion to 30-25-302 (1) (a), 30-25-302 (1) (b), (3), (4) (a), and (6), Colorado Revised Statutes, are amended to read:

30-25-302. Eligibility - determination of impact - procedures - legislative declaration. (1) (a) Except as provided in section 33-60-104.5, C.R.S., for real property interests acquired with funds made available from the great outdoors Colorado trust fund, in any county in which the division of PARKS AND wildlife ~~or the division of parks and outdoor recreation or both divisions own~~ OWNS property, the board of county commissioners of ~~such~~ THE county shall certify once a year during the regular tax assessment period, to the PARKS AND wildlife ~~commission, to the board, of parks and outdoor recreation, or to both said commission and said board if both own land in such county;~~ the current dollar amount representing the negative financial impact that ~~such~~ THE ownership has on ~~such~~ THE county's finances and the finances of any political subdivision ~~which~~ THAT lies within ~~such~~ THE county. ~~The calculation of such~~ IN CALCULATING THE dollar amount, THE BOARD OF COUNTY COMMISSIONERS shall take into consideration the following factors:

~~(b) Any certification relating to land owned by the division of wildlife made pursuant to paragraph (a) of this subsection (1) shall be made to the wildlife commission. Any certification relating to land owned by the division of parks and outdoor recreation made pursuant to paragraph (a) of this subsection (1) shall be made to the board of parks and outdoor recreation.~~

(3) The PARKS AND wildlife ~~commission and the board of parks~~

~~and outdoor recreation~~ shall review the dollar amounts certified to ~~them~~ pursuant to subsection (1) of this section and shall certify to the general assembly these dollar amounts. In making ~~their~~ ITS determinations, the PARKS AND wildlife ~~commission and the board of parks and outdoor recreation~~ shall consider the factors set forth in subsection (1) of this section and may consider any additional relevant factors. All certifications to the general assembly ~~shall~~ MUST include an explanation of the grounds upon which the determinations of the certified amounts are based. The PARKS AND wildlife ~~commission and the board of parks and outdoor recreation~~ shall include an estimate of the amount to be certified for impact assistance grants in their budget requests for each fiscal year.

(4) (a) The general assembly may make an appropriation in the form of an impact assistance grant to any county qualifying for such grant upon certification by the PARKS AND wildlife ~~commission or the board of parks and outdoor recreation~~ of the amount for ~~such~~ THE grant. Appropriations concerning lands owned by the division of PARKS AND wildlife ~~shall~~ MUST be made from the wildlife cash fund. Appropriations concerning lands owned by the division of parks and ~~outdoor recreation~~ ~~shall~~ WILDLIFE MUST be made from the general fund or the parks and outdoor recreation cash fund.

(6) The general assembly hereby finds and declares that the acquisition of large amounts of property by the division of PARKS AND wildlife, ~~or the division of parks and outdoor recreation~~, through the great outdoors Colorado program or otherwise, can have serious financial consequences for the counties and political subdivisions in which ~~such~~ THE property is located. It is therefore the intent of the general assembly that any plans for acquisition of property by the division of PARKS AND wildlife ~~or the division of parks and outdoor recreation~~ include provisions for the payment of impact assistance grants pursuant to this section or payments in lieu of taxes pursuant to section 33-60-104.5, C.R.S., whichever is applicable.

SECTION 16. 33-6-105 (1), Colorado Revised Statutes, is amended to read:

33-6-105. Disposition of fines and surcharges. (1) (a) Except as otherwise provided in paragraph (b) of this subsection (1), all moneys collected for fines under articles 1 to 6 of this title, either by payment of a penalty assessment or assessed by a court upon conviction and resulting from issuance of a citation by ~~an~~ A WILDLIFE officer of the division of PARKS AND wildlife, shall be transmitted to the state treasurer, who shall credit one-half to the general fund and one-half to the wildlife cash fund or, for offenses involving nongame wildlife, to the nongame and endangered wildlife cash fund.

(b) When an arrest has been made or the citation for any wildlife offense has been issued by ~~an~~ A PARK officer of the division of parks and ~~outdoor recreation~~ WILDLIFE or by any other Colorado peace officer, as defined in this title, the state treasurer shall credit one-half of the moneys collected to the general fund and one-half to the Colorado town, city, county, city and county, or state agency whose officer issued the citation.

SECTION 17. 33-10-106 (1) (e) and (1) (f), Colorado Revised Statutes, are amended to read:

33-10-106. Duties of the board - rules. (1) The board shall:
(e) Through the division, enforce the laws AND rules ~~and regulations~~ relating to parks and outdoor recreation areas; ~~and cooperate with the division of wildlife in the enforcement of the wildlife laws, rules, or regulations;~~

(f) ~~Cooperate with the division of wildlife to~~ Assure maximum development and protection of wildlife habitat consistent with park and outdoor recreation operations and provide full opportunity for the hunter and fisherman to harvest the surplus wildlife resources on all state park and outdoor recreation areas whenever public safety can be maintained;

SECTION 18. 33-11-109 (3), Colorado Revised Statutes, is amended to read:

33-11-109. Trail categories. (3) The board, through the division, is authorized to conduct studies, and to promulgate such rules ~~and regulations~~ as may be necessary for establishing and managing the Colorado greenway trails system. The board shall consult and cooperate with the ~~wildlife commission~~, Colorado water conservation board, transportation commission, Colorado water resources and power development authority, and all other appropriate units of state government

and political subdivisions of the state, including, but not limited to, any county, city, city and county, and water conservation and conservancy district; any other public and private persons; and any appropriate federal agencies to establish a Colorado greenway trails system ~~which~~ THAT minimizes adverse impacts on activities, natural features, and sensitive habitats adjacent to trails.

SECTION 19. 33-14-102 (1) (b), Colorado Revised Statutes, is amended to read:

33-14-102. Snowmobile registration - fees - applications - requirements - penalties - exemptions. (1) (b) The division shall employ snowmobile agents, including dealers and licensing agents serving as such for the division, ~~of wildlife~~, for snowmobile registration pursuant to ~~the provisions of~~ section 33-12-104. ~~Such~~ THE agents shall take the registration application and issue a temporary registration and shall forward the application to the division, which shall issue the registration. Snowmobile dealers employed as licensing agents for snowmobile registration ~~shall be~~ ARE authorized to issue annual registrations and shall retain a commission of up to one dollar, as authorized by the division, for each registration issued.

SECTION 20. 33-14-117 (1) (b) and (2), Colorado Revised Statutes, are amended to read:

33-14-117. Hunting, carrying weapons on snowmobiles - prohibitions. (1) It is unlawful for any person to:

(b) Operate or ride on any snowmobile with any firearm in his OR HER possession, unless such firearm is unloaded and enclosed in a carrying case or inserted in a scabbard, or with any bow unless it is unstrung or cased, but this paragraph (b) ~~shall~~ DOES not apply to any person to whom the division ~~of wildlife~~ has issued a permit for the control of predators such as coyotes, foxes, bobcats, and the like;

(2) Permits to use snowmobiles for the control of predators such as coyotes, foxes, bobcats, and the like may be issued by the division ~~of wildlife~~ or its district wildlife managers at no charge to persons applying therefor whose purpose is to protect livestock and other wildlife. ~~A notice of issuance of any such permit shall be given to the division by the division of wildlife.~~

SECTION 21. 33-14.5-102 (1) (b), Colorado Revised Statutes, is amended to read:

33-14.5-102. Off-highway vehicle registration - nonresident-owned or -operated off-highway vehicle permits - fees - applications - requirements - exemptions. (1) (b) The division shall employ off-highway vehicle agents, including dealers and licensing agents serving as such for the division, ~~of wildlife~~, for off-highway vehicle registration pursuant to ~~the provisions of~~ section 33-12-104. Upon receiving a registration application, an agent shall collect the fee specified pursuant to section 33-10-111 (5) and issue a temporary registration and shall forward the application to the division, which shall issue the registration. An agent may retain a commission of not in excess of one dollar, as authorized by the division, for each registration issued. Any ~~off-highway~~ POWERSPORTS VEHICLE dealer is authorized to issue a temporary registration when a person purchases an off-highway vehicle from such dealer.

SECTION 22. 33-14.5-106 (2) (b) (I) and (2) (b) (II), Colorado Revised Statutes, are amended to read:

33-14.5-106. Off-highway vehicle recreation fund - creation - use of moneys. (2) All moneys collected for fines imposed pursuant to the provisions of this article shall be distributed as follows:

(b) One-half of such amount collected shall be distributed as follows:

(I) If the citing officer is a ~~parks and recreation~~ PARK officer, ~~such~~ THE amount shall be transferred to the state treasurer and credited to the off-highway vehicle recreation fund; or

(II) If the citing officer is a ~~Colorado~~ wildlife officer or special wildlife officer, ~~such~~ THE amount shall be transferred to the state treasurer and credited to the wildlife cash fund; or

SECTION 23. 33-15-103 (1) (a), (1) (b) (II) (A), and (1) (b) (II) (B), Colorado Revised Statutes, are amended to read:

33-15-103. Disposition of fines - notice of court decisions. (1) (a) All moneys collected for fines under this article and articles 10 to 13 and 32 of this title, either by payment of a penalty assessment or

assessed by a court upon conviction, shall be transmitted to the state treasurer, who shall credit such moneys to the parks and outdoor recreation cash fund; except that, when an arrest has been made or the citation for any offense, including those committed under article 14 of this title, has been issued by an officer of the division of PARKS AND wildlife, all moneys collected for the fine shall be transmitted to the state treasurer, who shall credit one-half to the wildlife cash fund and one-half to the general fund.

(b) All moneys collected for fines imposed pursuant to the provisions of article 14.5 of this title shall be distributed as follows:

(II) One-half of such amount collected shall be distributed as follows:

(A) If the citing officer is a ~~parks and recreation~~ PARK officer, ~~such~~ THE amount shall be transferred to the state treasurer and credited to the off-highway vehicle recreation fund; or

(B) If the citing officer is a ~~Colorado~~ wildlife officer or special wildlife officer, ~~such~~ THE amount shall be transferred to the state treasurer and credited to the wildlife cash fund; or

SECTION 24. 33-32-108 (1) (b), the introductory portion to 33-32-108 (2) (b), and 33-32-108 (2) (b) (II) and (2) (b) (III), Colorado Revised Statutes, are amended to read:

33-32-108. Enforcement. (1) (b) As used in this section, "peace officer" means any ~~parks and recreation officer~~ or division of PARKS AND wildlife officer or any sheriff or city and county law enforcement officer certified by the Colorado law enforcement training academy.

(2) (b) Pursuant to ~~the provisions of~~ paragraph (a) of this subsection (2), any expenses incurred by governmental entities stemming from search and rescue efforts ~~which~~ THAT are reimbursed by a river outfitter shall be distributed as follows:

(II) If to the division of parks and ~~outdoor recreation~~ WILDLIFE, ONE-HALF OF THE MONEYS SHALL BE credited to the parks and outdoor recreation cash fund, created in section 33-10-111, AND ONE-HALF SHALL BE CREDITED TO THE WILDLIFE CASH FUND, CREATED IN SECTION 33-1-112.

(III) ~~If to the division of wildlife, credited to the wildlife cash fund, created in section 33-1-112.~~

SECTION 25. 33-33-106 (2), Colorado Revised Statutes, is amended to read:

33-33-106. Colorado natural areas council. (2) The council ~~shall consist~~ CONSISTS of the following seven members: One member each from the membership of the board ~~the wildlife commission~~; and the state board of land commissioners appointed by their respective boards or commissions, who shall serve for three-year terms; and ~~four~~ FIVE members appointed by the governor, who shall be individuals with a substantial interest in the preservation of natural areas and who shall serve for four-year terms.

SECTION 26. 33-60-104.5 (6), Colorado Revised Statutes, is amended to read:

33-60-104.5. Property acquired by state agencies with funds from the great outdoors Colorado trust fund - payments in lieu of taxes - restrictions - legislative declaration. (6) The general assembly may make appropriations for the purpose of funding a state agency's share of payments in lieu of taxes to any county entitled to receive such payments. Appropriations concerning lands owned by the FORMER division of wildlife, AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (6), AS AMENDED, shall be made from the wildlife cash fund. Appropriations concerning lands owned by the FORMER division of parks and outdoor recreation, AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (6), AS AMENDED, shall be made from the parks and outdoor recreation cash fund.

SECTION 27. 34-60-103 (4.3) and (14), Colorado Revised Statutes, are amended, and the said 34-60-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

34-60-103. Definitions. As used in this article, unless the context otherwise requires:

(1.5) "PARKS AND WILDLIFE BOARD" OR "BOARD" MEANS THE PARKS AND WILDLIFE BOARD CREATED IN SECTION 33-9-101, C.R.S.

(4.3) "Division of PARKS AND wildlife" means the division of PARKS AND wildlife identified in ~~article 1~~ ARTICLE 9 of title 33, C.R.S.

(14) "Wildlife commission" means the ~~wildlife commission~~

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	created in section 33-1-103, C.R.S. BOARD."	1
	Renumber succeeding sections accordingly.	2
Education	The Committee on <u>Education</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	3
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	MEMBERS OF THE	10
	<u>BOARD OF TRUSTEES FOR THE COLORADO</u>	11
	<u>SCHOOL FOR THE DEAF AND THE BLIND</u>	12
		13
	for a terms expiring July 1, 2014:	14
		15
	Carolena Guiral Steen of Colorado Springs, Colorado, a Democrat, reappointed;	16
		17
Education	The Committee on <u>Education</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	18
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	MEMBERS OF THE	24
	<u>BOARD OF TRUSTEES FOR</u>	25
	<u>ADAMS STATE COLLEGE</u>	26
		27
	for terms expiring December 31, 2014:	28
		29
	Liane "Buffie" McFadyen of Pueblo West, Colorado, a Democrat, appointed;	30
		31
	Timothy L. Walters of Alamosa, Colorado, a Republican, reappointed.	32
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Education	After consideration on the merits, the Committee recommends that HB11-1145 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	34
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	Amend reengrossed bill, page 2, line 14, strike "AND" and substitute	36
	"AND, FOR PERSONS HIRED ON OR AFTER AUGUST 10, 2011,".	37
		38
	Page 3, line 22, strike "AND" and substitute "AND, FOR PERSONS HIRED ON	39
	OR AFTER AUGUST 10, 2011,".	40
		41
	Page 4, line 25, strike "AND" and substitute "AND, FOR PERSONS HIRED ON	42
	OR AFTER AUGUST 10, 2011,".	43
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	Page 6, line 19, strike "AND" and substitute "AND, FOR PERSONS HIRED ON	45
	OR AFTER AUGUST 10, 2011,".	46
		47
	Page 7, line 27, strike "AND" and substitute "AND, FOR PERSONS HIRED ON	48
	OR AFTER AUGUST 10, 2011,".	49
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		51
Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	52
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	MEMBER OF THE	56
	<u>COLORADO COMMISSION ON THE AGING</u>	57
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	for a term expiring July 1, 2012:	60
		61
	Ruth E. Long of Fort Collins, Colorado, to fill the vacancy occasioned by the resignation of Mark N. Shelton of Fort Collins, Colorado, and to serve as a representative from the Fourth Congressional District and as a Democrat, appointed.	62
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for terms expiring July 1, 2014:

Vivian Stovall of Denver, Colorado, to serve as a Democrat from Congressional District 1, reappointed;

Leanne Jo Abdnor of Boulder, Colorado, to serve as a representative from the Second Congressional District and as a Republican, appointed.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB11-195** 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 printed bill, page 2, line 7, after "C.R.S.," insert "A PHYSICIAN ASSISTANT LICENSED PURSUANT TO SECTION 12-36-107.4, C.R.S.,".

Page 2, line 10, after "PHYSICIAN," insert "PHYSICIAN ASSISTANT," and strike "LICENSED" and substitute "AUTHORIZED".

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB11-200** be amended as follows, and as so amended, be referred to the Committee on Legislative Council with favorable recommendation.

Amend printed bill, page 4, line 24, strike "FUNCTIONS OF THE DIVISION OF INSURANCE" and substitute "DUTIES OF THE COMMISSIONER".

Page 4, line 25, strike "10-1-103," and substitute "10-1-108,".

Page 5, line 13, strike "BOARD. THE" and substitute "BOARD. THE GOVERNOR SHALL NOT APPOINT MORE THAN THREE MEMBERS FROM THE SAME POLITICAL PARTY. THE".

Page 9, line 25, strike "AND".

Page 9, after line 25 insert:

"(i) CONSIDER THE UNIQUE NEEDS OF RURAL COLORADANS AS THEY PERTAIN TO ACCESS, AFFORDABILITY, AND CHOICE IN PURCHASING HEALTH INSURANCE;

(j) CONSIDER THE AFFORDABILITY AND COST IN THE CONTEXT OF QUALITY CARE AND INCREASED ACCESS TO PURCHASING HEALTH INSURANCE; AND".

Page 9, line 26, strike "(i)" and substitute "(k)".

Page 12, line 22, strike "ARTICLE." and substitute "ARTICLE, EXCEPT FOR THE SUMS SPECIFIED IN SECTION 10-22-107 (3) AND FOR LEGISLATIVE STAFF AGENCY SERVICES.".

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB11-192** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute:

"**SECTION 1.** 24-34-104 (42) (i) and (52), Colorado Revised Statutes, are amended to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.

(42) The following agencies, functions, or both, shall terminate on July 1, 2011:

(i) ~~The electronic prescription drug monitoring program, created in part 7 of article 22 of title 12, C.R.S.;~~

(52) The following agencies, functions, or both, shall terminate on July 1, 2021:

(a) The workers' compensation classification appeals board,

created in article 55 of title 8, C.R.S. 1

(b) THE ELECTRONIC PRESCRIPTION DRUG MONITORING PROGRAM 2
CREATED IN PART 7 OF ARTICLE 22 OF TITLE 12, C.R.S. 3

SECTION 2. 12-22-710, Colorado Revised Statutes, is amended 4
to read: 5

12-22-710. Repeal of part. This part 7 is repealed, effective July 6
1, 2011. Prior to such repeal, the functions under this part 7
and the committee shall be reviewed as provided in sections 2-3-1203 7
and SECTION 24-34-104, C.R.S. 8

SECTION 3. Repeal. 2-3-1203 (3) (x) (IV), Colorado Revised 9
Statutes, is repealed as follows: 10

2-3-1203. Sunset review of advisory committees. (3) The 11
following dates are the dates for which the statutory authorization for the 12
designated advisory committees is scheduled for repeal: 13

(x) July 1, 2011: 14

(IV) ~~The prescription-controlled substance abuse monitoring 15
advisory committee created in section 12-22-703, C.R.S.;~~ 16

SECTION 4. 12-22-701 (1), Colorado Revised Statutes, is 17
amended BY THE ADDITION OF A NEW PARAGRAPH to read: 18

12-22-701. Legislative declaration. (1) The general assembly 19
finds, determines, and declares that: 20

(d) ELECTRONIC MONITORING OF PRESCRIPTIONS FOR CONTROLLED 21
SUBSTANCES PROVIDES A MECHANISM FOR LAW ENFORCEMENT OFFICIALS 22
AND REGULATORY BOARDS TO EFFICIENTLY INVESTIGATE PRESCRIBER 23
BEHAVIOR THAT IS POTENTIALLY HARMFUL TO THE PUBLIC. 24

SECTION 5. Repeal. 12-22-702 (2), Colorado Revised Statutes, 25
is repealed as follows: 26

12-22-702. Definitions. As used in this part 7, unless the context 27
otherwise requires: 28

(2) ~~"Committee" means the prescription-controlled substance 29
abuse monitoring advisory committee;~~ 30

SECTION 6. Repeal. 12-22-703, Colorado Revised Statutes, is 31
repealed as follows: 32

12-22-703. Advisory committee - duties - repeal. (1) ~~There is 33
hereby created within the division, the prescription-controlled substance 34
abuse monitoring advisory committee. The committee shall consist of the 35
following eleven members:~~ 36

(a) ~~The director of the division or his or her designee;~~ 37

(b) ~~A pharmacist appointed by the board;~~ 38

(c) ~~Three physicians appointed by the Colorado medical board;~~ 39

~~one of which is a pain specialist or addiction specialist;~~ 40

(d) ~~A dentist appointed by the state board of dental examiners;~~ 41

(e) ~~A veterinarian appointed by the state board of veterinary 42
medicine;~~ 43

(f) ~~The director of the division of alcohol and drug abuse in the 44
department of human services or his or her designee; and~~ 45

(g) ~~Three persons appointed by the committee, one of which is a 46
representative of law enforcement.~~ 47

(2) ~~The committee shall advise and assist the board with the 48
development, operation, and maintenance of the electronic prescription 49
drug monitoring program, and with the development of access and 50
security protocols for the program. The committee shall advise the board 51
regarding mandatory information to be reported for inclusion in the 52
program.~~ 53

(3) ~~Committee members shall not receive compensation or 54
reimbursement for expenses associated with service on the committee.~~ 55

(4) ~~This section is repealed, effective July 1, 2011. Prior to such 56
repeal, the committee shall be reviewed as provided in section 2-3-1203, 57
C.R.S.~~ 58

SECTION 7. The introductory portion to 12-22-704 (1) and 59
12-22-704 (2), Colorado Revised Statutes, are amended, and the said 60
12-22-704 is further amended BY THE ADDITION OF A NEW 61
SUBSECTION, to read: 62

12-22-704. Prescription drug use monitoring program. 63

(1) The board shall develop or procure a prescription controlled 64
substance electronic program to track prescriptions written for controlled 65
substances DISPENSED in Colorado. The program shall track information 66
regarding controlled substance prescriptions that includes, but is not 67
limited to, the following: 68
69

(1.5) EACH PRESCRIBER SHALL DISCLOSE TO A PATIENT RECEIVING A CONTROLLED SUBSTANCE THAT HIS OR HER IDENTIFYING PRESCRIPTION INFORMATION WILL BE ENTERED INTO THE PROGRAM DATABASE AND MAY BE ACCESSED FOR LIMITED PURPOSES BY SPECIFIED INDIVIDUALS.

(2) The board ~~and the committee~~ shall establish a method and format for prescription drug outlets to convey the necessary information to the board or its designee. The method shall not require more than a one-time entry of data per patient per prescription by a prescription drug outlet.

SECTION 8. 12-22-705 (1) and (2), the introductory portion to 12-22-705 (3), and 12-22-705 (3) (d) and (3) (e), Colorado Revised Statutes, are amended, and the said 12-22-705 (3) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

12-22-705. Program operation - access - rules. (1) The board shall operate and maintain the program. ~~The committee shall advise and assist the board. The committee shall meet at least quarterly during the first two years of the program.~~

(2) The board shall adopt all rules necessary to implement the program. ~~The committee shall advise the board regarding proposed rules.~~

(3) The program ~~shall be~~ is available for query only to the following persons or groups of persons:

(d) Licensed pharmacists with statutory authority to dispense controlled substances to the extent the information requested relates specifically to a current patient to whom the pharmacist is dispensing or considering dispensing a controlled substance OR TO WHOM THE PHARMACIST IS PROVIDING CLINICAL PATIENT CARE SERVICES;

(e) Law enforcement officials so long as the information released is specific to an individual PATIENT OR PRESCRIBER and is part of a bona fide investigation and the request for information is accompanied by an official court order or subpoena; ~~and~~

(g) STATE REGULATORY BOARDS WITHIN THE DIVISION AND THE DIRECTOR OF THE DIVISION SO LONG AS THE INFORMATION RELEASED IS SPECIFIC TO AN INDIVIDUAL PRESCRIBER AND IS PART OF A BONA FIDE INVESTIGATION AND THE REQUEST FOR INFORMATION IS ACCOMPANIED BY AN OFFICIAL COURT ORDER OR SUBPOENA; AND

(h) A RESIDENT PHYSICIAN WITH AN ACTIVE PHYSICIAN TRAINING LICENSE ISSUED BY THE COLORADO MEDICAL BOARD PURSUANT TO SECTION 12-36-122 AND UNDER THE SUPERVISION OF A LICENSED PHYSICIAN.

SECTION 9. 12-22-706 (5), Colorado Revised Statutes, is amended to read:

12-22-706. Prescription drug monitoring fund - creation - gifts, grants, and donations - fee. (5) If, based upon the appropriations for the direct and indirect costs of the program, there are insufficient funds to maintain the program, the ~~board~~ DIVISION may collect a AN ANNUAL fee of no more than ~~seven dollars and fifty cents per year~~ TWELVE DOLLARS OR AN AMOUNT THAT REFLECTS THE ACTUAL COSTS OF THE PROGRAM, WHICHEVER IS LESS, from an individual who holds a license from the division that authorizes him or her to prescribe a controlled substance as defined by section 18-18-102, C.R.S. The fee shall be established pursuant to section 24-34-105, C.R.S., and shall be collected in conjunction with the license renewal fees collected pursuant to section 24-34-105, C.R.S. Moneys collected pursuant to this subsection (5) shall be credited to the prescription drug monitoring fund created in subsection (1) of this section.

SECTION 10. 12-22-707, Colorado Revised Statutes, is amended to read:

12-22-707. Violations - penalties. A person who knowingly releases, obtains, or attempts to obtain information from the program in violation of this part 7 shall be punished by a civil fine of not less than one thousand dollars and not more than ten thousand dollars for each violation. Fines paid shall be deposited in the ~~prescription drug monitoring~~ GENERAL fund.

SECTION 11. 12-22-709 (2), Colorado Revised Statutes, is amended to read:

12-22-709. Exemption - waiver. (2) A prescription drug outlet that does not report controlled substance data to the program due to a lack of electronic automation of the outlet's business may apply to the board

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	for a waiver from the reporting requirements. The committee shall determine whether a waiver shall be granted.	1
	SECTION 12. Effective date - applicability. This act shall take effect July 1, 2011, and shall apply to conduct occurring on or after said date.	2
	SECTION 13. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."	3
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Finance	After consideration on the merits, the Committee recommends that HB11-1100 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	11
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Appropriations	After consideration on the merits, the Committee recommends that HB11-1230 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.	15
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	Amend reengrossed bill, page 8, line 14, strike " Appropriation - adjustments in the 2011 long bill. " and substitute " Appropriation. ".	20
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	Page 8, line 17, strike "one hundred ninety-four thousand two hundred ninety-eight" and substitute "two hundred sixteen thousand seven hundred thirteen".	23
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	Page 8, line 18, strike "(\$1,194,298)" and substitute "(\$1,216,713)".	27
		28
	Page 8, line 24, strike "fifty-five thousand one hundred" and substitute "eighty-four thousand four hundred thirty dollars".	29
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	Page 8, line 25, strike "fifteen dollars (\$18,855,115)" and substitute "(\$18,884,430)".	32
		33
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	Page 9, strike lines 16 through 27 and substitute:	35
		36
	"SECTION 7. Appropriation - adjustments in 2011 long bill.	37
	For the implementation of this act, appropriations made in the annual general appropriation act to the department of human services for the fiscal year beginning July 1, 2011, shall be adjusted as follows:	38
	(1) The appropriation for mental health and alcohol and drug abuse services, administration, for supportive housing and homeless programs, is decreased by twenty million seventy-one thousand eight hundred twenty-eight dollars (\$20,071,828) and 19.0 FTE. Said sum shall be from federal funds received from the United States department of housing and urban development.	39
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	(2) The appropriation to the office of operations, for personal services, is decreased by twenty-eight thousand eight hundred forty dollars (\$28,840) and 0.5 FTE. Said sum shall be from federal funds received from the United States department of housing and urban development.	47
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	(3) The appropriation to the office of operations, for operating expenses, is decreased by four hundred seventy-five dollars (\$475). Said sum shall be from federal funds received from the United States department of housing and urban development."	52
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	Page 10, strike lines 1 through 10.	57
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	Renumber succeeding sections accordingly.	59
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Appropriations	After consideration on the merits, the Committee recommends that SB11-197 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	62
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	Amend printed bill, page 4, after line 8 insert:	66
		67
	"SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the	68
		69

Colorado state titling and registration account of the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the information technology division, for the fiscal year beginning July 1, 2011, the sum of two thousand nine hundred sixty dollars (\$2,960) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of two thousand nine hundred sixty dollars (\$2,960), or so much thereof as may be necessary, for the programming services to be provided to the department of revenue related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund created in section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the division of motor vehicles, for the fiscal year beginning July 1, 2011, the sum of seventeen thousand seven hundred sixty dollars (\$17,760) cash funds, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

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

Appropriations After consideration on the merits, the Committee recommends that **HB11-1234** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB11-1198** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the Committee recommends that **HB11-1182** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB11-1156** 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 2, after line 21 insert:

"SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the conservation district grant fund created in section 35-1-106.7 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of agriculture, for allocation to the conservation board, for matching grants to districts, for the fiscal year beginning July 1, 2011, the sum of four hundred fifty thousand dollars (\$450,000) cash funds, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

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

Appropriations After consideration on the merits, the Committee recommends that **HB11-1042** be referred to the Committee of the Whole with favorable recommendation.

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Appropriations	After consideration on the merits, the Committee recommends that HB11-1004 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
	Amend reengrossed bill, page 3, line 19 strike "for the" and substitute "for the provision of".	5 6 7 8
Appropriations	After consideration on the merits, the Committee recommends that HB11-1071 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	9 10 11 12
	Amend reengrossed bill, page 6, line 2 strike "the programming" and substitute "the provision of programming".	13 14 15 16
Appropriations	After consideration on the merits, the Committee recommends that SB11-191 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.	17 18 19 20
	Amend printed bill, page 98, after line 18 insert:	21 22
	"SECTION 6. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2011, the sum of twenty thousand one hundred twenty-eight dollars (\$20,128) cash funds, or so much thereof as may be necessary, for the implementation of this act."	23 24 25 26 27 28 29 30
	ReNUMBER succeeding section accordingly.	31 32
	Page 1, line 102, strike " ACT "," and substitute " ACT ", AND MAKING AN APPROPRIATION THEREFOR ."	33 34 35 36
Appropriations	After consideration on the merits, the Committee recommends that HB11-1080 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.	37 38 39 40 41
	Amend reengrossed bill, page 29, line 12, after "FTE." insert:	42 43
	"Of said sum, one hundred twenty-eight thousand eight hundred twenty-three dollars (\$128,823) shall be from the address confidentiality program surcharge fund created in section 24-30-2114 (4) (a), Colorado Revised Statutes, and thirty-six thousand one hundred thirty-eight dollars (\$36,138) shall be from the victims assistance and law enforcement fund created in section 24-33.5-506 (1), Colorado Revised Statutes."	44 45 46 47 48 49 50 51
Appropriations	After consideration on the merits, the Committee recommends that HB11-1216 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	52 53 54 55
	Amend reengrossed bill, page 3, after line 19 insert:	56 57
	"(3) "NONPROFIT ENTITY" MEANS AN ENTITY INCORPORATED UNDER THE "COLORADO REVISED NONPROFIT CORPORATION ACT", ARTICLES 121 TO 137 OF TITLE 7, C.R.S., OR A TAX-EXEMPT ENTITY UNDER 26 U.S.C. SEC. 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986"."	58 59 60 61 62 63
	ReNUMBER succeeding subsection accordingly.	64 65
	Page 8, line 10, after "C.R.S." insert "THE COMMITTEE SHALL NOT USE MORE THAN FIVE PERCENT OF THE MONEY IN THE FUND TO ADMINISTER THIS PART 11."	66 67 68 69

Page 8, line 18, strike "2021." and substitute "2016".

Page 8, line 22, strike "24-34-104," and substitute "24-34-104 (47.5),".

Page 8, line 23, strike "SUBSECTION" and substitute "PARAGRAPH".

Page 8, strike lines 26 and 27 and substitute "(47.5) The following agencies, functions, or both, shall terminate on September 1, 2016:".

Page 9, line 1, strike "(a)" and substitute "(c)".

Page 15, strike lines 5 through 9 and substitute:

"(III) IF ANY MONEYS REMAIN IN THE REGISTRATION NUMBER FUND AFTER THE TRANSFERS REQUIRED BY SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (a), THE STATE TREASURER SHALL TRANSFER ONE MILLION FIVE HUNDRED THOUSAND DOLLARS, OR THE BALANCE OF THE REGISTRATION NUMBER FUND IF THE BALANCE IS A LESSER AMOUNT, FROM THE REGISTRATION NUMBER FUND TO THE DISABILITY-BENEFIT SUPPORT FUND CREATED BY SECTION 26-2-1105, C.R.S.

(IV) IF ANY MONEYS REMAIN IN THE REGISTRATION NUMBER FUND AFTER THE TRANSFERS REQUIRED BY SUBPARAGRAPHS (I) TO (III) OF THIS PARAGRAPH (a), THE STATE TREASURER SHALL TRANSFER THE BALANCE FROM THE REGISTRATION NUMBER FUND TO THE GENERAL FUND."

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 1 was laid over until Monday, April 4, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023, SJR11-024, SJR11-026.
Conference Committees to Report: HB11-1258.
Requests for Conference Committee: SB11-165.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, April 4, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL

Sixty-eighth General Assembly

STATE OF COLORADO

First Regular Session

83rd Legislative Day

Monday, April 4, 2011

Prayer

By the chaplain, Father Eustace Sequeira, St. Ignatius Loyola Catholic Church, Denver.

Call to Order

By the President at 10:00 a.m.

Pledge

By Senator Aguilar.

Roll Call

Present--35

Quorum

The President announced a quorum present.

Reading of Journal

On motion of Senator Grantham, reading of the Journal of Friday, April 1, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

THIRD READING OF BILLS -- FINAL PASSAGE --

CONSENT CALENDAR

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

HB11-1164

by Representative(s) Priola and Fields, Ryden, Schafer S., Summers, Todd, Balmer, Beezley, Gerou, Kerr A., Levy, Liston, Peniston, Solano, Williams A.; also Senator(s) Boyd--Concerning the designation of the presiding officer of the university of Colorado hospital authority's board of directors.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

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:

SB11-179

by Senator(s) Carroll; also Representative(s) Miklosi and Kerr J.--Concerning alternative identification that an employee engaged in work at an off-site premises may provide for purposes of ensuring work site security.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Giron, Guzman, Johnston, King S., Newell, Nicholson, Steadman and Tochtrop.

HB11-1126

by Representative(s) Duran; also Senator(s) Hudak--Concerning measures to encourage greater parent involvement in public schools.

A majority of those elected to the Senate having voted in the affirmative, Senator Spence was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.016), by Senator Spence.

Amend revised bill, page 8, after line 13, insert:

"SECTION 6. 22-11-307, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-11-307. Accreditation of public schools. (3.5) (a) IN ADOPTING THE ACCREDITATION CATEGORIES, EACH LOCAL SCHOOL BOARD AND THE INSTITUTE BOARD SHALL ADOPT CATEGORY DESCRIPTORS THAT CLEARLY COMMUNICATE A PUBLIC SCHOOL'S LEVEL OF PERFORMANCE TO THE PARENTS OF THE STUDENTS ENROLLED IN THE SCHOOL. IN SELECTING CATEGORY DESCRIPTORS, A LOCAL SCHOOL BOARD OR THE INSTITUTE MAY CONSIDER, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(I) "OUTSTANDING" FOR A PUBLIC SCHOOL THAT IS REQUIRED TO ADOPT A PERFORMANCE PLAN AND WHOSE PERFORMANCE IS COMPARABLE TO THE ACCREDITED WITH DISTINCTION CATEGORY AT THE STATE LEVEL;

(II) "SATISFACTORY" FOR A PUBLIC SCHOOL THAT IS REQUIRED TO ADOPT A PERFORMANCE PLAN AND WHOSE PERFORMANCE IS COMPARABLE TO THE ACCREDITED CATEGORY AT THE STATE LEVEL;

(III) "NEEDS IMPROVEMENT" FOR A PUBLIC SCHOOL THAT IS REQUIRED TO ADOPT AN IMPROVEMENT PLAN AND WHOSE PERFORMANCE IS COMPARABLE TO THE ACCREDITED WITH IMPROVEMENT PLAN CATEGORY AT THE STATE LEVEL;

(IV) "NEEDS SIGNIFICANT IMPROVEMENT" FOR A PUBLIC SCHOOL THAT IS REQUIRED TO ADOPT A PRIORITY IMPROVEMENT PLAN AND WHOSE PERFORMANCE IS COMPARABLE TO THE ACCREDITED WITH PRIORITY IMPROVEMENT PLAN CATEGORY AT THE STATE LEVEL; AND

(V) "REQUIRES TURNAROUND" FOR A PUBLIC SCHOOL THAT IS REQUIRED TO ADOPT A TURNAROUND PLAN AND WHOSE PERFORMANCE IS COMPARABLE TO THE ACCREDITED WITH TURNAROUND PLAN CATEGORY AT THE STATE LEVEL.

(b) IN ADOPTING THE CATEGORY DESCRIPTORS, A LOCAL SCHOOL BOARD SHALL SEEK INPUT FROM THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE AND THE SCHOOL ACCOUNTABILITY COMMITTEES FOR THE PUBLIC SCHOOLS OF THE SCHOOL DISTRICT TO ENSURE THAT THE CATEGORY DESCRIPTORS EFFECTIVELY COMMUNICATE A PUBLIC SCHOOL'S LEVEL OF PERFORMANCE TO THE PARENTS OF THE STUDENTS ENROLLED IN THE SCHOOL.

(c) IN ADOPTING THE CATEGORY DESCRIPTORS, THE INSTITUTE SHALL SEEK INPUT FROM THE SCHOOL ACCOUNTABILITY COMMITTEES FOR

THE INSTITUTE CHARTER SCHOOLS TO ENSURE THAT THE CATEGORY DESCRIPTORS EFFECTIVELY COMMUNICATE AN INSTITUTE CHARTER SCHOOL'S LEVEL OF PERFORMANCE TO THE PARENTS OF THE STUDENTS ENROLLED IN THE SCHOOL.".

Renumber succeeding section accordingly.

The amendment was **lost** on the following roll call vote:

YES	15	NO	20	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

SB11-173 by Senator(s) King S., King K., Morse, Shaffer B., Cadman, Carroll, Giron, Kopp, Roberts, Spence; --Concerning interoperable communications in schools.

Laid over until Tuesday, April 5, retaining its place on the calendar.

HB11-1185 by Representative(s) Ramirez; also Senator(s) Mitchell--Concerning the imposition of a time limit within which a lienholder must provide the certificate of title to a motor vehicle with evidence of release of a lien that has been satisfied.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Jahn, King S., Spence and Williams S.

SB11-107 by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	20	NO	15	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Carroll, Giron, Nicholson, Steadman and Tochtrop.

Senate in recess.

Senate reconvened.

MESSAGE FROM THE HOUSE

April 4, 2011

Mr. President:

The House has postponed indefinitely SB11-003, 172. The bills are returned herewith.

The House has adopted and transmits herewith HJR11-1013.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR11-1013 by Representative(s) Ramirez, Beezley, Peniston, Soper; also Senator(s) Steadman and Hudak and Mitchell--Concerning the 100th anniversary of the City of Westminster.

On motion of Senator Hudak, the resolution was read at length. On motion of Senator Steadman, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron,
Grantham, Guzman, Harvey, Heath, Hodge, Jahn, Johnston, King K., King S., Kopp,
Lambert, Lundberg, Morse, Newell, Nicholson, Renfro, Roberts, Scheffel, Schwartz,
Shaffer B., Spence, Tochtrop, White and Williams S.

MESSAGE FROM THE GOVERNOR

March 31, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State
the following Acts:

SB11-031 CONCERNING MOTOR VEHICLES VALUED AS COLLECTOR'S ITEMS
FOR HISTORICAL REASONS

Approved March 31, 2011 at 9:30 a.m.

SB11-100 CONCERNING CONTINUATION OF THE COUNCIL OF HIGHER
EDUCATION REPRESENTATIVES

Approved March 31, 2011 at 9:30 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

SENATE SERVICES REPORT

Correctly Printed: SJR11-031, 032 and 033.
Correctly Engrossed: SB11-107, 173 and 179.
Correctly Revised: HB11-1126, 1164 and 1185.

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 4 was laid over until
Tuesday, April 5, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB11-180, SB11-052, SB11-126,
SB11-168, HB11-1160, HB11-1109, HB11-1268, SB11-060, SB11-194, SB11-193,
SB11-201, SB11-189, SB11-206.
Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023,
SJR11-024, SJR11-026, SJR11-032.
Consideration of House Amendments to Senate Bills: SCR11-001, SB11-062,
SB11-119, SB11-034.
Conference Committees to Report: HB11-1258.
Requests for Conference Committee: SB11-165.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, April 5, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

84th Legislative Day Tuesday, April 5, 2011

Prayer By the chaplain, Rabbi Eliot J. Baskin, Jewish Family Services of Colorado, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Aguilar.

Roll Call Present--33
Excused--2, Kopp, Mitchell.
Present later--1, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Grantham, reading of the Journal of Monday, April 4, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

INTRODUCTION OF MEMORIALS

The following memorial was read by title:

SJM11-001 by Senator(s) Roberts; also Representative(s) Brown--Memorializing former Senator Robert E. DeNier.

Laid over one day under Senate Rule 30(d).

INTRODUCTION OF BILLS -- FIRST READING:

The following bill was read by title and referred to the committee indicated:

SB11-227 by Senator(s) Hudak, Bacon, Boyd, Heath, Williams S.; also Representative(s) Vaad and Ryden--Concerning a repeal of the exception to the child restraint system law for children weighing more than forty pounds who are being transported in a motor vehicle with a rear seat that was not equipped with combination belts at the time of manufacture.

Health and Human Services

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB11-173 by Senator(s) King S., King K., Morse, Shaffer B., Cadman, Carroll, Giron, Kopp, Roberts, Spence; also Representative(s) Gardner B. and Fields--Concerning interoperable communications in schools.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Aguilar, Boyd, Brophy, Foster, Grantham, Guzman, Heath, Hodge, Hudak, Jahn, Lambert, Newell, Nicholson, Schwartz, Tochtrop, White and Williams S.

SENATE SERVICES REPORT

Correctly Reengrossed: SB11-107 and 179.
Correctly Revised: HJR11-1013.
Correctly Rerevised: HB11-1126, 1164 and 1185.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-007, 081, 082, 084, 110, 115 and 175.

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

MESSAGE FROM THE HOUSE

April 5, 2011

Mr. President:

The House has adopted the First Report of the First Conference Committee on HB11-1069, as printed in House Journal, March 31, page 844, and has repassed the bill as amended.

The House has voted to concur in the Senate amendments to HB11-1169, 1181, 1126 and has repassed the bill as so amended.

The Speaker has appointed Representatives B. Gardner, chairman, A. Kerr, and DelGrosso as House conferees on the First Conference Committee on SB11-165.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

- SB11-209** by Senator(s) Hodge, Steadman, Lambert; --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, 2011, except as otherwise noted.
Appropriations
- SB11-210** by Senator(s) Hodge, Steadman, Lambert; --Concerning the elimination of the supplemental old age pension health and medical care program, and, in connection therewith, providing for the transfer of the fund balance of the supplemental old age pension health and medical care fund to the general fund, authorizing the use of moneys in the tobacco tax cash fund to provide services under medicaid for the medical care of old age pensioners, and making an appropriation.
Appropriations
- SB11-211** by Senator(s) Hodge, Steadman, Lambert; --Concerning the use of tobacco tax revenue for health-related purposes during a state fiscal emergency, and making an appropriation therefor.
Appropriations
- SB11-212** by Senator(s) Hodge, Steadman, Lambert; --Concerning authority for an additional permissible use of moneys in the hospital provider fee cash fund for state medicaid expenditures to offset state general fund expenditures for the next two fiscal years, and making an appropriation therefor.
Appropriations
- SB11-213** by Senator(s) Hodge, Steadman, Lambert; --Concerning enrollee cost-sharing for children enrolled in the children's basic health plan, and making an appropriation therefor.
Appropriations
- SB11-214** by Senator(s) Hodge, Steadman, Lambert; --Concerning decommissioning Fort Lyon correctional facility.
Appropriations
- SB11-215** by Senator(s) Hodge, Steadman, Lambert; --Concerning a reduction in the general fund portion of the per diem rates paid to nursing facilities for the 2011-12 fiscal year, and making an appropriation therefor.
Appropriations
- SB11-216** by Senator(s) Hodge, Steadman, Lambert; --Concerning the reduction of general fund appropriations for the children's basic health plan by reallocating tobacco-related revenue streams, and, in connection therewith, abolishing the pediatric specialty hospital fund and the supplemental tobacco litigation settlement money account in the pediatric specialty hospital fund, abolishing the comprehensive primary and preventive care fund, abolishing the comprehensive primary and preventive care grant program, and making an appropriation.
Appropriations
- SB11-217** by Senator(s) Hodge, Steadman, Lambert; --Concerning a reduction to the juvenile detention bed cap, and making an appropriation in connection therewith.
Appropriations
- SB11-218** by Senator(s) Hodge, Steadman, Lambert; --Concerning the transfer of moneys from certain cash funds to the state education fund.
Appropriations
- SB11-219** by Senator(s) Hodge, Steadman, Lambert; --Concerning moneys appropriated in the 2011-12 fiscal year for health clinics, and making an appropriation therefor.
Appropriations

SB11-220	by Senator(s) Hodge, Steadman, Lambert; --Concerning a reduction in the mileage allowance for the use of a personal motor vehicle for official state business. Appropriations	1 2 3 4 5 6
SB11-221	by Senator(s) Hodge, Steadman, Lambert; --Concerning contributions to pay the unfunded accrued liability of old hire pension plans that are affiliated with the fire and police pension association, and making an appropriation therefor. Appropriations	7 8 9 10 11 12
SB11-222	by Senator(s) Hodge, Steadman, Lambert; --Concerning transfers of moneys relating to capital construction. Appropriations	13 14 15 16 17
SB11-223	by Senator(s) Hodge, Steadman, Lambert; --Concerning state sales tax revenues retained by a vendor as compensation for expenses incurred by the vendor in the collection and remittance of such tax revenues to the state. Appropriations	18 19 20 21 22 23
SB11-224	by Senator(s) Hodge, Steadman, Lambert; --Concerning the suspension of annual increases in the percentage of tobacco litigation settlement moneys received by the state that are allocated to the nurse home visitor program. Appropriations	24 25 26 27 28 29
SB11-225	by Senator(s) Hodge, Steadman, Lambert; --Concerning the short-term innovative health program grant fund, and, in connection therewith, transferring the balance of the grant fund to the general fund at the end of the 2011-12 fiscal year and terminating all existing statutory transfers to the grant fund other than its percentage-based base allocation of tobacco litigation settlement moneys after the 2010-11 fiscal year. Appropriations	30 31 32 33 34 35 36 37
SB11-226	by Senator(s) Hodge, Steadman, Lambert; --Concerning the augmentation of the general fund through transfers of certain moneys, and making an appropriation in connection therewith. Appropriations	38 39 40 41 42 43
SB11-228	by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the formula by which moneys shall be advanced to a county from the county tax base relief fund in the event that appropriations are insufficient to cover all advancements. Appropriations	44 45 46 47 48 49 50
SB11-229	by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning increasing the statutory cap on administrative expenses for the school counselor corps grant program. Appropriations	51 52 53 54 55
SB11-230	by Senator(s) Bacon; also Representative(s) Massey--Concerning the financing of public schools. Appropriations	56 57 58 59

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1013, 1124, 1130, 1192, 1206, HJR11-1013.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, April 5 was laid over until Wednesday, April 6, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB11-195, 1
HB11-1230, HB11-1198, HB11-1156, HB11-1004, SB11-191, HB11-1080. 2
General Orders -- Second Reading of Bills: SB11-180, SB11-052, SB11-126, 3
SB11-168, HB11-1160, HB11-1109, HB11-1268, SB11-060, SB11-194, SB11-193, 4
SB11-201, SB11-189, SB11-206, SB11-208, SB11-197, HB11-1234, HB11-1182, 5
HB11-1042, HB11-1071, HB11-1216. 6
Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023, 7
SJR11-024, SJR11-026, SJR11-032. 8
Consideration of House Amendments to Senate Bills: SCR11-001, SB11-062, 9
SB11-119, SB11-034. 10
Consideration of Governor's Appointments: 11
 Member of the Board of Trustees for the Colorado School for the Deaf and the Blind 12
 Members of the Board of Trustees for Adams State College 13
 Members of the Colorado Commission on the Aging 14
Conference Committees to Report: HB11-1258. 15
Requests for Conference Committee: SB11-165. 16

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, April 6, 21
2011. 22

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Approved: 31
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Brandon C. Shaffer
President of the Senate

Attest: 31
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Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

85th Legislative DayWednesday, April 6, 2011

- Prayer
- By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.
- Call to Order
- By the President at 9:00 a.m.
- Presentation of Colors
- By members of the Association of Living History.
- Pledge
- By Senator Aguilar.
- Roll Call
- Present--31
Absent--1, Schwartz.
Excused--3, Harvey, Kopp, Mitchell.
Present later--1, Schwartz.
- Quorum
- The President announced a quorum present.
- Reading of Journal
- On motion of Senator Grantham, reading of the Journal of Tuesday, April 5, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

- SJR11-034
- by Senator(s) Grantham; also Representative(s) Barker--Concerning honoring the contributions of Coloradans and all Americans to World War I, and, in connection therewith, recognizing April 6 as "Colorado Veterans of World War I Day".
- On motion of Senator Grantham, the resolution was read at length and **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	E	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

SENATE SERVICES REPORT

Correctly Printed: SB11-209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 228, 229 and 230.
Correctly Reengrossed: SB11-173.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, April 6 was laid over until Thursday, April 7, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: SB11-195, HB11-1230, HB11-1198, HB11-1156, HB11-1004, SB11-191, HB11-1080.
General Orders -- Second Reading of Bills: SB11-180, SB11-052, SB11-126, SB11-168, HB11-1160, HB11-1109, HB11-1268, SB11-060, SB11-194, SB11-193, SB11-201, SB11-189, SB11-206, SB11-208, SB11-197, HB11-1234, HB11-1182, HB11-1042, HB11-1071, HB11-1216.
Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023, SJR11-024, SJR11-026, SJR11-032.
Consideration of Memorials: SJM11-001.
Consideration of House Amendments to Senate Bills: SCR11-001, SB11-062, SB11-119, SB11-034.
Consideration of Governor's Appointments:
 Member of the Board of Trustees for the Colorado School for the Deaf and the Blind
 Members of the Board of Trustees for Adams State College
 Members of the Colorado Commission on the Aging
Conference Committees to Report: HB11-1258, SB11-165.

On motion of Senator Morse, the Senate adjourned until 11:45 a.m., Thursday, April 7, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

86th Legislative Day	Thursday, April 7, 2011
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Prayer	By the chaplain, Reverend Paul Kottke, University Park United Methodist Church, Denver.
Call to Order	By the President at 11:45 a.m.
Pledge	By Senator Aguilar.
Roll Call	Present--24 Excused--11, Bacon, Giron, Grantham, Harvey, Heath, Hodge, King K., Kopp, Lambert, Nicholson, Steadman. Present later--10, Bacon, Giron, Grantham, Harvey, Heath, Hodge, King K., Lambert, Nicholson, Steadman.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Morse, reading of the Journal of Wednesday, April 6, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

April 6, 2011

Mr. President:

The House has postponed indefinitely SB11-170. The bill is returned herewith.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1274, 1283.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1196, amended as printed in House Journal, April 5, pages 864-866.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-037, amended as printed in House Journal, April 5, page 866.
SB11-094, amended as printed in House Journal, April 5, pages 866-867.

The House has adopted and returns herewith SJR11-034.

April 7, 2011

Mr. President:

The House has adopted and transmits herewith HJR11-1014.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1157, amended as printed in House Journal, April 5, page 864.
HB11-1282, amended as printed in House Journal, April 6, pages 875-876, and amended on Third Reading as printed in House Journal, April 7.

The House has voted not to concur in the Senate amendments to HB11-1209 and requests

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR11-035 by Senator(s) Tochtrop; also Representative(s) Ryden--Concerning remembrance of the Armenian genocide on April 24, 2011, and, in connection therewith, designating every April 24 hereafter as "Colorado Day of Remembrance of the Armenian Genocide".

Laid over one day under Senate Rule 30(b).

SJR11-036 by Senator(s) Tochtrop; also Representative(s) Soper--Concerning the Colorado legislative sportsmen's caucus.

Laid over one day under Senate Rule 30(b).

SJR11-037 by Senator(s) Scheffel; also Representative(s) Hamner--Concerning designating the month of April as Historic Leadville Month.

Laid over one day under Senate Rule 30(b).

INTRODUCTION OF MEMORIALS

The following memorial was read by title:

SJM11-002 by Senator(s) Schwartz and White; also Representative(s) Wilson and Baumgardner--Memorializing Congress to reauthorize the federal "Secure Rural Schools and Community Self-determination Act of 2000".

Laid over one day under Senate Rule 30(d).

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

SB11-231 by Senator(s) Steadman; also Representative(s) Nikkel--Concerning operation of the Colorado channel authority, and, in connection therewith, allowing the authority to make available via the internet audio recordings of proceedings of the general assembly and requiring certain members of the board of directors of the authority to be serving members of the general assembly and to represent the major political parties in each house.
State, Veterans & Military Affairs

SB11-232 by Senator(s) Jahn; also Representative(s) Gardner B.--Concerning the child abuse investigation surcharge.
Judiciary

SB11-233 by Senator(s) Hodge and Tochtrop; --Concerning regulation of the state lottery by the state lottery division in the department of revenue, and, in connection therewith, authorizing the installation of video lottery terminals under the control of the division.
Business, Labor and Technology

SB11-234 by Senator(s) Jahn, Boyd, Cadman, Grantham, Hodge, King S., Kopp, Lundberg, Morse, Nicholson, Scheffel, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; also Representative(s) Massey, Kerr J., Liston, Pace, Schafer S., Scott, Swerdfeger, Todd--Concerning residential real property transfer fee covenants.
Local Government

- HB11-1116

by Representative(s) Szabo, Beezley, Bradford, Brown, Liston, Ramirez, Stephens, Swerdfeger; also Senator(s) Brophy--Concerning the provision of waste services within the boundaries of local government entities.
Local Government

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- HB11-1196

by Representative(s) Summers; also Senator(s) Foster--Concerning measures to increase flexibility in funding services for families.
Local Government

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- HB11-1219

by Representative(s) Levy and Lee; also Senator(s) Newell--Concerning the "Uniform Military and Overseas Voters Act".
State, Veterans & Military Affairs

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- HB11-1274

by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.
Agriculture, Natural Resources, and Energy

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- HB11-1283

by Representative(s) Gerou and Riesberg, Massey; also Senator(s) Steadman--Concerning the extension of the bioscience discovery evaluation grant program.
Business, Labor and Technology

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- HB11-1289

by Representative(s) Sonnenberg; also Senator(s) Hodge--Concerning the manner in which the state historical society acts with regard to water supply structures.
Agriculture, Natural Resources, and Energy

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- HB11-1290

by Representative(s) Liston and Riesberg, Balmer, Casso, Gardner B., Holbert, Kerr J., Massey, Nikkel, Schafer S., Stephens, Swerdfeger; also Senator(s) Heath, Brophy, Hodge, Kopp, Tochtrop--Concerning the nonrefundability of an origination fee for a deferred deposit loan.
Finance

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MESSAGE FROM THE GOVERNOR

Appointment

A letter of designation and appointment from Governor John Hickenlooper was read and assigned to committee as follows:

March 18, 2011

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:

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MEMBERS OF THE
STATE AGRICULTURAL COMMISSION

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for terms expiring March 1, 2015:

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Thomas K. Cameron of Palisade, Colorado, to serve as a Democrat from the Fourth Agricultural District, reappointed;

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Ernest D. Ford of Center, Colorado, to serve as a Democrat from the Third Agricultural District, reappointed; 1
2
3
Alvin Kunugi of Blanca, Colorado, to serve as a Democrat and at-large member, 4
appointed; 5
6
Barbara L. Marty of Henderson, Colorado, to serve as a Republican from the First 7
Agricultural District, reappointed; 8
9
John W. Singletary of Pueblo, Colorado, to serve as a Democrat and at-large member, 10
reappointed. 11
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Sincerely, 14
(signed) 15
John W. Hickenlooper 16
Governor 17
Rec'd: 3/21/11 18
Cindi L. Markwell, Secretary of the Senate 19
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Committee on Agriculture, Natural Resources, & Energy 21
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April 6, 2011 24
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To the Honorable 27
Colorado Senate 28
Colorado General Assembly 29
State Capitol Building 30
Denver, CO 80203 31
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Ladies and Gentlemen: 33
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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of 35
Colorado, I have the honor to designate, appoint and reappoint and submit to your 36
consideration, the following: 37
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MEMBERS OF THE 41
COLORADO CIVIL RIGHTS COMMISSION 42
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for terms expiring March 13, 2015: 45
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Susie Velasquez of Greeley, Colorado, to serve as a representative for local (or state) 47
government entities, and as a Democrat, reappointed; 48
49
Raju Jairam of Fort Collins, Colorado, to serve as representative of the business 50
community, and as an Unaffiliated, reappointed; 51
52
Katina C. Banks of Denver, Colorado, to serve as a representative of the community at 53
large and as a Democrat, reappointed. 54
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Sincerely, 57
(signed) 58
John Hickenlooper 59
Governor 60
Rec'd: 4/6/11 61
Cindi L. Markwell, Secretary of the Senate 62
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Committee on State, Veterans, & Military Affairs 64
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Page 660	Senate Journal-86th Day-April 7, 2011	
	March 30, 2011	1
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		3
	To the Honorable	4
	Colorado Senate	5
	Colorado General Assembly	6
	State Capitol Building	7
	Denver, CO 80203	8
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	Ladies and Gentlemen:	10
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	Pursuant to the powers conferred upon me by the Constitution and Laws of the State of	12
	Colorado, I have the honor to designate, reappoint and submit to your consideration, the	13
	following:	14
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	MEMBERS OF THE	17
	<u>AIR QUALITY CONTROL COMMISSION</u>	18
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	for terms expiring January 31, 2014:	21
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	Saeed G. Barhaghi, PhD, PE of Centennial, Colorado to serve as a member with	23
	scientific experience and as an Unaffiliated, appointed;	24
		25
	John H. Loewy of Denver, Colorado to serve as a member with legal experience and as	26
	a Democrat, reappointed;	27
		28
	Ashley Lee Campsie of Littleton, Colorado to serve as a member with industrial	29
	experience and as an Unaffiliated, reappointed.	30
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	Sincerely,	33
	(signed)	34
	John Hickenlooper	35
	Governor	36
	Rec'd: 4/6/11	37
	Cindi L. Markwell, Secretary of the Senate	38
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	Committee on Health & Human Services	40
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	_____	42
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	SENATE SERVICES REPORT	45
		46
	Correctly Printed: SJR11-034.	47
	Correctly Engrossed: SJR11-034.	48
	Correctly Enrolled: SB11-057.	49
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	_____	51
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	SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS	54
		55
	The President has signed: SJR11-029 and 030.	56
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	_____	58
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	DELIVERY TO THE GOVERNOR	61
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	To the Governor for signature on Wednesday, April 6, 2011, at 9:45 a.m.:	63
	SB11-007, 081, 082, 084, 110, 115 and 175.	64
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	_____	66
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COMMITTEE OF REFERENCE REPORTS

Agriculture,
Natural
Resources,
and Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COLORADO STATE FAIR AUTHORITY
BOARD OF COMMISSIONERS

for terms expiring November 1, 2014:

Paul Bernklau of Rifle, Colorado, a Republican from the 3rd Congressional District, who resides on the western slope of the state, reappointed;

Edward B. Cordes of Littleton, Colorado, a Republican from the 6th Congressional District, reappointed.

Agriculture,
Natural
Resources,
and Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
WILDLIFE COMMISSION

for terms expiring March 1, 2015:

Honorable Robert D. Wingfield of Vernon, Colorado, to serve as a county commissioner, as a member from Wildlife District 3, and as a Democrat, reappointed;

Gaspar F. Perricone of Denver, Colorado, to serve as a representative of sportsmen or outfitters and to serve as a member from Wildlife District 1, and as a Democrat, appointed.

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 7 was laid over until Friday, April 8, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: SB11-195,
HB11-1230, HB11-1198, HB11-1156, HB11-1004, SB11-191, HB11-1080.
General Orders -- Second Reading of Bills: SB11-180, SB11-052, SB11-126,
SB11-168, HB11-1160, HB11-1109, HB11-1268, SB11-060, SB11-194, SB11-193,
SB11-201, SB11-189, SB11-206, SB11-208, SB11-197, HB11-1234, HB11-1182,
HB11-1042, HB11-1071, HB11-1216.
Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023,
SJR11-024, SJR11-026, SJR11-032.
Consideration of Memorials: SJM11-001.
Consideration of House Amendments to Senate Bills: SCR11-001, SB11-062,
SB11-119, SB11-034.
Consideration of Governor's Appointments:
Member of the Board of Trustees for the Colorado School for the Deaf and the Blind
Members of the Board of Trustees for Adams State College
Members of the Colorado Commission on the Aging
Conference Committees to Report: HB11-1258, SB11-165.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, April 8, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

87th Legislative Day	Friday, April 8, 2011
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|--------------------|--|
| Prayer | By the chaplain, Reverend Bill Carson, First Christian Church, Canon City. |
| Call to Order | By the President at 9:00 a.m. |
| Pledge | By Senator Morse. |
| Roll Call | Present--30
Excused--5, Aguilar, Boyd, Lundberg, Mitchell, Renfroe.
Present later--5, Aguilar, Boyd, Lundberg, Mitchell, Renfroe. |
| Quorum | The President announced a quorum present. |
| Reading of Journal | On motion of Senator Grantham, reading of the Journal of Thursday, April 7, 2011, was dispensed with and the Journal was approved as corrected by the Secretary. |

MEMORANDUM FROM COMMITTEE ON DELAYED BILLS

**MEMORANDUM
REPORT FROM THE SENATE AND HOUSE
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the Senate and House Committees on Delayed Bills, acting jointly, extend the following deadlines:

The Monday, March 28 deadline (the 76th legislative day) for introduction of the long appropriation bill in the Senate is extended until Tuesday, April 5, 2011 (the 84th legislative day).

The Friday, April 1 deadline (the 80th legislative day) for passage of the long appropriation bill in the Senate is extended until Wednesday, April 13, 2011 (the 92nd legislative day).

The Friday, April 8 deadline (the 87th legislative day) for passage of the long appropriation bill in the House is extended until Wednesday, April 20, 2011 (the 99th legislative day).

The Friday, April 15 deadline (the 94th legislative day) for adoption of the conference committee report on the long appropriation bill is extended until Wednesday, April 27, 2011 (the 106th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

Appropriations	After consideration on the merits, the Committee recommends that SB11-215 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 5
Appropriations	After consideration on the merits, the Committee recommends that SB11-217 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 printed bill, page 2, line 11, strike "(1)". Page, 2, line 14, strike "(a)" and substitute "(1)". Page 2, line 17, strike "(b)" and substitute "(2)".	6 7 8 9 10 11 12 13 14 15 16
Appropriations	After consideration on the merits, the Committee recommends that SB11-218 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	17 18 19 20 21
Appropriations	After consideration on the merits, the Committee recommends that SB11-221 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	22 23 24 25 26
Appropriations	After consideration on the merits, the Committee recommends that SB11-224 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 printed bill, page 5, after line 2 insert: "SECTION 3. Appropriation - adjustment in the 2011 long bill. For the implementation of this act, appropriations made in the annual general appropriation act, from the nurse home visitor program fund created in Section 25-31-107 (2) (b), Colorado Revised Statutes, to the department of public health and environment, prevention services division, family and community health, child, adolescent, and school health, for the nurse home visitor program, for the fiscal year beginning July 1, 2011, shall be reduced by seven hundred ninety-seven thousand six hundred twenty-seven dollars (\$797,627).". Renumber succeeding section accordingly. Page 1, line 104, strike "PROGRAM." and substitute "PROGRAM, AND MAKING AN APPROPRIATION THEREFOR."	27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48
Appropriations	After consideration on the merits, the Committee recommends that SB11-225 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	49 50 51 52 53
Appropriations	After consideration on the merits, the Committee recommends that SB11-229 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	54 55 56 57 58
Appropriations	After consideration on the merits, the Committee recommends that SB11-216 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend printed bill, page 12, line 26, strike "(1)". Page 13, line 3, strike "(a) (I)" and substitute "(1) (a)". Page 13, line 8, strike "(II)" and substitute "(b)". Page 13, line 10, strike "(b)" and substitute "(2)".	59 60 61 62 63 64 65 66 67 68 69

Page 666	Senate Journal-87th Day-April 8, 2011	
	Page 13, line 16, strike "(c)" and substitute "(3)".	1
	Page 14, line 1, strike "(d)" and substitute "(4)".	2
	Page 14, line 5, strike "(e)" and substitute "(5)".	3
	Page 14, line 9, strike "(f)" and substitute "(6)".	4
Appropriations	After consideration on the merits, the Committee recommends that SB11-219 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	5
	Amend printed bill, page 6, line 25, strike "(1)".	6
	Page 7, line 2, strike "(a)" and substitute "(1)".	7
	Page 7, line 7, strike "(b)" and substitute "(2)".	8
	Page 7, line 10, strike "(c)" and substitute "(3)".	9
	Page 7, line 14, strike "(1)".	10
	Page 7, line 19, strike "(a)" and substitute "(1)".	11
	Page 7, line 27, strike "(b)" and substitute "(2)".	12
Appropriations	After consideration on the merits, the Committee recommends that SB11-222 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	13
	Amend printed bill, page 2, line 24, strike "TWO" and substitute "ONE".	14
	Page 2, strike line 25 and substitute "SEVENTY-ONE THOUSAND SEVEN HUNDRED FORTY-NINE DOLLARS, PLUS".	15
Appropriations	After consideration on the merits, the Committee recommends that SB11-228 be referred to the Committee of the Whole with favorable recommendation.	16
Appropriations	After consideration on the merits, the Committee recommends that SB11-184 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.	17
	Amend printed bill, page 2, line 2, strike "and (4)," and substitute "(4), and (8),"	18
	Page 2, line 3, strike "amended" and substitute "amended, and the said 39-21-201 is further amended BY THE ADDITION OF A NEW SUBSECTION,".	19
	Page 3, line 3, strike "during June 2003 AUGUST AND SEPTEMBER 2011" and substitute "during June 2003 FROM OCTOBER 1, 2011, THROUGH NOVEMBER 15, 2011,".	20
	Page 3, line 11, after "to" insert "PART 1 OF".	21
	Page 4, line 10, strike "SEPTEMBER 30," and substitute "NOVEMBER 15,".	22
	Page 4, line 18, strike "SEPTEMBER 30," and substitute "NOVEMBER 15,".	23
	Page 4, line 24, strike "SEPTEMBER 30," and substitute "NOVEMBER 15,".	24
	Page 4, line 25, strike "SEPTEMBER 30," and substitute "NOVEMBER 15,".	25
	Page 5, line 5, strike "AUGUST" and substitute "OCTOBER".	26

Page 5, line 8, strike "AUGUST" and substitute "OCTOBER".	1
	2
Page 5, after line 12 insert:	3
	4
"(6.5) THE DEPARTMENT MAY CONTRACT WITH ONE OR MORE	5
INDEPENDENT CONTRACTORS TO ADMINISTER ANY PART OF THE TAX	6
AMNESTY PROGRAM ON BEHALF OF THE DEPARTMENT.	7
(8) The requirements of the Colorado procurement code, article	8
101 ARTICLES 101 TO 112 of title 24, C.R.S., shall not apply to services	9
and products procured by the department for conducting an advertising	10
and publicity campaign pursuant to subsection (7) of PURSUANT TO this	11
section. The department shall award contracts for services and products	12
in good faith and in a manner that encourages, to the extent practicable,	13
competitive proposals. Offerors and potential offerors shall not have a	14
right to protest, recover bid preparation costs, or pursue any other remedy	15
provided by Colorado law for services and products procured by the	16
department for purposes of this article."	17
	18
Page 5, line 27, strike "THE 2011-12 FISCAL YEAR FOR".	19
	20
Page 6, line 1, strike "AND PART 3 OF".	21
	22
Page 6, line 2, strike "THIS ARTICLE." and substitute "FOR THE 2011-12	23
FISCAL YEAR AND FOR THE ADMINISTRATION OF PART 3 OF THIS ARTICLE	24
FOR THE 2011-12 AND 2012-13 FISCAL YEARS."	25
	26
Page 6, strike line 8 and substitute "THE DEPARTMENT FOR THE	27
ADMINISTRATION OF THIS PART 2 FOR THE 2011-12 FISCAL YEAR AND	28
MINUS TWO HUNDRED THOUSAND DOLLARS FOR THE ADMINISTRATION OF	29
PART 3 OF THIS ARTICLE FOR THE 2011-12 AND 2012-13 FISCAL YEARS,".	30
	31
Page 6, line 18, strike "2012," and substitute "2013,".	32
	33
Page 6, line 20, strike "2013." and substitute "2014.".	34
	35
Page 10, after line 8 insert:	36
	37
"SECTION 4. The appropriation to the department revenue for	38
the fiscal year beginning July 1, 2010, as enacted in Part XIX (4) (C) and	39
the affected totals of section 2 of chapter 453, Session Laws of Colorado	40
2010 (HB 10-1376), as amended by section 1 of Senate Bill 11-152, are	41
amended to read:	42
	43
Section 2. Appropriation.	44

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1							
2							
3							
4	(4) TAXATION BUSINESS GROUP						
5	(C) Taxpayer Service Division						
6	Personal Services	4,638,705	4,548,101		90,604 ^a		
7		4,650,801	4,560,197				
8		(80.4 FTE)					
9	Operating Expenses	402,035	401,535		500 ^b		
10	Fuel Tracking System	485,386			485,386 ^c		
11					(1.5 FTE)		
12		<u>5,526,126</u>					
13		5,538,222					
14							
15	^a Of this amount, \$70,399 shall be from the Private Letter Ruling Fund created in Section 24-35-103.5 (6), C.R.S., and \$20,205 shall be from the Aviation Fund created in Section						
16	43-10-109 (1), C.R.S.						
17	^b This amount shall be from the Private Letter Ruling Fund created in Section 24-35-103.5 (6), C.R.S.						
18	^c This amount shall be from the Highway Users Tax Fund exempt from the statutory limit pursuant to Section 43-4-201 (3) (a) (V), C.R.S.						
19							
20	TOTALS PART XIX						
21	(REVENUE)	\$716,432,437	\$90,145,719*		\$623,308,693 ^b	\$1,494,825	\$1,483,200
22		<u>716,444,533</u>	<u>90,157,815^a</u>				
23							
24	^a Of this amount, \$19,500,000 is included as information for the purpose of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State						
25	Constitution. These amounts are continuously appropriated by a permanent statute or constitutional provision, and shall not be deemed to be an appropriation subject to the limitations						
26	of Section 24-75-201.1, C.R.S.						
27	^b Of this amount, \$10,815,405 is from the Highway Users Tax Fund pursuant to Section 43-4-201 (3) (a) (III) (C), C.R.S., and \$495,330 is from the Highway Users Tax Fund exempt						
28	from the statutory limit pursuant to Section 43-4-201 (3) (a) (V), C.R.S.						
29							
30							
31							
32							
33							

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1 **SECTION 5. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the tax amnesty cash fund created in section 39-21-202
2 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2011, the sum of \$357,345 cash funds and 1.6 FTE, or so much
3 thereof as may be necessary, for the implementation of this act.

4 (2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information
5 technology, for the fiscal year beginning July 1, 2011, the sum of twenty thousand seven hundred twenty dollars (\$20,720), or so much as may be necessary, for the provision of programming
6 services to the department of revenue related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of revenue out of the appropriation
7 made in subsection (1) of this section.".

8
9 Renumber succeeding section accordingly.

10
11 Page 1, line 101 strike "**REPORTING.**" and substitute "**REPORTING, AND MAKING AN APPROPRIATION THEREFOR.**".

12
13 Strike the Finance Committee Report, dated March 10, 2011.

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Page 670	Senate Journal-87th Day-April 8, 2011	
Appropriations	After consideration on the merits, the Committee recommends that HB11-1138 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
Appropriations	After consideration on the merits, the Committee recommends that SB11-214 be referred to the Committee of the Whole with favorable recommendation.	5 6 7 8
Appropriations	After consideration on the merits, the Committee recommends that SB11-211 be referred to the Committee of the Whole with favorable recommendation.	9 10 11 12
Appropriations	After consideration on the merits, the Committee recommends that SB11-212 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	13 14 15 16
	Amend printed bill, page 4, line 10, strike "(1)".	17 18
	Page 4, line 14, strike "(a)" and substitute "(1)".	19 20
	Page 4, line 16, strike "(b)" and substitute "(2)".	21 22 23
Appropriations	After consideration on the merits, the Committee recommends that SB11-226 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	24 25 26 27
	Amend printed bill, page 5, line 11, strike "FIVE HUNDRED" and substitute "NINE HUNDRED FIFTY".	28 29 30
	Page 5, line 22, strike "A NEW PARAGRAPH" and substitute "THE FOLLOWING NEW PARAGRAPHS".	31 32 33
	Page 6, after line 5 insert:	34 35
	"(e) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE CONTRARY, ON JANUARY 5, 2012, THE STATE TREASURER SHALL DEDUCT THREE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE DEPARTMENT OF HUMAN SERVICES LOW-INCOME ENERGY ASSISTANCE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND."	36 37 38 39 40 41 42
	Page 6, after line 13 insert:	43 44
	"SECTION 11. Appropriation - adjustments in 2011 long bill. For the implementation of this act, the appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the department of human services, office of self-sufficiency, for the low income energy assistance program, is decreased by three million two hundred fifty thousand dollars (\$3,250,000) cash funds. Said sum shall be from the department of human services low-income energy assistance fund, created in section 40-8.7-112 (1) (a), Colorado Revised Statutes."	45 46 47 48 49 50 51 52 53
	Renumber succeeding section accordingly.	54 55 56
Appropriations	After consideration on the merits, the Committee recommends that SB11-209 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	57 58 59 60
	Amend printed bill, page 425, line 5, in the ITEM & SUBTOTAL column strike "5,170,680" and substitute "5,140,680".	61 62 63
	Page 425, line 6, in the ITEM & SUBTOTAL column strike "(91.4 FTE)" and substitute "(91.0 FTE)".	64 65 66
	Page 427, line 4, in the TOTAL column strike "8,405,839" and substitute "8,375,839" and in the CASH FUNDS column strike "8,405,839" and substitute "8,375,839".	67 68 69

	Page 427, line 6, strike "\$7,966,004" and substitute "\$7,936,004".	1 2 3
	Page 428, line 12, in the ITEM & SUBTOTAL column strike "2,093,894" and substitute "2,123,894".	4 5 6
	Page 428, line 13, in the ITEM & SUBTOTAL column strike "(29.5 FTE)" and substitute "(29.9 FTE)".	7 8 9
	Page 429, line 5, in the ITEM & SUBTOTAL column strike "3,893,904" and substitute "3,923,904" and in the CASH FUNDS column strike "3,893,904" and substitute "3,923,904".	10 11 12 13
	Page 429, line 7, strike "\$3,870,396" and substitute "\$3,900,396".	14
	Page 448, strike lines 11 through 13.	15 16 17
	Renumber succeeding sections accordingly.	18
	Adjust affected totals accordingly.	19 20 21 22
Appropriations	After consideration on the merits, the Committee recommends that SB11-213 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	23 24 25 26
	Amend printed bill, page 2, line 7, strike "(A)".	27
	Page 2, line 19, strike "(B)" and substitute "(II)".	28 29
	Page 3, line 4, strike "(C)" and substitute "(III)".	30 31
	Page 3, line 12, strike "SUB-SUBPARAGRAPH (C)" and substitute "SUBPARAGRAPH (III)".	32 33 34
	Page 3, strike lines 13 through 21.	35 36 37
	Page 3, strike line 27.	38
	Strike page 4.	39 40 41
	Page 6, line 19, strike "office of information technology for the".	42 43
	Page 6, strike lines 20 through 27, and substitute "for the fiscal year beginning July 1, 2011, shall be adjusted as follows:	44 45 46
	(a) The appropriation for the office of information technology for the Colorado benefits management system, is increased by three hundred seventy-five thousand nine hundred sixty dollars (\$375,960). Said sum shall be reappropriated funds received from the department of human services out of the appropriation made in subsection (2) of this section.	47 48 49 50 51 52
	(b) The appropriation for the office of information technology for computer services is increased by five thousand nine hundred twenty dollars (\$5,920). Said sum shall be reappropriated funds received from the department of revenue out of the appropriations made in subsection (4) of this section."	53 54 55 56 57 58
	Page 7, strike line 1.	59 60 61
Appropriations	After consideration on the merits, the Committee recommends that SB11-220 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	62 63 64 65
	Amend printed bill, page 3, after line 3 insert:	66 67
	"SECTION 2. Appropriation - adjustments in Senate Bill 11-198. For the implementation of this act, the general fund appropriation	68 69

made in Senate Bill 11-198 for the fiscal year beginning July 1, 2011, to the legislative department, is decreased by twenty-seven thousand four hundred ninety-nine dollars (\$27,499).

SECTION 3. Appropriation - adjustments in 2011 long bill.
For the implementation of this act, appropriations made in the annual general appropriation act, to the departments listed in the table below, for the fiscal year beginning July 1, 2011, shall be decreased by the amounts shown for a total reduction of eight hundred twenty-nine thousand six hundred sixty-nine dollars (\$829,669). Said reductions shall be made and derived from such sources as follows:

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	DEPARTMENT	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	Total
2	Agriculture	(1,680)	(25,219)	0	(1,005)	(27,904)
3	Corrections	(12,016)	(65)	0	(5)	(12,086)
4	Education	(7,897)	(5,411)	(17,878)	(33,479)	(64,665)
5	Governor	(504)	(1,217)	(555)	(19,740)	(22,016)
6	Health Care Policy and Financing	(1,185)	(356)	0	(1,607)	(3,148)
7	Higher Education	0	(277)	(906)	(6,019)	(7,202)
8	Human Services	(49,292)	(1,135)	(6,153)	(30,691)	(87,271)
9	Judicial	(293,849)	(74,003)	0	0	(367,852)
10	Labor and Employment	0	(14,430)	(153)	(25,656)	(40,239)
11	Law	(26)	(98)	(198)	(2)	(324)
12	Local Affairs	(1,860)	(93)	(643)	(1,718)	(4,314)
13	Military Affairs	(653)	0	0	(2,066)	(2,719)
14	Natural Resources	(25,538)	(40,078)	(1,635)	(2,697)	(69,948)
15	Personnel and Administration	(1,072)	(29)	(2,680)	0	(3,781)
16	Public Health and Environment	(5,020)	(8,896)	(4,686)	(20,587)	(39,189)
17	Public Safety	(3,308)	(7,731)	(231)	(2,543)	(13,813)
18	Regulatory Agencies	(188)	(33,701)	(95)	(76)	(34,060)
19	Revenue	(9,947)	(8,984)	0	0	(18,931)
20	State	0	(1,885)	0	0	(1,885)
21	Transportation	0	0	(7,697)	0	(7,697)
22	Treasury	(625)	0	0	0	(625)
23						
24	Total	(414,660)	(223,608)	(43,510)	(147,891)	(829,669)".
25						
26	Renumber succeeding section accordingly.					
27						
28	Page 1, line 102, strike " BUSINESS. " and substitute " BUSINESS, AND MAKING AN APPROPRIATION THEREFOR. ".					

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Appropriations	After consideration on the merits, the Committee recommends that SB11-223 be amended	1
	as follows, and as so amended, be referred to the Committee of the Whole with favorable	2
	recommendation.	3
		4
	Amend printed bill, page 2, after line 12 insert:	5
		6
	" SECTION 2. The appropriation to the department of revenue for	7
	the fiscal year beginning July 1, 2010, as enacted in Part XIX (2), (4) (C),	8
	and the affected totals of section 2 of chapter 453, Session Laws of	9
	Colorado 2010 (HB 10-1376), as amended by section 1 of Senate Bill 11-	10
	152, are amended to read:	11
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	Section 2. Appropriation.	13
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		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1							
2							
3							
4	PART XIX						
5	DEPARTMENT OF REVENUE						
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PART XIX
DEPARTMENT OF REVENUE

(2) CENTRAL DEPARTMENT OPERATIONS DIVISION

Personal Services	5,165,192		4,766,781		315,606 ^a	82,805 ^b
	(102.0 FTE)					
Seasonal Tax Processing	397,545		397,545			
Operating Expenses	1,191,888		1,055,001		136,887 ^c	
Postage	2,902,699		2,639,800		262,899 ^d	
	2,972,082		2,709,183			
Pueblo Data Entry Center						
Payments	1,879,728		1,875,719		4,009 ^e	
Document Imaging and						
Storage	<u>394,290</u>		394,290			
		11,931,342				
		12,000,725				

^a This amount shall be from the following funds for the purpose of indirect cost recoveries: \$97,786 shall be from the Highway Users Tax Fund pursuant to Section 43-4-201 (3) (a) (III) (C), C.R.S., \$62,970 shall be from the Colorado State Titling and Registration Account, a subaccount of the Highway Users Tax Fund, created in Section 42-1-211 (2), C.R.S., \$46,161 shall be from the Licensing Services Cash Fund created in Section 42-2-114.5 (1), C.R.S., \$29,873 shall be from the Driver's License Administrative Revocation Account, a subaccount of the Highway Users Tax Fund, created in Section 42-2-132 (4) (b) (I) (A), C.R.S., \$24,648 shall be from the Auto Dealers License Fund created in Section 12-6-123 (1), C.R.S., \$18,290 shall be from the Liquor Enforcement Division and State Licensing Authority Cash Fund created in Section 24-35-401, C.R.S., \$13,500 shall be from the Department of Revenue Subaccount of the Automobile Inspection and Readjustment Account of the Highway Users Tax Fund created in Section 42-3-304 (18) (c), C.R.S., \$10,190 shall be from the Racing Cash Fund created in Section 12-60-205 (1), C.R.S., \$4,702 shall be from the First Time Drunk Driving Offender Account of the Highway Users Tax Fund created in Section 42-2-132 (4) (b) (II) (A), C.R.S., \$3,571 shall be from the Outstanding Judgments and Warrants Account as administered under the provisions of Section 42-2-118 (3) (c), C.R.S., \$1,307 shall be from the Highway Users Tax Fund exempt from the statutory limit pursuant to Section 43-4-201 (3) (a) (V), C.R.S., \$1,220 shall be from the Penalty Assessment Account as administered under the provisions of Section 42-1-217 (2), C.R.S., \$871 shall be from the Motorist Insurance Identification Account, a subaccount of the Highway Users Tax Fund, created in Section 42-3-304 (18) (d) (I), C.R.S., \$412 shall be from the Aviation Fund created in Section 43-10-109 (1), C.R.S., and \$105 shall be from the Waste Tire Recycling Development Cash Fund created in Section 25-17-202 (3) (a), C.R.S.

^b This amount shall be from the Limited Gaming Fund created in Section 12-47.1-701 (1), C.R.S.

^c Of this amount, \$86,945 shall be from the Identification Security Fund, a subaccount of the Highway Users Tax Fund, created in Section 42-1-220 (1), C.R.S., and \$49,942 shall be from the Outstanding Judgments and Warrants Account as administered under the provisions of Section 42-2-118 (3) (c), C.R.S.

^d Of this amount, \$13,909 shall be from the Highway Users Tax Fund pursuant to Section 43-4-201 (3) (a) (III) (C), C.R.S., and \$248,990 shall be from various sources of cash funds.

^c This amount shall be from various sources of cash funds.

(4) TAXATION BUSINESS GROUP

(C) Taxpayer Service Division

Personal Services	4,638,705	4,548,101	90,604 ^a
	(80.4 FTE)		
Operating Expenses	402,035	401,535	500 ^b
	461,348	460,848	
Fuel Tracking System	485,386		485,386 ^c
			(1.5 FTE)
	<u>5,526,126</u>		
	5,585,439		

^a Of this amount, \$70,399 shall be from the Private Letter Ruling Fund created in Section 24-35-103.5 (6), C.R.S., and \$20,205 shall be from the Aviation Fund created in Section 43-10-109 (1), C.R.S.

^b This amount shall be from the Private Letter Ruling Fund created in Section 24-35-103.5 (6), C.R.S.

^c This amount shall be from the Highway Users Tax Fund exempt from the statutory limit pursuant to Section 43-4-201 (3) (a) (V), C.R.S.

TOTALS PART XIX

(REVENUE)	\$716,432,437	\$90,145,719^a	\$623,308,693 ^b	\$1,494,825	\$1,483,200
	<u>\$716,561,133</u>	<u>\$90,274,415^a</u>			

^a Of this amount, \$19,500,000 is included as information for the purpose of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution. These amounts are continuously appropriated by a permanent statute or constitutional provision, and shall not be deemed to be an appropriation subject to the limitations of Section 24-75-201.1, C.R.S.

^b Of this amount, \$10,815,405 is from the Highway Users Tax Fund pursuant to Section 43-4-201 (3) (a) (III) (C), C.R.S., and \$495,330 is from the Highway Users Tax Fund exempt from the statutory limit pursuant to Section 43-4-201 (3) (a) (V), C.R.S.".

Renumber succeeding section accordingly.

Page 1, line 104, strike "STATE." and substitute STATE, AND MAKING AN APPROPRIATION THEREFOR.".

Appropriations

After consideration on the merits, the Committee recommends that **SB11-230** 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 24, strike "Senate Bill 11-____," and substitute "Senate Bill 11-230,".

Page 12, after line 2 insert:

"SECTION 11. Appropriation - adjustments in 2011 long bill.
For the implementation of this act, appropriations made in the annual general appropriation act to the department of education for the fiscal year beginning July 1, 2011 shall be adjusted as follows:

(1) The appropriation for management and administration, for state charter school institute administration, oversight, and management, is decreased by one thousand one hundred eighty-one dollars (\$1,181). Said sum shall be from reappropriated funds transferred from the assistance to public schools, public school finance, state share of districts' total program funding line item appropriation.

(2) The general fund appropriation for assistance to public schools, public school finance, for the state share of districts' total program funding, is decreased by two hundred eighty-four million eight hundred ten thousand three hundred seventy-six dollars (\$284,810,376).

(3) The cash funds appropriation for assistance to public schools, public school finance, for the state share of districts' total program funding, is increased by thirty-six million dollars (\$36,000,000). Said sum shall be from the state public school fund created in section 22-54-114 (1), Colorado Revised Statutes.

(4) The cash funds appropriation for assistance to public schools, public school finance, for hold-harmless full-day kindergarten funding, is decreased by three hundred twenty-nine thousand six hundred thirty-seven dollars (\$329,637). Said sum shall be from the state education fund created in section 17 (4) (a) of article IX of the State Constitution.

(5) The cash funds appropriation for assistance to public schools, grant programs, distributions, and other assistance, for facility school funding, is decreased by six hundred fifty-three thousand dollars (\$653,000). Said sum shall be from the state education fund created in section 17 (4) (a) of article IX of the State Constitution.

(6) The general fund appropriation for the school for the deaf and the blind, for personal services, is increased by fifty-seven thousand three hundred thirty-five dollars (\$57,335).

(7) The appropriation for the school for the deaf and the blind, for personal services, is decreased by fifty-seven thousand three hundred thirty-five dollars (\$57,335). Said sum shall be from reappropriated funds transferred from the assistance to public schools, grant programs, distributions, and other assistance, facility school funding line item appropriation.

SECTION 12. Appropriation - adjustments in 2011 long bill.
For the implementation of this act, appropriations made in the annual general appropriation act to the department of education for the fiscal year beginning July 1, 2011 shall be adjusted as follows:

(1) The general fund appropriation for assistance to public schools, public school finance, for the state share of districts' total program funding, is decreased by one hundred seventy-five million nine hundred forty-six thousand nine hundred fifty-nine dollars (\$175,946,959).

(2) The cash funds appropriation for assistance to public schools, public school finance, for the state share of districts' total program funding, is increased by one hundred seventy-five million nine hundred forty-six thousand nine hundred fifty-nine dollars (\$175,946,959). Said sum shall be from the state education fund created in section 17 (4) (a) of article IX of the State Constitution.

SECTION 13. The appropriation to the department of education for the fiscal year beginning July 1, 2011, as enacted in Part III (2) (A) Footnote 7 of section 2 of SB 11-209, is amended to read:

Section 2. **Appropriation.**

7 Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- It is the intent of the General Assembly that the Department of Education be authorized to utilize up to ~~\$4,647,614~~ \$4,433,980 of this appropriation to fund

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	qualified students designated as Accelerating Students Through Concurrent Enrollment (ASCENT) Program participants as authorized pursuant to Section 22-35-108, C.R.S. This amount is calculated based on an estimated 753 participants funded at a rate of \$6,172.13 \$5,888.42 per FTE pursuant to Section 22-54-104 (4.7), C.R.S."	1 2 3 4 5 6 7
	Renumber succeeding section accordingly.	8 9
	Page 1, line 101, strike "SCHOOLS." and substitute "SCHOOLS, AND MAKING AN APPROPRIATION THEREFOR."	10 11 12 13
Education	The Committee on <u>Education</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	14 15 16 17
	MEMBERS OF THE <u>STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION</u>	18 19 20 21 22
	for terms expiring December 31, 2014:	23 24
	John U. Trefny from Golden, Colorado, to serve as an Unaffiliated from the Seventh Congressional District, reappointed;	25 26 27
	James M. Johnson from Colorado Springs, Colorado, to serve as a Republican from the Fifth Congressional District, appointed.	28 29 30
	Kenneth C. Weil, a Democrat from the First Congressional District, to fill the vacancy occasioned by the resignation of Anthony L. Leffert, Denver, appointed.	31 32 33 34
Education	The Committee on <u>Education</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	35 36 37 38
	MEMBER OF THE <u>BOARD OF TRUSTEES FOR THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND</u>	39 40 41 42 43 44
	for terms expiring July 1, 2014:	45
	Kay A. Ferrell of Greeley, Colorado, a Democrat, appointed.	46 47 48
Education	The Committee on <u>Education</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	49 50 51 52
	MEMBER OF THE <u>COLORADO COMMISSION ON HIGHER EDUCATION</u>	53 54 55 56
	for a term expiring July 1, 2012:	57 58
	Richard C. Kaufman of Centennial, Colorado, a resident of the 6th Congressional District and a Democrat, to fill the vacancy occasioned by the resignation of Michael D. Plachy of Centennial, Colorado, appointed.	59 60 61 62 63 64
Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	65 66 67 68 69 70 71

MEMBERS OF THE
COLORADO COMMISSION ON THE AGING

for terms expiring July 1, 2014:

Linda K. Sanden of Colorado Springs, Colorado, to serve as a Republican from Congressional District 5, reappointed;

Russell H. DenBraber of Littleton, Colorado, to serve as a Republican from Congressional District 6, reappointed;

for a term expiring when no longer a legislator:

Senator Lucia Guzman of Denver, Colorado, to serve as a representative of the Colorado State Senate, appointed.

Health & Human Services The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
MEDICAL SERVICES BOARD

for a term expiring July 1, 2015:

J. Michael Stahl of Grand Junction, Colorado, an Unaffiliated from the 3rd Congressional District with knowledge of the delivery of health care, to fill the vacancy occasioned by the resignation of Byron A. Geer of Colorado Springs, Colorado, appointed;

for a term expiring July 1, 2012:

Brenda T. LaCombe of Pueblo, Colorado, a Democrat from the 3rd Congressional District with knowledge of medical assistance programs, to fill the vacancy occasioned by the resignation of Mary A. "Sally" Schaefer of Grand Junction, Colorado, appointed;

for terms expiring July 1, 2014:

Alan I. Eisenberg of Denver, Colorado, a Democrat from the 1st Congressional District with knowledge of medical assistance programs, reappointed;

Richard D. Markley of Morrison, Colorado, a Republican from the 6th Congressional District with knowledge of medical assistance programs, reappointed.

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
COVERCOLORADO BOARD OF DIRECTORS

for a term expiring July 1, 2011:

Gary S. Carlson of Castle Rock, Colorado, representing individuals who are currently insured under the program, to fill the vacancy occasioned by the resignation of Jayne R. Howard of Columbine Valley, Colorado, appointed.

Call of the Senate. Call raised.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB11-210, SB11-215, SB11-217, SB11-218, SB11-224, SB11-225, and SB11-229** were made Special Orders at 11:35 a.m.

MESSAGE FROM THE HOUSE

April 8, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1024, amended as printed in House Journal, April 7, page 890. HB11-1252, amended as printed in House Journal, April 7, pages 890-891.

Committee of the Whole The hour of 11:35 a.m. having arrived, Senator Johnston moved that the Senate resolve itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Johnston was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS -- CONSENT CALENDAR

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:

SB11-210 by Senator(s) Hodge, Steadman, Lambert; --Concerning the elimination of the supplemental old age pension health and medical care program, and, in connection therewith, providing for the transfer of the fund balance of the supplemental old age pension health and medical care fund to the general fund, authorizing the use of moneys in the tobacco tax cash fund to provide services under medicaid for the medical care of old age pensioners, and making an appropriation.

Ordered engrossed and placed on the calendar for third reading and final passage.

SB11-215 by Senator(s) Hodge, Steadman, Lambert; --Concerning a reduction in the general fund portion of the per diem rates paid to nursing facilities for the 2011-12 fiscal year, and making an appropriation therefor.

Ordered engrossed and placed on the calendar for third reading and final passage.

SB11-217 by Senator(s) Hodge, Steadman, Lambert; --Concerning a reduction to the juvenile detention bed cap, and making an appropriation in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 8, page 665 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

- SB11-218

by Senator(s) Hodge, Steadman, Lambert; --Concerning the transfer of moneys from certain cash funds to the state education fund.

Ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-224

by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning the suspension of annual increases in the percentage of tobacco litigation settlement moneys received by the state that are allocated to the nurse home visitor program, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 8, page 665 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-225

by Senator(s) Hodge, Steadman, Lambert; --Concerning the short-term innovative health program grant fund, and, in connection therewith, transferring the balance of the grant fund to the general fund at the end of the 2011-12 fiscal year and terminating all existing statutory transfers to the grant fund other than its percentage-based base allocation of tobacco litigation settlement moneys after the 2010-11 fiscal year.

Ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-229

by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning increasing the statutory cap on administrative expenses for the school counselor corps grant program.

Ordered engrossed and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --

CONSENT CALENDAR

On motion of Senator Johnston, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfro	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-210, SB11-215, SB11-217 as amended, SB11-218, SB11-224 as amended, SB11-225, SB11-229.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB11-216, SB11-219, SB11-222, SB11-228, SB11-211, SB11-212, SB11-226, SB11-221, SB11-213, SB11-220, SB11-223, SB11-184, SB11-230, SB11-209, and SB11-214** were made Special Orders at 11:45 a.m.

	Senate in recess.	Senate reconvened.	1
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	Call of the Senate.	Call raised.	6
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			10
Committee of the Whole	The hour of 11:45 a.m. having arrived, Senator Morse moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Morse was called to the Chair to act as Chairman.		11
			12
			13
			14
	SPECIAL ORDERS -- SECOND READING OF BILLS		15
			16
	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:		17
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SB11-216	by Senator(s) Hodge, Steadman, Lambert; --Concerning the reduction of general fund appropriations for the children's basic health plan by reallocating tobacco-related revenue streams, and, in connection therewith, abolishing the pediatric specialty hospital fund and the supplemental tobacco litigation settlement money account in the pediatric specialty hospital fund, abolishing the comprehensive primary and preventive care fund, abolishing the comprehensive primary and preventive care grant program, and making an appropriation.		22
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	<u>Amendment No. 1, Appropriations Committee Amendment.</u>		30
	(Printed in Senate Journal, April 8, pages 665-666 and placed in members' bill files.)		31
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.		33
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SB11-222	by Senator(s) Hodge, Steadman, Lambert; --Concerning transfers of moneys relating to capital construction.		37
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	<u>Amendment No. 1, Appropriations Committee Amendment.</u>		40
	(Printed in Senate Journal, April 8, page 666 and placed in members' bill files.)		41
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.		43
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SB11-228	by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the formula by which moneys shall be advanced to a county from the county tax base relief fund in the event that appropriations are insufficient to cover all advancements.		47
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	Ordered engrossed and placed on the calendar for third reading and final passage.		52
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SB11-211	by Senator(s) Hodge, Steadman, Lambert; --Concerning the use of tobacco tax revenue for health-related purposes during a state fiscal emergency, and making an appropriation therefor.		55
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	Ordered engrossed and placed on the calendar for third reading and final passage.		59
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SB11-212	by Senator(s) Hodge, Steadman, Lambert; --Concerning authority for an additional permissible use of moneys in the hospital provider fee cash fund for state medicaid expenditures to offset state general fund expenditures for the next two fiscal years, and making an appropriation therefor.		62
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	<u>Amendment No. 1, Appropriations Committee Amendment.</u>		67
	(Printed in Senate Journal, April 8, page 670 and placed in members' bill files.)		68
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.		70
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SB11-226

by Senator(s) Hodge, Steadman, Lambert; --Concerning the augmentation of the general fund through transfers of certain moneys, and making an appropriation in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 8, page 670 and placed in members' bill files.)

Amendment No. 2(L.005), by Senators Aguilar, Boyd, Nicholson, and Schwartz.

Amend printed bill, page 6, before line 6 insert:

"**SECTION 10.** 42-2-114.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-2-114.5. Licensing services cash fund.

(3) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, ON JUNE 30, 2012, THE STATE TREASURER SHALL DEDUCT TWO MILLION DOLLARS FROM THE LICENSING SERVICES CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND."

Renumber succeeding sections accordingly.

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-219

by Senator(s) Hodge, Steadman, Lambert; --Concerning moneys appropriated in the 2011-12 fiscal year for health clinics, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 8, page 666 and placed in members' bill files.)

Amendment No. 2(L.003), by Senators Aguilar, Boyd, Nicholson, and Schwartz.

Amend the Appropriations Committee Report, dated April 7, 2011, page 1, strike line 1 and substitute:

"Amend printed bill, page 3, after line 22, insert:

"**SECTION 3.** 25.5-3-112 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25.5-3-112. Health care services fund - creation - state plan amendment - primary care special distribution fund - repeal.

(1) (b.6) IN FISCAL YEAR 2011-12, THE TREASURER SHALL TRANSFER ONE MILLION EIGHT HUNDRED THIRTEEN THOUSAND FIVE HUNDRED DOLLARS FROM THE GENERAL FUND TO THE FUND."

Renumber succeeding sections accordingly.

Page 6 of the bill, line 25, strike "(1)".

Page 1 of the committee report, strike line 6 and substitute:

"Page 7, strike lines 19 through 26 and substitute:

"(1) Twenty-five million one hundred thirty-seven thousand dollars (\$25,137,000) for allocation to the health care services fund for community primary care providers pursuant to section 25.5-3-112 (2.8), Colorado Revised Statutes. Of said sum, twelve million five hundred sixty-eight thousand five hundred dollars (\$12,568,500) shall be cash funds from the Colorado health care services fund created in section 25.5-3-112 (1), Colorado Revised Statutes, and twelve million five hundred sixty-eight thousand five hundred dollars (\$12,568,500) shall be from federal funds."

Page 684	Senate Journal-87th Day-April 8, 2011	
	<u>Amendment No. 3(L.002), by Senators Hodge, Steadman, and Lambert.</u>	1
	Amend printed bill, page 4, line 4, strike the second "AND".	2
	Page 4, line 5, strike "CLINICS." and substitute "CLINICS, AND FEDERALLY QUALIFIED HEALTH CENTERS."	3
	Page 6, line 16, strike "11-___," and substitute "11-219,".	4
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	5
SB11-221	by Senator(s) Hodge, Steadman, Lambert; --Concerning contributions to pay the unfunded accrued liability of old hire pension plans that are affiliated with the fire and police pension association, and making an appropriation therefor.	6
	<u>Amendment No. 1(L.002), by Senator Newell.</u>	7
	Amend printed bill, page 5, line 24, strike "THREE HUNDRED TWENTY-ONE" and substitute "SEVENTY-ONE".	8
	Page 7, strike line 19 and substitute "by twenty million two hundred fifty thousand dollars (\$20,250,000).".	9
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	10
	(For further action, see amendments to the report of the Committee of the Whole.)	11
SB11-213	by Senator(s) Hodge, Steadman, Lambert; --Concerning enrollee cost-sharing for children enrolled in the children's basic health plan, and making an appropriation therefor.	12
	<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate journal, April 8, page 671, was lost .)	13
	Lost on second reading.	14
	(For further action, see amendments to the report of the Committee of the Whole.)	15
SB11-220	by Senator(s) Hodge, Steadman, Lambert; --Concerning a reduction in the mileage allowance for the use of a personal motor vehicle for official state business.	16
	<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, April 8, pages 671-673 and placed in members' bill files.)	17
	<u>Amendment No. 2(L.001), by Senators Brophy, Schwartz, Roberts, Cadman, Grantham, Harvey, King K., King S., Kopp, Lundberg, Mitchell, Renfroe, Scheffel, Spence, Tochtrop, and White.</u>	18
	Amend printed bill, page 3, strike lines 2 and 3 and substitute "APPLY: (A) TO THE MILEAGE ALLOWANCE FOR THE USE OF A PRIVATELY OWNED AIRCRAFT; OR (B) TO WATER COMMISSIONERS APPOINTED PURSUANT TO SECTION 37-92-202 (3), C.R.S., IF THE STATE ENGINEER DETERMINES THAT THE COMMISSIONERS CAN BE REIMBURSED AT THE MILEAGE ALLOWANCE SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) WITHIN EXISTING APPROPRIATIONS."	19
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	20

SB11-223	by Senator(s) Hodge, Steadman, Lambert; --Concerning state sales tax revenues retained by a vendor as compensation for expenses incurred by the vendor in the collection and remittance of such tax revenues to the state, and making an appropriation therefor.	1
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	<u>Amendment No. 1, Appropriations Committee Amendment.</u>	5
	(Printed in Senate Journal, April 8, pages 674-676 and placed in members' bill files.)	6
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	8
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SB11-184	by Senator(s) Steadman, Bacon, Boyd, Carroll, Giron, Guzman, Hodge, Hudak, Johnston, Morse, Nicholson, Shaffer B., Tochtrop; also Representative(s) Ferrandino, Duran, Fields, Hullinghorst, Kagan, Kefalas, Labuda, McCann, Pabon, Pace--Concerning tax reporting.As amended, ordered engrossed and placed on the calendar for third reading and final passage.	12
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	<u>Amendment No. 1, Finance Committee Amendment.</u>	17
	(Printed in Senate Journal, March 11, page 436 and placed in members' bill files.)	18
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	<u>Amendment No. 2, Appropriations Committee Amendment.</u>	20
	(Printed in Senate Journal, April 8, pages 666-669 and placed in members' bill files.)	21
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	<u>Amendment No. 3(L.015), by Senator Harvey.</u>	23
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	Amend the Appropriations Committee Report, dated April 7, 2011, page 2, line 18, strike "YEAR AND" and substitute "YEAR,".	25
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	Page 2, line 19, strike "YEARS." and substitute "YEARS, AND TO REIMBURSE STATE OFFICERS AND EMPLOYEES FOR THE DIFFERENCE BETWEEN THE ACTUAL MILEAGE ALLOWANCE PURSUANT TO SECTION 24-9-104 (2) (d), C.R.S., AND THE MILEAGE ALLOWANCE THAT WOULD HAVE BEEN ALLOWED IF SENATE BILL 11-220 WAS NOT ENACTED IN 2011.".	28
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	Page 2, line 23, strike "YEARS," and substitute "YEARS AND MINUS EIGHT HUNDRED TWENTY-NINE THOUSAND SIX HUNDRED SIXTY-NINE DOLLARS FOR THE REIMBURSEMENT OF STATE OFFICERS AND EMPLOYEES PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2).".	35
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	<u>Amendment No. 4(L.021), by Senator Cadman.</u>	41
		42
	Amend printed bill, page 6, line 12, strike "FUND." and substitute "FUND;".	43
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	Page 6, after line 12 insert:	45
		46
	"(II) OF THE MONEYS REMAINING IN THE FUND AFTER THE TRANSFER SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), AN ADDITIONAL THREE HUNDRED FORTY-NINE THOUSAND THREE HUNDRED THIRTEEN DOLLARS SHALL BE TRANSFERRED TO THE GENERAL FUND FOR APPROPRIATION TO THE OFFICE OF INFORMATION TECHNOLOGY CREATED IN SECTION 24-37.5-103, C.R.S.; AND".	47
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	Renumber succeeding subparagraph accordingly.	54
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	Page 6, line 13, after "REMAINING" insert "IN THE FUND" and strike "TRANSFER" and substitute "TRANSFERS".	56
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	Page 6, line 14, strike "SUBPARAGRAPH (I)" and substitute "SUBPARAGRAPHS (I) AND (II)".	59
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	<u>Amendment No. 5(L.022), by Senator Hudak.</u>	63
		64
	Amend printed bill, page 6, line 12, strike "FUND." and substitute "FUND;".	65
		66
	Page 6, after line 12 insert:	67
		68
	"(II) OF THE MONEYS REMAINING IN THE FUND AFTER THE TRANSFER SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), AN ADDITIONAL THIRTY THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE	69
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GENERAL FUND FOR THE PURPOSE OF INCREASING THE APPROPRIATION TO THE DEPARTMENT OF EDUCATION FOR THE FAMILY LITERACY EDUCATION GRANT PROGRAM, CREATED IN SECTION 22-2-124, C.R.S.; AND".

Renumber succeeding subparagraph accordingly.

Page 6, line 13, after "REMAINING" insert "IN THE FUND" and strike "TRANSFER" and substitute "TRANSFERS".

Page 6, line 14, strike "SUBPARAGRAPH (I)" and substitute "SUBPARAGRAPHS (I) AND (II)".

Amendment No. 6(L.023), by Senator Newell.

Amend printed bill, page 6, line 12, strike "FUND." and substitute "FUND;".

Page 6, after line 12 insert:

"(II) OF THE MONEYS REMAINING IN THE FUND AFTER THE TRANSFER SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), AN ADDITIONAL FIVE HUNDRED THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE GENERAL FUND FOR THE PURPOSE OF INCREASING THE APPROPRIATION TO THE JUDICIAL DEPARTMENT OF EDUCATION FOR GRANTS TO ORGANIZATIONS PROVIDING CIVIL LEGAL SERVICES TO INDIGENT CLIENTS WHO ARE VICTIMS OF FAMILY VIOLENCE AND FOR GRANTS TO COURT-APPOINTED SPECIAL ADVOCATES; AND".

Renumber succeeding subparagraph accordingly.

Page 6, line 13, after "REMAINING" insert "IN THE FUND" and strike "TRANSFER" and substitute "TRANSFERS".

Page 6, line 14, strike "SUBPARAGRAPH (I)" and substitute "SUBPARAGRAPHS (I) AND (II)".

Amendment No. 7(L.020), by Senator Steadman.

Amend printed bill, page 6, line 24, after "TAX" insert "PROFILE AND".

Page 7, line 15, strike "AND".

Page 7, line 18, strike "STATE." and substitute "STATE; AND (f) IN THE PAST, THE DEPARTMENT OF REVENUE HAS PUBLISHED A COLORADO TAX PROFILE STUDY, WHICH INCLUDED A SUBSTANTIAL AMOUNT OF USEFUL INFORMATION ABOUT STATE AND LOCAL TAXES."

Page 7, line 21, strike "AN" and substitute "A".

Page 7, line 22, strike "ANNUAL TAX" and substitute "BIENNIAL TAX PROFILE AND".

Page 7, after line 24 insert:

"(1) "COLORADO TAX PROFILE STUDY 2001" MEANS THE "COLORADO TAX PROFILE STUDY 2001 AND STATISTICS OF INCOME" PREPARED IN MAY 2004 BY THE OFFICE OF RESEARCH AND ANALYSIS IN THE DEPARTMENT FOR THE INDIVIDUAL INCOME TAX RETURNS TAX YEAR 2000 AND THE CORPORATE INCOME TAX RETURNS FILED IN FISCAL YEAR 2002."

Renumber succeeding subsections accordingly.

Page 8, line 2, after ""TAX" insert "PROFILE AND" and strike "ANNUAL" and substitute "BIENNIAL".

Page 8, strike lines 5 and 6.

Page 8, line 7, after "Tax" insert "profile and" and strike "JULY 1,".

Page 8, line 8, strike "2012, AND EACH JULY 1" and substitute "JANUARY 1, 2013, AND JANUARY 1 OF EVERY ODD-NUMBERED YEAR".

Page 8, line 9, after "TAX" insert "PROFILE AND".

Page 8, strike lines 11 through 27.

Page 9, strike lines 1 through 15 and substitute:

"(2) (a) A TAX PROFILE AND EXPENDITURE REPORT MUST INCLUDE THE FOLLOWING INFORMATION FOR EACH TAX EXPENDITURE FOR ANY TAX LEVIED AND COLLECTED BY THE STATE THAT IS ADMINISTERED BY THE DEPARTMENT:

(I) A CITATION OF THE STATUTORY OR OTHER LEGAL AUTHORITY FOR THE TAX EXPENDITURE;

(II) THE YEAR THAT THE TAX EXPENDITURE WAS ENACTED;

(III) A DESCRIPTION OF THE TAX EXPENDITURE;

(IV) AN ESTIMATE OF THE TAX EXPENDITURE'S EFFECT ON REVENUE FOR THE MOST RECENTLY COMPLETED TAX OR CALENDAR YEAR, AS APPROPRIATE, FOR WHICH SUCH INFORMATION IS AVAILABLE;

(V) THE ESTIMATE REQUIRED PURSUANT TO SUBPARAGRAPH (IV) FOR THE TAX EXPENDITURE THAT WAS INCLUDED IN EACH OF THE THREE PRIOR TAX PROFILE AND EXPENDITURE REPORTS, IF AVAILABLE; AND

(VI) FOR A TAX EXPENDITURE THAT IS SUBJECT TO THE REQUIREMENT SET FORTH IN SECTION 39-21-304, A STATEMENT OF THE INTENDED PURPOSE OF THE TAX EXPENDITURE.

(b) FOR THE STATE INCOME TAX ONLY, THE TAX PROFILE AND EXPENDITURE REPORT MUST INCLUDE THE EFFECT OF THE TAX EXPENDITURE ON THE DISTRIBUTION OF THE TAX BURDEN BY INCOME CLASS. THE DEPARTMENT SHALL USE AT LEAST AS MANY INCOME CLASSES AS THE COLORADO STATISTICS OF INCOME IN THE COLORADO TAX PROFILE STUDY 2001 AND THE HIGHEST INCOME CLASS SHALL BE AT LEAST AS HIGH AS IN SUCH COLORADO STATISTICS OF INCOME.

(c) THE TAX PROFILE AND EXPENDITURE REPORT MUST INCLUDE THE SUM OF ALL ESTIMATES REQUIRED PURSUANT TO SUBPARAGRAPHS (IV) AND (V) OF PARAGRAPH (a) OF THIS SUBSECTION (2) FOR EACH TAX.

(d) (I) TO THE EXTENT NOT OTHERWISE INCLUDED IN THE TAX PROFILE AND EXPENDITURE REPORT PURSUANT TO THIS SUBSECTION (2), THE REPORT MUST ALSO INCLUDE ANY INFORMATION THAT WAS INCLUDED IN THE COLORADO TAX PROFILE STUDY 2001 FOR ANY TAXES COVERED BY SUCH STUDY, WHICH INCLUDES BUT IS NOT LIMITED TO INFORMATION RELATED TO:

(A) STATE AND LOCAL TAX COLLECTIONS;

(B) REVENUES, TAXES, INCIDENCE, AND EQUITY;

(C) THE DISTRIBUTION OF STATE AND LOCAL TAXES AMONG HOUSEHOLDS; AND

(D) COLORADO STATISTICS OF INCOME.

(II) THE INFORMATION REQUIRED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) SHALL BE FOR THE MOST RECENT TAX YEAR FOR WHICH SUCH INFORMATION IS AVAILABLE."

Page 9, line 19, strike "EACH FEBRUARY 1" and substitute "FEBRUARY 1 OF EVERY ODD-NUMBERED YEAR".

Page 9, line 21, strike "ANNUAL TAX" and substitute "TAX PROFILE AND".

Page 9, line 24, after "TAX" insert "PROFILE AND".

Page 10, line 2, strike "ANNUAL" and substitute "BIENNIAL".

As amended, ordered engrossed 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.)

SB11-230 by Senator(s) Bacon; also Representative(s) Massey--Concerning the financing of public schools.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 8, page 677-678 and placed in members' bill files.)

Page 688	Senate Journal-87th Day-April 8, 2011	
	<u>Amendment No. 2(L.002), by Senator Bacon.</u>	1
	Amend printed bill, page 10, after line 11 insert:	2
	"SECTION 9. 39-29-109.5 (2), Colorado Revised Statutes, is	3
	amended to read:	4
	39-29-109.5. Interest differential - public school energy	5
	efficiency fund - creation - uses - definitions - repeal. (2) On	6
	December 1, 2007, and the first day of every third month thereafter up to	7
	and including September 1, 2010 SEPTEMBER 1, 2015, the legislative	8
	council staff shall calculate the interest differential earned during the	9
	prior calendar quarter and notify the state treasurer of such amount. Upon	10
	receiving notice, the treasurer shall transfer an amount equal to the	11
	interest differential from the severance tax funds to the public school	12
	energy efficiency fund, which is hereby created in the state treasury;	13
	except that the total transfer to the fund for any state fiscal year shall not	14
	exceed one million five hundred thousand dollars. Moneys in the fund	15
	are hereby continuously appropriated to the governor's energy office for	16
	the purposes set forth in subsection (3) of this section. All income and	17
	interest derived from the deposit and investment of the moneys in the	18
	fund shall be credited to the fund."	19
		20
	Renumber succeeding sections accordingly.	21
		22
	As amended, ordered engrossed and placed on the calendar for third reading and final	23
	passage.	24
		25
SB11-209	by Senator(s) Hodge, Steadman, Lambert; --Concerning the provision for payment of the	26
	expenses of the executive, legislative, and judicial departments of the state of Colorado, and	27
	of its agencies and institutions, for and during the fiscal year beginning July 1, 2011, except	28
	as otherwise noted.	29
	<u>Amendment No. 1, Appropriations Committee Amendment.</u>	30
	(Printed in Senate Journal, April 8, pages 670-671 and placed in members' bill files.)	31
		32
	<u>Amendment No. 2(J.011), by Senators Bacon and King K.</u>	33
		34
	Amend printed bill, page 64, line 3, in the ITEM & SUBTOTAL column	35
	strike "2,500,000" and substitute "5,000,000" and in the CASH FUNDS	36
	column strike "2,500,000 ^b " and substitute "5,000,000 ^b ".	37
		38
	Adjust affected totals accordingly.	39
		40
	<u>Amendment No. 3(L.012), by Senators Hodge, Steadman, and Lambert.</u>	41
		42
	Amend printed bill, page 87, line 6, strike " System " and substitute	43
	" System ^{9a} "	44
		45
	Page 88, after line 7 insert:	46
		47
	" FOOTNOTES -- The following statements are referenced to the	48
	numbered footnotes throughout section 2.	49
		50
	<u>9a</u> Governor - Lieutenant Governor - State Planning	51
	and Budgeting, Office of Information Technology,	52
	Colorado Benefits Management System -- It is the	53
	intent of the General Assembly that any system	54
	changes to the Colorado Benefits Management	55
	System that result from legislation enacted to reduce	56
	State expenditures be prioritized to ensure that the	57
	State savings noted in the Legislative Council Staff	58
	Fiscal Note can be achieved within the time frames	59
	specified, to the extent possible."	60
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	<u>Amendment No. 4(J.020), by Senator Cadman.</u>	62
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Amend printed bill, page 88, line 6, strike "**BUDGETING)**" and substitute "**BUDGETING)**^{9a}".

Page 88, after line 6 insert:

"**FOOTNOTES** -- The following statements are referenced to the numbered footnotes throughout section 2.

9a Governor-Lieutenant Governor-State Planning and Budgeting, Totals -- It is the intent of the General Assembly that the 1.5 percent reduction to personal services line items in the Governor's Office of Information Technology be restored. This will result in an increase of \$976,492 reappropriated funds in the personal services line items in the Governor's Office of Information Technology. This increase shall be financed by increased payments from other state departments, as reflected in the table below.

Department	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	Total
Agriculture	\$5,894	\$2,563	\$0	\$0	\$8,457
Corrections	98,914	432	0	0	99,346
Education	1,840	0	0	0	1,840
Governor	1,116	46	116	66	1,344
Health Care Policy and Financing	9,459	0	38	9,497	18,994
Higher Education	0	6,314	57	0	6,371
Human Services	113,141	2,504	6,575	80,911	203,131
Judicial	8,599	0	0	0	8,599
Labor and Employment	0	41,284	0	45,630	86,914
Law	33	25	847	22	927
Legislature	600	0	0	0	600
Local Affairs	2,913	12	2,743	5,467	11,135
Military Affairs	3,346	0	0	0	3,346
Natural Resources	6,270	61,810	23,488	1,946	93,514
Personnel and Administration	148	3,485	28,614	0	32,247
Public Health and Environment	3,263	10,645	26,203	33,363	73,474
Public Safety	18,632	22,545	11,622	138	52,937
Regulatory Agencies	857	22,854	0	0	23,711
Revenue	72,767	59,835	4,726	0	137,328
State	0	431	0	0	431
Treasury	1,521	0	0	0	1,521
Transportation	0	110,325	0	0	110,325
Total	\$349,313	\$345,110	\$105,029	\$177,040	\$976,492

Amendment No. 5(J.017), by Senator Aguilar.

Amend printed bill, page 97, line 7, in the TOTAL column strike "3,487,165,965" and substitute "3,487,538,965", in the GENERAL FUND column strike "1,002,218,001(M)" and substitute

amended BY THE ADDITION OF A NEW SUBSECTION to read:
42-2-114.5. Licensing services cash fund.
(3) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, ON JUNE 30, 2012, THE STATE TREASURER SHALL DEDUCT TWO MILLION DOLLARS FROM THE LICENSING SERVICES CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND."

Renumber succeeding sections accordingly.

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	17	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

SB11-221 by Senator(s) Hodge, Steadman, Lambert; --Concerning contributions to pay the unfunded accrued liability of old hire pension plans that are affiliated with the fire and police pension association, and making an appropriation therefor.

Senator Newell moved to amend the Report of the Committee of the Whole to show that the following Newell floor amendment, (L.002) to SB 11-221, did not pass.

Amend printed bill, page 5, line 24, strike "THREE HUNDRED TWENTY-ONE" and substitute "SEVENTY-ONE".

Page 7, strike line 19 and substitute "by twenty million two hundred fifty thousand dollars (\$20,250,000)".

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	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Call of the Senate. Call raised.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB11-213 by Senator(s) Hodge, Steadman, Lambert; --Concerning enrollee cost-sharing for children enrolled in the children's basic health plan, and making an appropriation therefor.

Senator Harvey moved to amend the Report of the Committee of the Whole to show that

the following Harvey and King K. floor amendment, (L.003) to SB 11-213, did pass, and that SB 11-213, as amended, did pass.

Amend printed bill, page 2, line 7, strike "(A)".

Page 2, line 19, strike "(B)" and substitute "(II)".

Page 3, line 4, strike "(C)" and substitute "(III)".

Page 3, line 12, strike "SUB-SUBPARAGRAPH (C)" and substitute "SUBPARAGRAPH (III)".

Page 3, strike lines 13 through 21.

Page 3, strike line 27.

Strike page 4.

Page 6, strike lines 25 through 27.

Page 7, strike line 1.

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	20	NO	15	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	Y	Tochtrop	N
Carroll	N	Jahn	Y	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

SB11-184 by Senator(s) Steadman, Bacon, Boyd, Carroll, Giron, Guzman, Hodge, Hudak, Johnston, Morse, Nicholson, Shaffer B., Tochtrop; also Representative(s) Ferrandino, Duran, Fields, Hullinghorst, Kagan, Kefalas, Labuda, McCann, Pabon, Pace--Concerning tax reporting.

Senator Steadman moved to amend the Report of the Committee of the Whole to show that for SB 11-0184 the following Harvey floor amendment, (L.015), did not pass, the following Cadman floor amendment, (L.021), did not pass, the following Hudak floor amendment, (L.022), did not pass, and the following Newell floor amendment, (L.023), did not pass, and that the following new amendment did pass.

L.015

Amend the Appropriations Committee Report, dated April 7, 2011, page 2, line 18, strike "YEAR AND" and substitute "YEAR,".

Page 2, line 19, strike "YEARS." and substitute "YEARS, AND TO REIMBURSE STATE OFFICERS AND EMPLOYEES FOR THE DIFFERENCE BETWEEN THE ACTUAL MILEAGE ALLOWANCE PURSUANT TO SECTION 24-9-104 (2) (d), C.R.S., AND THE MILEAGE ALLOWANCE THAT WOULD HAVE BEEN ALLOWED IF SENATE BILL 11-220 WAS NOT ENACTED IN 2011.".

Page 2, line 23, strike "YEARS," and substitute "YEARS AND MINUS EIGHT HUNDRED TWENTY-NINE THOUSAND SIX HUNDRED SIXTY-NINE DOLLARS FOR THE REIMBURSEMENT OF STATE OFFICERS AND EMPLOYEES PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2).".

L.021

Amend printed bill, page 6, line 12, strike "FUND." and substitute "FUND;".

Page 6, after line 12 insert:

"(II) OF THE MONEYS REMAINING IN THE FUND AFTER THE TRANSFER SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), AN ADDITIONAL THREE HUNDRED FORTY-NINE THOUSAND THREE HUNDRED THIRTEEN DOLLARS SHALL BE TRANSFERRED TO THE GENERAL FUND FOR APPROPRIATION TO THE OFFICE OF INFORMATION TECHNOLOGY CREATED IN SECTION 24-37.5-103, C.R.S.; AND".

Renumber succeeding subparagraph accordingly.

Page 6, line 13, after "REMAINING" insert "IN THE FUND" and strike "TRANSFER" and substitute "TRANSFERS".

Page 6, line 14, strike "SUBPARAGRAPH (I)" and substitute "SUBPARAGRAPHS (I) AND (II)".

L.022

Amend printed bill, page 6, line 12, strike "FUND." and substitute "FUND;".

Page 6, after line 12 insert:

"(II) OF THE MONEYS REMAINING IN THE FUND AFTER THE TRANSFER SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), AN ADDITIONAL THIRTY THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE GENERAL FUND FOR THE PURPOSE OF INCREASING THE APPROPRIATION TO THE DEPARTMENT OF EDUCATION FOR THE FAMILY LITERACY EDUCATION GRANT PROGRAM, CREATED IN SECTION 22-2-124, C.R.S.; AND".

Renumber succeeding subparagraph accordingly.

Page 6, line 13, after "REMAINING" insert "IN THE FUND" and strike "TRANSFER" and substitute "TRANSFERS".

Page 6, line 14, strike "SUBPARAGRAPH (I)" and substitute "SUBPARAGRAPHS (I) AND (II)".

L.023

Amend printed bill, page 6, line 12, strike "FUND." and substitute "FUND;".

Page 6, after line 12 insert:

"(II) OF THE MONEYS REMAINING IN THE FUND AFTER THE TRANSFER SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), AN ADDITIONAL FIVE HUNDRED THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE GENERAL FUND FOR THE PURPOSE OF INCREASING THE APPROPRIATION TO THE JUDICIAL DEPARTMENT OF EDUCATION FOR GRANTS TO ORGANIZATIONS PROVIDING CIVIL LEGAL SERVICES TO INDIGENT CLIENTS WHO ARE VICTIMS OF FAMILY VIOLENCE AND FOR GRANTS TO COURT-APPOINTED SPECIAL ADVOCATES; AND".

Renumber succeeding subparagraph accordingly.

Page 6, line 13, after "REMAINING" insert "IN THE FUND" and strike "TRANSFER" and substitute "TRANSFERS".

Page 6, line 14, strike "SUBPARAGRAPH (I)" and substitute "SUBPARAGRAPHS (I) AND (II)".

New amendment

Amend printed bill, page 6, line 10, strike "AN" and substitute "ONE MILLION FORTY-THREE THOUSAND NINE HUNDRED SEVENTY-THREE DOLLARS PLUS AN".

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	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

SB11-209

by Senator(s) Hodge, Steadman, Lambert; --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, 2011, except as otherwise noted.

Senators Hodge, Steadman, and Lambert moved to amend the Report of the Committee of the Whole to show that the following Aguilar floor amendment, (Amendment 9 - J.017) to SB 11-209, did not pass.

Amend printed bill, page 97, line 7, in the TOTAL column strike "3,487,165,965" and substitute "3,487,538,965", in the GENERAL FUND column strike "1,002,218,001(M)" and substitute "1,002,404,501(M)", and in the FEDERAL FUNDS column strike "1,717,640,507" and substitute "1,717,827,007".

Page 111, line 7, strike "662,255,863" and substitute "662,628,863" and strike "2,093.15" and substitute "2,094.33".

Page 111, line 11, strike "\$3,487,165,965" and substitute "\$3,487,538,965" and strike "\$5,687.32" and substitute "\$5,687.92".

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	17	NO	18	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

Senators Lambert and Hodge moved to amend the Report of the Committee of the Whole to show that the following Newell, Hudak, and Nicholson floor amendment, (Amendment 11 - J.004) to SB 11-209, did not pass.

Amend printed bill, page 201, line 5, in the ITEM & SUBTOTAL column strike "500,000" and substitute "675,000" and in the GENERAL FUND column strike "283,430" and substitute "458,430".

Adjust affected totals accordingly.

Page 210, line 12, in the ITEM & SUBTOTAL column strike "400,000" and substitute "475,000" and in the GENERAL FUND column strike "400,000" and substitute "475,000".

Adjust affected totals accordingly.

YES	11	NO	24	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	N	Scheffel	Y
Bacon	N	Harvey	N	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	N
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	N
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	N	Roberts	N		

RECONSIDERATION OF SB11-226

SB11-226 by Senator(s) Hodge, Steadman, Lambert; --Concerning the augmentation of the general fund through transfers of certain moneys, and making an appropriation in connection therewith.

Having voted on the prevailing side, Senator Guzman moved for reconsideration of the last Senate action, Amendments to the Report of the Committee of the Whole, on SB11-226.

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

SB11-226 by Senator(s) Hodge, Steadman, Lambert; --Concerning the augmentation of the general fund through transfers of certain moneys, and making an appropriation in connection therewith.

Senators Kopp and Hodge moved to amend the Report of the Committee of the Whole to show that the following Aguilar, Boyd, Nicholson, and Schwartz floor amendment, (L.005) to SB 11-226, did not pass.

Amend printed bill, page 6, before line 6 insert:

"**SECTION 10.** 42-2-114.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:
42-2-114.5. Licensing services cash fund.
(3) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, ON JUNE 30, 2012, THE STATE TREASURER SHALL DEDUCT TWO MILLION DOLLARS FROM THE LICENSING SERVICES CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND."

Renumber succeeding sections 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	17	NO	18	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

SB11-209

by Senator(s) Hodge, Steadman, Lambert; --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, 2011, except as otherwise noted.

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the following Harvey floor amendment, (Amendment 13 - J.013) to SB 11-209, did pass.

Amend printed bill, page 441, line 8, strike "BUDGETS" and substitute "BUDGETS^{52a}".

Page 441, after line 15 insert:

"FOOTNOTES -- The following statement is referenced to the numbered footnotes throughout section 2.

52a All Departments -- It is the intent of the General Assembly that State funds shall not be appropriated to any agency, department, or subdivision of the State, including state colleges and universities, which ban the carrying of concealed handguns by citizens legally permitted to carry concealed handguns pursuant to Section 18-12-214, C.R.S."

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	17	NO	18	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Johnston, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	N	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-216 as amended, SB11-222 as amended, SB11-228, SB11-211, SB11-212 as amended, SB11-226 as amended, SB11-219 as amended, SB11-221 as amended, SB11-213 as amended, SB11-220 as amended, SB11-223, SB11-184 as amended, SB11-230 as amended, SB11-209 as amended, SB11-214.

CONSIDERATION OF RESOLUTIONS

SJR11-009 by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Gerou, Becker, Ferrandino--Concerning the declaration of a state fiscal emergency pursuant to section 21 (7) of article X of the state constitution.

On motion of Senator Lambert, the resolution was read at length. A constitutional two-thirds of all members elected to the Senate having voted in the affirmative, the resolution was **adopted** by the following roll call vote:

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	N	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	N	King K.	Y	Renfroe	Y	President	Y
Grantham	N	King S.	Y	Roberts	Y		

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR11-038 by Senator(s) Hudak and Giron; also Representative(s) Duran and Looper--Concerning the designation of April 12, 2011, as "Equal Pay Day" in Colorado, and, in connection therewith, acknowledging the persisting problem of wage disparity among various groups.

Laid over until Tuesday, April 12, retaining its place on the calendar.

MESSAGE FROM THE GOVERNOR

April 6, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

MESSAGE FROM THE REVISOR OF STATUTES

April 8, 2011

We herewith transmit:

Without comment, as amended, HB11-1024 and 1252.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1069, 1126, 1164, 1169, 1181, 1221, HJR11-1014.

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 8 was laid over until Monday, April 11, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: SB11-195,
HB11-1230, HB11-1198, HB11-1156, HB11-1004, SB11-191, HB11-1080.
General Orders -- Second Reading of Bills: SB11-180, SB11-052, SB11-126,
SB11-168, HB11-1160, HB11-1109, HB11-1268, SB11-060, SB11-194, SB11-193,
SB11-201, SB11-189, SB11-206, SB11-208, SB11-197, HB11-1234, HB11-1182,
HB11-1042, HB11-1071, HB11-1216.
Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024,
SJR11-026, SJR11-032, SJR11-035, SJR11-036, SJR11-037.
Consideration of Memorials: SJM11-001, SJM11-002.
Consideration of House Amendments to Senate Bills: SCR11-001, SB11-062,
SB11-119, SB11-034, SB11-037, SB11-094.
Consideration of Governor's Appointments:
 Member of the Board of Trustees for the Colorado School for the Deaf and the Blind
 Members of the Board of Trustees for Adams State College
 Members of the Colorado Commission on the Aging
Conference Committees to Report: HB11-1258, SB11-165.
Request for Conference Committee: HB11-1209.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, April 11, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

90th Legislative Day Monday, April 11, 2011

Prayer By the chaplain, Father Eustace Sequeira, St. Ignatius Loyola Catholic Church, Denver.

Musical Presentation By Holyoke High School Select Choir, directed by Marcia Dalton.

Call to Order By the President at 10:00 a.m.

Pledge By Senator White.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Nicholson, reading of the Journal of Friday, April 8, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of memorials.

CONSIDERATION OF MEMORIALS

SJM11-001 by Senator(s) Roberts; also Representative(s) Brown--Memorializing former Senator Robert E. DeNier.

On motion of Senator Roberts, the memorial was read at length.

Senate in recess. Senate reconvened.

On motion of Senator Roberts, the memorial was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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

SJR11-026 by Senator(s) Brophy and Giron; also Representative(s) Pace and Becker--Concerning the designation of a portion of Colorado Highway 71 as the "Sergeant Eric Autobee Memorial Highway".

Amendment No. 1(L.001), by Senator Brophy.

Amend printed joint resolution, page 3, line 1, after "Hunt," insert "Corrections U.S.A.".

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Brophy, the resolution, as amended, was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Cadman, Carroll, Foster, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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:

SB11-210 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning the elimination of the supplemental old age pension health and medical care program, and, in connection therewith, providing for the transfer of the fund balance of the supplemental old age pension health and medical care fund to the general fund, authorizing the use of moneys in the tobacco tax cash fund to provide services under medicaid for the medical care of old age pensioners, and making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

SB11-215 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Becker, Gerou, Ferrandino--Concerning a reduction in the general fund portion of the per diem rates paid to nursing facilities for the 2011-12 fiscal year, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

SB11-217 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning a reduction to the juvenile detention bed cap, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

SB11-218

by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning the transfer of moneys from certain cash funds to the state education fund.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

SB11-224

by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning the suspension of annual increases in the percentage of tobacco litigation settlement moneys received by the state that are allocated to the nurse home visitor program, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

SB11-225

by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the short-term innovative health program grant fund, and, in connection therewith, transferring the balance of the grant fund to the general fund at the end of the 2011-12 fiscal year and terminating all existing statutory transfers to the grant fund other than its percentage-based base allocation of tobacco litigation settlement moneys after the 2010-11 fiscal year.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

SB11-229 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning increasing the statutory cap on administrative expenses for the school counselor corps grant program.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

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:

SB11-216 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning the reduction of general fund appropriations for the children's basic health plan by reallocating tobacco-related revenue streams, and, in connection therewith, abolishing the pediatric specialty hospital fund and the supplemental tobacco litigation settlement money account in the pediatric specialty hospital fund, abolishing the comprehensive primary and preventive care fund, abolishing the comprehensive primary and preventive care grant program, and making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

SB11-222 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning transfers of moneys relating to capital construction.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

SB11-228 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the formula by which moneys shall be advanced to a county from the county tax base relief fund in the event that appropriations are insufficient to cover all advancements.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

SB11-211 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning the use of tobacco tax revenue for health-related purposes during a state fiscal emergency, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

SB11-212 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning authority for an additional permissible use of moneys in the hospital provider fee cash fund for state medicaid expenditures to offset state general fund expenditures for the next two fiscal years, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	Y	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

SB11-219 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning moneys appropriated in the 2011-12 fiscal year for health clinics, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	N	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

SB11-221 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Becker, Gerou, Ferrandino--Concerning contributions to pay the unfunded accrued liability of old hire pension plans that are affiliated with the fire and police pension association, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	N	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

SB11-213 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning enrollee cost-sharing for children enrolled in the children's basic health plan, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	Y
Giron	N	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Brophy, Cadman, Grantham, Harvey, King K., King S., Kopp, Lundberg, Renfroe and Scheffel.

SB11-220 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning a reduction in the mileage allowance for the use of a personal motor vehicle for official state business, and making an appropriation therefor.

Laid over until Monday, April 18, retaining its place on the calendar.

SB11-223 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou--Concerning state sales tax revenues retained by a vendor as compensation for expenses incurred by the vendor in the collection and remittance of such tax revenues to the state, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	23	NO	12	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	Y	Heath	N	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	N	White	Y
Foster	N	Johnston	Y	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

SB11-184 by Senator(s) Steadman, Bacon, Boyd, Carroll, Giron, Guzman, Hodge, Hudak, Johnston, Morse, Nicholson, Shaffer B., Tochtrop; also Representative(s) Ferrandino, Duran, Fields, Hullinghorst, Kagan, Kefalas, Labuda, McCann, Pabon, Pace--Concerning tax reporting, and making an appropriation therefor.

A majority of those elected to the Senate having voted in the affirmative, Senator Steadman was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.025), by Senator Steadman.

Amend engrossed bill, page 7, line 4, strike "FORTY-THREE THOUSAND NINE HUNDRED".

Page 7, line 5, strike "SEVENTY-THREE" and substitute "SEVENTY-ONE THOUSAND FOUR HUNDRED SEVENTY-TWO".

The amendment was **passed** on the following roll call vote:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	25	NO	10	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Newell

SB11-226 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the augmentation of the general fund through transfers of certain moneys, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	25	NO	10	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	N	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

SB11-230 by Senator(s) Bacon; also Representative(s) Massey--Concerning the financing of public schools, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	29	NO	6	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	Y	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Harvey, King K., Lundberg and Mitchell.

SB11-209 by Senator(s) Hodge, Steadman, Lambert; --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, 2011, except as otherwise noted.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	N	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

SB11-214 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Becker, Gerou, Ferrandino--Concerning decommissioning Fort Lyon correctional facility.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

MESSAGE FROM THE HOUSE

April 11, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1291.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1005, amended as printed in House Journal, April 8, pages 911-912.
HB11-1217, amended as printed in House Journal, April 8, page 912.
HB11-1279, amended as printed in House Journal, April 8, page 912.
HB11-1281, amended as printed in House Journal, April 8, pages 912-913.
HB11-1195, amended as printed in House Journal, April 8, page 913.
HB11-1278, amended as printed in House Journal, April 8, page 913.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-183, amended as printed in House Journal, April 8, pages 913-914.

The House failed to pass SB11-063 on Third Reading. The bill is returned herewith.

The House has adopted and returns herewith SJM11-001.

The House has adopted and returns herewith SJR11-026.

MESSAGE FROM THE REVISOR OF STATUTES

April 11, 2011

We herewith transmit:

Without comment, HB11-1291.
Without comment, as amended, HB11-1005, 1195, 1217, 1278, 1279, and 1281.
Without comment, as amended, SB11-183.

MESSAGE FROM THE GOVERNOR

April 8, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-008 CONCERNING ALIGNING MEDICAID ELIGIBILITY FOR CHILDREN

Approved April 8, 2011 at 12:00 p.m.

SB11-083 CONCERNING PROVISIONS RELATING TO THE COLORADO PROBATE CODE

Approved April 8, 2011 at 12:03 p.m.

SB11-120 CONCERNING RIGHTS OF CERTAIN CHILDREN IN FOSTER CARE,
AND, IN CONNECTION THEREWITH, ESTABLISHING RIGHTS FOR CHILDREN
IN FOSTER CARE EXCEPT FOR THOSE IN THE CUSTODY OF THE DIVISION OF
YOUTH CORRECTIONS OR A STATE MENTAL HOSPITAL

Approved April 8, 2011 at 12:08 p.m.

SB11-025 CONCERNING ACCOUNTABILITY FOR STATE PROCUREMENT,
AND, IN CONNECTION THEREWITH, ENACTING THE "COLORADO TAXPAYER
EMPOWERMENT ACT OF 2011"

Approved April 8, 2011 at 12:10 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

SENATE SERVICES REPORT

Correctly Printed: SJR11-038.
Correctly Engrossed: SB11-184, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219,
220, 221, 222, 223, 224, 225, 226, 228, 229 and 230; SJR11-009.

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 11 was laid over
until Tuesday, April 12, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: SB11-195,
HB11-1230, HB11-1198, HB11-1156, HB11-1004, SB11-191, HB11-1080.
General Orders -- Second Reading of Bills: SB11-180, SB11-052, SB11-126,
SB11-168, HB11-1160, HB11-1109, HB11-1268, SB11-060, SB11-194, SB11-193,
SB11-201, SB11-189, SB11-206, SB11-208, SB11-197, HB11-1234, HB11-1182,
HB11-1042, HB11-1071, HB11-1216.
Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024,
SJR11-032, SJR11-035, SJR11-036, SJR11-037.
Consideration of Memorials: SJM11-002.
Consideration of House Amendments to Senate Bills: SCR11-001, SB11-062,
SB11-119, SB11-034, SB11-037, SB11-094.
Consideration of Governor's Appointments:
 Member of the Board of Trustees for the Colorado School for the Deaf and the Blind
 Members of the Board of Trustees for Adams State College
 Members of the Colorado Commission on the Aging
 Members of the Colorado State Fair Authority Board of Commissioners
 Members of the Wildlife Commission
Consideration of Conference Committee Reports: HB11-1258.
Conference Committees to Report: SB11-165.

Senate in recess. Senate reconvened.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

SJR11-039 by Senator(s) Grantham, Giron, Scheffel, King K., Schwartz; also Representative(s) Gerou, Pace, Joshi, Lee, Swerdfeger--Concerning support for the establishment of the Pike National Historic Trail.

Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

SB11-235 by Senator(s) Giron; also Representative(s) Pace and Swerdfeger--Concerning methods to reduce the air quality permit application backlog, and, in connection therewith, authorizing the use of nongovernmental air quality modeling engineers for purposes of permit application approvals and prioritizing permit applications based on factors other than the date of filing.

Agriculture, Natural Resources, and Energy

SB11-236 by Senator(s) Tochtrop; --Concerning a requirement that the air quality control commission incorporate into the regional haze element of the state implementation plan public service company of Colorado's emission reduction plan scenario 5B, and, in connection therewith, disapproving the emission reduction plan relating to public service company of Colorado that was incorporated into the regional haze element of the state implementation plan, approving other aspects of the state implementation plan, and postponing the automatic expiration of the portion of the state implementation plan that consists of rules.

State, Veterans & Military Affairs

SB11-237 by Senator(s) Lundberg; --Concerning changes necessary to make the regional haze state implementation plan cost-effective in accordance with Colorado law, and, in connection therewith, disapproving those portions of the regional haze emission element of the state implementation plan that relate to the requirement for emission controls for the Hayden electric generating units; repealing the rules associated with the disapproved portion of the state implementation plan; approving other aspects of the state implementation plan; and postponing the automatic expiration of the rules associated with the approved portion of the state implementation plan.

State, Veterans & Military Affairs

SB11-238 by Senator(s) Nicholson; also Representative(s) Coram and Wilson--Concerning the extension of the annual transfers of federal mineral lease revenues to the wildfire preparedness fund.

Agriculture, Natural Resources, and Energy

HB11-1005 by Representative(s) Sonnenberg and Becker; also Senator(s) Brophy--Concerning the repeal of House Bill 10-1195 regarding a suspension of the exemption from the state sales and use taxes for certain items used in agricultural production, and making an appropriation therefor.

Finance

HB11-1024 by Representative(s) Vigil; also Senator(s) Brophy--Concerning the creation of an agricultural youth license to drive motor vehicles on the roadways, and making an appropriation therefor.

Transportation

HB11-1157 by Representative(s) Casso; also Senator(s) White--Concerning the exemption from the heavy-duty diesel inspection program of heavy-duty diesel vehicles based outside the program area as part of a fleet registered in the program area, and making an appropriation therefor.

Transportation

HB11-1252	by Representative(s) Holbert; also Senator(s) Harvey--Concerning the authority of the secretary of state to request proof of citizenship of any elector whose name appears in the statewide voter registration database who the secretary of state believes is not a citizen of the United States, and making an appropriation therefor. State, Veterans & Military Affairs	1 2 3 4 5 6 7
HB11-1282	by Representative(s) Gardner B., Kerr J., Liston; also Senator(s) Carroll--Concerning the judicial public access system. Judiciary	8 9 10 11 12
HB11-1291	by Representative(s) McNulty; also Senator(s) Morse--Concerning legislative approval of the regional haze element of the state implementation plan, and, in connection therewith, postponing the automatic expiration of the portion of the plan that consists of rules. State, Veterans & Military Affairs	13 14 15 16 17 18 19
.		20
		21
	On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, April 12, 2011.	22 23 24
	Approved:	25 26 27
	Brandon C. Shaffer President of the Senate	28 29 30 31
	Attest:	32 33 34
	Cindi L. Markwell Secretary of the Senate	35 36 37

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

91st Legislative Day Tuesday, April 12, 2011

Prayer By the chaplain, Reverend Philip Anthony Bolen, the Church at Evergreen Gardens, La Junta.

Call to Order By the President at 9:00 a.m.

Pledge By Senator White.

Roll Call Present--32
Excused--3, Boyd, Harvey, Schwartz.
Present later--2, Boyd, Schwartz.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Nicholson, reading of the Journal of Monday, April 11, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

CONSIDERATION OF RESOLUTIONS

SJR11-038 by Senator(s) Hudak and Giron; also Representative(s) Duran and Looper--Concerning the designation of April 12, 2011, as "Equal Pay Day" in Colorado, and, in connection therewith, acknowledging the persisting problem of wage disparity among various groups.

On motion of Senator Giron, the resolution was read at length. On motion of Senator Hudak, the resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	E	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Carroll, Foster, Guzman, Hodge, Jahn, Johnston, King S., Morse, Newell, Nicholson, Schwartz, Steadman, Tochtrop and Williams S.

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--Consent Calendar and Senator Newell was called to the Chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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:

SB11-195 by Senator(s) Brophy; also Representative(s) Sonnenberg--Concerning the residency of a health care provider who verifies a person's disability for purposes of obtaining credentials entitling the person to park a vehicle in spaces reserved for use by persons with disabilities.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, April 1, page 633 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

HB11-1198 by Representative(s) Kerr J.; also Senator(s) Schwartz--Concerning a reorganization of the statutes governing motor carriers, and, in connection therewith, consolidating the former articles 10, 11, 13, 14, and 16 of title 40, Colorado Revised Statutes, into a single article and making substantive and nonsubstantive amendments to provisions granting regulatory authority to the public utilities commission.

Ordered revised and placed on the calendar for third reading and final passage.

HB11-1156 by Representative(s) Becker, Gerou, Ferrandino; also Senator(s) Hodge, Steadman, Lambert--Concerning an extension of conservation district grant funding with severance tax revenues, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 1, page 637 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1004 by Representative(s) Baumgardner; also Senator(s) Harvey--Concerning the registration of a vehicle used for agricultural production, and making an appropriation in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 1, page 638 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

SB11-191 by Senator(s) Bacon; --Concerning enactment of the "Colorado Uniform Limited Cooperative Association Act", and making an appropriation therefor.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 22, page 542-543 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 1, page 638 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

HB11-1080 by Representative(s) Todd; also Senator(s) King S.--Concerning the address confidentiality program, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 1, page 638 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR

On motion of Senator Newell, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	E	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-195 as amended, SB11-191 as amended, HB11-1198, HB11-1156 as amended, HB11-1004 as amended, HB11-1080 as amended.
Laid over to the end of the General Orders -- Second Reading of Bills calendar for April 12: HB11-1230.

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.

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:

SB11-180 by Senator(s) Tochtrop; also Representative(s) Looper--Concerning authority for taxicabs to pick up passengers outside their assigned geographic areas.

Amendment No. 1(L.004), by Senator Tochtrop.

Amend printed bill, page 2, line 12, strike "IN THE CITY AND COUNTY OF".
Page 2, line 13, strike "DENVER" and substitute "WITHIN THE STATE OF COLORADO".

Amendment No. 2(L.005), by Senator Schwartz.

Amend the Tochtrop amendment, No. 1 (L.003), as printed in Senate Journal, April 1, page 619, line 14, strike "DENVER INTERNATIONAL AIRPORT." and substitute "ANY AIRPORT IN THIS STATE.".

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-052 by Senator(s) Heath, Bacon, King K.; also Representative(s) Massey, Ferrandino--Concerning expectations for higher education institutions in Colorado.

Laid over until Wednesday, April 13, retaining its place on the calendar.

SB11-126	by Senator(s) Giron and Johnston, Bacon, Foster, Guzman, Heath, Hodge, Morse, Nicholson, Shaffer B., Steadman, Williams S.; also Representative(s) Miklosi and Williams A., Duran, Fields, Hullinghorst, Levy, Pabon, Solano--Concerning classification as an unsubsidized in-state student for tuition purposes at state institutions of higher education.	1 2 3 4 5
	Laid over until Wednesday, April 13, retaining its place on the calendar.	6 7 8
SB11-168	by Senator(s) Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Johnston, Morse, Nicholson, Steadman, Tochtrop; also Representative(s) Kefalas, Court, Fields, Fischer, Gardner D., Hullinghorst, Jones, Kagan, Levy, McCann, Miklosi, Pace, Solano, Tyler--Concerning the creation of the Colorado health care authority for the purpose of designing a health care cooperative.	9 10 11 12 13 14
	Laid over until Wednesday, April 13, retaining its place on the calendar.	15 16 17
HB11-1160	by Representative(s) Gerou; also Senator(s) Jahn--Concerning the establishment of a green building incentive pilot program administered by the governor's energy office to incentivize the making of energy efficiency improvements to existing residences with current home energy ratings below minimum standards for people who purchase highly efficient new residential construction.	18 19 20 21 22 23
	Laid over until Wednesday, April 13, retaining its place on the calendar.	24 25 26
HB11-1109	by Representative(s) Liston, Balmer, Bradford, DelGrosso, Holbert, Kerr J., Looper, Nikkel, Priola, Ramirez, Schafer S., Stephens; also Senator(s) Giron--Concerning the authority for a local government to create an exemption from local sales tax for the sale of equipment used directly in the provision of telecommunications services.	27 28 29 30 31
	Laid over until Wednesday, April 13, retaining its place on the calendar.	32 33 34
HB11-1268	by Representative(s) Levy; also Senator(s) Nicholson--Concerning penalties for traffic offenses involving alcohol and drugs.	35 36 37
	Laid over until Wednesday, April 13, retaining its place on the calendar.	38 39 40
SB11-060	by Senator(s) Boyd and White; also Representative(s) Gardner B. and Kerr A.--Concerning the alcohol content of alcohol beverages that are available for consumption on a licensed premises.	41 42 43 44
	Laid over until Tuesday, April 19, retaining its place on the calendar.	45 46 47
SB11-194	by Senator(s) Boyd; --Concerning the regulation of alcohol beverages.	48 49
	Laid over until Wednesday, April 13, retaining its place on the calendar.	50 51 52
SB11-193	by Senator(s) Aguilar; also Representative(s) Gardner B. and Kerr J.--Concerning the disclosure of employment information to an employer regarding a person employed to work with a person with a developmental disability, and, in connection therewith, granting immunity from civil liability for the disclosure of information and creating an exception from the prohibition against blacklisting for the disclosure of information.	53 54 55 56 57 58
	<u>Amendment No. 1, Judiciary Committee Amendment.</u> (Printed in Senate Journal, March 31, page 613 and placed in members' bill files.)	59 60 61
	<u>Amendment No. 2(L.005), by Senator Aguilar.</u>	62 63
	Amend printed bill, page 4, line 7, after the period add "CAREGIVER" DOES NOT MEAN A PERSON WHO IS EMPLOYED BY OR WHO HAS CONTRACTED TO WORK WITH A SCHOOL DISTRICT."	64 65 66 67 68
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	69 70 71 72

SB11-201 by Senator(s) Roberts and Carroll; also Representative(s) Barker--Concerning clarifying the elements of the criminal offense of criminal impersonation.

Ordered engrossed and placed on the calendar for third reading and final passage.

SB11-189 by Senator(s) Heath; also Representative(s) Murray--Concerning the adjustment of certain dates related to the administration of elections in order to comply with the federal "Military and Overseas Voter Empowerment (MOVE) Act" but excluding the adjustment of any dates related to voter registration.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.

(Printed in Senate Journal, March 31, pages 613-615 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Heath.

Amend the State, Veterans & Military Affairs Committee Report, dated March 30, 2011, page 2, strike line 24.

Page 2, line 26, strike "SEVENTY-NINTH" and substitute "FIFTY-FIFTH".

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-208 by Senator(s) Schwartz and Hodge, Bacon, Boyd, Brophy, Cadman, Foster, Giron, Grantham, Guzman, Heath, Hudak, Jahn, King S., Kopp, Lambert, Newell, Nicholson, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; also Representative(s) Sonnenberg and Gerou, Acree, Barker, Baumgardner, Becker, Beezley, Bradford, Coram, Ferrandino, Gardner B., Hamner, Holbert, Joshi, Labuda, Looper, Massey, McCann, Miklosi, Murray, Nikkel, Priola, Ramirez, Ryden, Schafer S., Scott, Stephens, Summers, Swalm, Swerdfeger, Waller, Wilson--Concerning the consolidation of wildlife entities with parks and outdoor recreation entities under the department of natural resources.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.

(Printed in Senate Journal, April 1, pages 626-632 and placed in members' bill files.)

Amendment No. 2(L.011), by Senator Schwartz.

Amend the Agriculture, Natural Resources, and Energy Committee Report, dated March 31, 2011, page 2, strike lines 2 through 4 and substitute:

"Page 12, after line 15 insert:

"(4) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), IN PROMULGATING A RULE TO INCREASE OR DECREASE A PARK FEE OR CHARGE UNDER ARTICLES 10 TO 32 OF THIS TITLE, THE BOARD SHALL CONSIDER THE EFFECT THAT THE CHANGE IN THE FEE OR CHARGE WOULD HAVE ON PARK USAGE, THE DEMAND FOR THE SERVICE FOR WHICH THE FEE OR CHARGE IS USED, AND OPPORTUNITIES TO IMPLEMENT DIFFERENTIAL PRICING.

(b) THE BOARD MAY RAISE OR LOWER PARK FEES AND CHARGES DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) IF THE BOARD REASONABLY ANTICIPATES THAT THE TOTAL ANNUAL REVENUES REALIZED FROM SUCH FEES AND CHARGES WILL NOT INCREASE BY MORE THAN TWENTY PERCENT OVER THE AMOUNTS EARNED FROM FEES AND CHARGES AS THEY EXISTED ON JULY 1, 2011."."

Amendment No. 3(L.012), by Senator Schwartz.

Amend printed bill, page 8, line 26, before "VOTE" insert "AFFIRMATIVE".

As amended, laid over until Monday, April 18, retaining its place on the calendar.

(For further action, see amendments to the report of the Committee of the Whole.)

SB11-206	by Senator(s) Boyd; also Representative(s) Holbert--Concerning the exemption of certain noncommercial mortgage-related activities from the "Mortgage Loan Originator Licensing and Mortgage Company Registration Act".	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
	<u>Amendment No. 1(L.004), by Senator Boyd.</u>	20
	Amend printed bill, page 3, after line 6 insert:	21
	"(1.2) "AFFORDABLE HOUSING DWELLING UNIT" MEANS AN AFFORDABLE HOUSING DWELLING UNIT AS DEFINED IN SECTION 29-26-102, C.R.S."	22 23 24 25 26 27 28 29 30 31
	Page 4, strike lines 10 and 11 and substitute "AND WAS".	32
	Page 5, line 9, strike "AN" and substitute "TO THE EXTENT THAT IT IS PROVIDING PROGRAMS BENEFITTING AFFORDABLE HOUSING DWELLING UNITS, AN".	33 34 35 36 37 38 39 40 41 42 43 44 45
	<u>Amendment No. 2(L.003), by Senator Boyd.</u>	46
	Amend printed bill, page 5, line 7, strike "PROTECTION OR" and substitute "PROTECTION,".	47 48 49 50 51 52 53 54 55 56 57
	Page 5, line 8, strike "DEVELOPMENT:" and substitute "DEVELOPMENT, OR, SUBJECT TO THE FEDERAL "SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT OF 2008", 12 U.S.C. SEC. 5101 ET SEQ., AND ANY RULES ADOPTED FROM TIME TO TIME BY THE FEDERAL AGENCIES ADMINISTERING THIS FEDERAL ACT OR THE BOARD:".	58 59 60 61 62 63 64 65 66 67 68 69 70 71 72
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	
SB11-197	by Senator(s) Boyd; also Representative(s) Acree--Concerning the creation of a girl scouts centennial special license plate, and making an appropriation therefor.	36 37 38 39 40 41 42 43 44 45
	<u>Amendment No. 1, Appropriations Committee Amendment.</u>	46
	(Printed in Senate Journal, April 1, pages 636-637 and placed in members' bill files.)	47 48 49 50 51 52 53 54 55 56 57
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	58 59 60 61 62 63 64 65 66 67 68 69 70 71 72
HB11-1234	by Representative(s) Vaad; also Senator(s) Spence and Williams S.--Concerning the creation of a taxicab license plate for motor vehicles authorized to provide taxicab services, and making an appropriation therefor.	46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72
	<u>Amendment No. 1, Transportation Committee Amendment.</u>	46
	(Printed in Senate Journal, March 18, pages 493-494 and placed in members' bill files.)	47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72
	As amended, ordered revised and placed on the calendar for third reading and final passage.	
HB11-1182	by Representative(s) Ferrandino, Becker, Gerou; also Senator(s) Hodge, Steadman, Lambert--Concerning the adjustment of specified vehicle fees credited to special purpose accounts within the highway users tax fund, and making an appropriation therefor.	46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72
	Ordered revised and placed on the calendar for third reading and final passage.	
HB11-1042	by Representative(s) Levy; also Senator(s) Nicholson--Concerning the classification of residential land when the residential improvement is temporarily removed.	46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72
	<u>Amendment No. 1, Local Government Committee Amendment.</u>	46
	(Printed in Senate Journal, March 23, pages 552-553 and placed in members' bill files.)	47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72
	As amended, ordered revised and placed on the calendar for third reading and final passage.	

HB11-1071 by Representative(s) Hamner; also Senator(s) Bacon--Concerning the voluntary contribution designation benefiting the Roundup River Ranch fund that appears on the state individual income tax return forms, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 1, page 638 and placed in members' bill files.)

Amendment No. 2(L.002), by Senator Williams.

Amend reengrossed bill, page 2, after line 1 insert:

"SECTION 1. 39-22-1001, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

39-22-1001. Limitation on the duration of voluntary contribution programs - queue. (7) AS SPECIFIED IN SUBSECTION (6) OF THIS SECTION, NO MORE THAN FIFTEEN VOLUNTARY CONTRIBUTIONS SHALL APPEAR ON COLORADO INCOME TAX RETURN FORMS IN ANY INCOME TAX YEAR. IF THE GENERAL ASSEMBLY, ACTING BY BILL IN ANY YEAR, REQUIRES MORE VOLUNTARY CONTRIBUTIONS TO APPEAR ON THE INCOME TAX RETURN FORM THAN THERE ARE LINES AVAILABLE ON THE FORM, AN EXISTING VOLUNTARY CONTRIBUTION THAT IS RENEWED OR CONTINUED SHALL TAKE PRECEDENCE AND BE PLACED ON THE FORM OVER A VOLUNTARY CONTRIBUTION THAT DOES NOT APPEAR ON THE FORM AND IS NOT BEING RENEWED OR CONTINUED. ANY VOLUNTARY CONTRIBUTION THAT DOES NOT APPEAR ON THE FORM AND IS NOT BEING RENEWED OR CONTINUED BUT DOES NOT TAKE EFFECT PURSUANT TO THIS SUBSECTION (7) SHALL BE PLACED IN THE QUEUE CREATED BY SUBSECTION (8) OF THIS SECTION AND SHALL ONLY BECOME EFFECTIVE IN ANY YEAR IN WHICH THERE IS A LINE AVAILABLE ON THE INCOME TAX RETURN FORM, AS SPECIFIED IN SUBSECTION (8) OF THIS SECTION.

(8) (a) IF THE GENERAL ASSEMBLY, ACTING BY BILL IN ANY YEAR, REQUIRES MORE VOLUNTARY CONTRIBUTIONS TO APPEAR ON THE INCOME TAX RETURN FORM THAN THERE ARE LINES AVAILABLE ON THE FORM, ANY VOLUNTARY CONTRIBUTION THAT IS TO APPEAR ON THE FORM FOR THE FIRST TIME SHALL, NOTWITHSTANDING THE LANGUAGE IN OR THE EFFECTIVE DATE OF THE BILL CREATING THE VOLUNTARY CONTRIBUTION, BE PLACED IN A QUEUE, WHICH QUEUE IS HEREBY CREATED. THE ORDER OF VOLUNTARY CONTRIBUTIONS THAT ARE PLACED IN THE QUEUE SHALL BE DETERMINED BY THE DATE AND TIME ON WHICH THE GOVERNOR SIGNS THE BILL CREATING THE VOLUNTARY CONTRIBUTION, OR AT SUCH TIME THAT THE BILL BECOMES LAW WITHOUT THE GOVERNOR'S SIGNATURE, WITH THE BILL THAT WAS SIGNED OR BECOMES LAW WITHOUT A SIGNATURE FIRST IN TIME BEING FIRST IN THE QUEUE, THE BILL THAT WAS SIGNED OR BECOMES LAW WITHOUT A SIGNATURE NEXT IN TIME BEING SECOND IN THE QUEUE, AND SO ON.

(b) ON NOVEMBER 1 OF EACH YEAR, THE EXECUTIVE DIRECTOR SHALL CERTIFY TO THE REVISOR OF STATUTES THE AMOUNT OF LINES AVAILABLE FOR VOLUNTARY CONTRIBUTIONS ON THE INCOME TAX RETURN FORM FOR THE STATE INCOME TAX YEAR COMMENCING ON JANUARY 1 OF THE FOLLOWING YEAR.

(c) IF A LINE BECOMES AVAILABLE ON THE INCOME TAX RETURN FORM, AND NOTWITHSTANDING THE LANGUAGE IN OR THE EFFECTIVE DATE OF THE BILL CREATING THE VOLUNTARY CONTRIBUTION, THE VOLUNTARY CONTRIBUTION FIRST IN THE QUEUE SHALL APPEAR ON THE FORM FOR THE NUMBER OF CONSECUTIVE TAX YEARS SPECIFIED IN THE PART CREATING THE VOLUNTARY CONTRIBUTION BEGINNING WITH THE TAX YEAR IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE EXECUTIVE DIRECTOR CERTIFIES THAT THERE IS A LINE AVAILABLE AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (8). IF THERE ARE TWO LINES AVAILABLE ON THE FORM, THE VOLUNTARY CONTRIBUTION THAT IS SECOND IN THE QUEUE SHALL APPEAR ON THE FORM FOR THE NUMBER OF CONSECUTIVE TAX YEARS SPECIFIED IN THE PART CREATING THE VOLUNTARY CONTRIBUTION BEGINNING WITH THE TAX YEAR IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE EXECUTIVE DIRECTOR CERTIFIES THAT THERE ARE LINES AVAILABLE AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (8), AND SO ON."

Renumber succeeding sections accordingly.

Page 4, strike lines 5 through 8 and substitute "- **effective date.** FOR THE FIVE CONSECUTIVE INCOME TAX YEARS IMMEDIATELY FOLLOWING THE

YEAR IN WHICH THE EXECUTIVE DIRECTOR FILES WRITTEN CERTIFICATION WITH THE REVISOR OF STATUTES AS SPECIFIED IN SECTION 39-22-1001 (8) THAT A LINE HAS BECOME AVAILABLE AND THE ROUNDUP RIVER RANCH VOLUNTARY CONTRIBUTION IS NEXT IN THE QUEUE, THE COLORADO STATE".

Page 4, strike lines 13 through 18.

Page 5, line 10, strike "FOURTH" and substitute "SIXTH".

Page 5, line 12, strike "39-22-3902 (2)," and substitute "39-22-1001 (8) THAT A LINE HAS BECOME AVAILABLE AND THE ROUNDUP RIVER RANCH VOLUNTARY CONTRIBUTION IS NEXT IN THE QUEUE,".

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1216 by Representative(s) Riesberg and Gerou, Baumgardner, Court, Ferrandino, Kefalas, Looper, Miklosi, Pabon, Soper, McCann; also Senator(s) Aguilar, Bacon, King S., Newell, Tochtrop, Williams S.--Concerning the funding of programs that help persons with disabilities obtain benefits by the sale of uniquely valuable registration numbers for vehicles, and making an appropriation therefor.

Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, March 18, pages 491-493 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 1, pages 638-639 and placed in members' bill files.)

Amendment No. 3(L.013), by Senator Steadman.

Amend the Appropriations Committee Report, dated April 1, 2011, page 1, strike lines 11 through 16.

Strike page 2.

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1138 by Representative(s) Gardner B., Barker, Casso, Waller; also Senator(s) Morse, Bacon, Boyd, Jahn, King S.--Concerning the sex offender management board, and making an appropriation therefor.

Laid over until Wednesday, April 13, retaining its place on the calendar.

HB11-1230 by Representative(s) Duran; also Senator(s) Boyd--Concerning the consolidation of state programs that distribute federal moneys to persons needing assistance in obtaining housing into the division of housing within the department of local affairs, and making an appropriation therefor.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, March 25, page 580 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 1, page 636 and placed in members' bill files.)

Amendment No. 3(L.007), by Senator Boyd.

Amend reengrossed bill, page 5, after line 9 insert:

"(b) BY ENACTING THIS SECTION, THE GENERAL ASSEMBLY INTENDS TO TRANSFER ALL AUTHORITY OVER THE PROGRAMS THAT PROVIDE FINANCIAL HOUSING ASSISTANCE TO PERSONS IN LOW- AND MODERATE INCOME HOUSEHOLDS AND PERSONS WITH DISABILITIES FROM THE DEPARTMENT OF HUMAN SERVICES TO THE DEPARTMENT OF LOCAL AFFAIRS.".

Page 5, line 10, strike "(b)" and substitute "(c)".

Page 6, strike line 6 and substitute "PERSONS WITH DISABILITIES AS DEFINED BY THE "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12102 (2), AND THE OTHER".

Page 6, strike line 8 and substitute "COMMUNITIES STATEWIDE.".

Page 6, line 9, strike "FOR" and substitute "EXCEPT AS MAY BE OTHERWISE REQUIRED BY FEDERAL LAW, FOR".

Page 8, after line 13 insert:

"**SECTION 6.** Part 7 of article 32 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

24-32-723. Office of homeless youth services - creation - function - duties - definitions. [Formerly 26-5.9-101] (1) This article SECTION shall be known and may be cited as the "Colorado Homeless Youth Services Act".

[Formerly 26-5.9-103] (2) As used in this article SECTION, unless the context otherwise requires:

(a) "Entity" means any state agency, any state-operated program, or any private nonprofit or not-for-profit community-based organization.

(b) "Homeless youth" means a CHILD OR youth who is at least ~~fifteen~~ ELEVEN years of age but is ~~younger~~ LESS than twenty-one years of age and who is not imprisoned or otherwise detained pursuant to a federal or state law and who:

(I) Lacks a fixed, regular, and adequate nighttime residence; or

(II) Has a primary nighttime residence that is:

(A) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations; or

(B) A public or private place not designed for, nor ordinarily used as, a regular sleeping accommodation for human beings.

(III) "HOMELESS YOUTH" SHALL NOT INCLUDE ANY INDIVIDUAL IMPRISONED OR OTHERWISE DETAINED PURSUANT TO AN ACT OF CONGRESS OR A STATE LAW.

[Formerly 26-5.9-104] (3) There is hereby created the office of homeless youth services in the state department for the purpose of providing information, coordination, and support services to public and private entities serving the homeless youth of Colorado. The office of homeless youth services shall seek to:

(a) Identify and remove obstacles to the provision of services;

(b) Improve the quality of services provided to homeless youth;

(c) Reduce needless expenditures caused by the provision of overlapping services; and

(d) Identify HOUSING AND SUPPORTIVE SERVICES funding resources available to entities serving homeless youth.

[Formerly 26-5.9-105] (4) (a) In providing the services described in ~~section 26-5.9-104~~ THIS SECTION, the office of homeless youth services is strongly encouraged to work with the executive directors, or their designees, of the departments specified in section 25-20.5-108 (6), C.R.S., as well as the Colorado department of public health and environment, the judicial department, private nonprofit and not-for-profit organizations, appropriate federal departments, and other key stakeholders in the community.

(b) At a minimum, the office of homeless youth services shall have the following duties:

(I) To provide information, coordination, and technical assistance as may be necessary to reduce needless expenditures associated with the provision of overlapping services and to improve the quality of services provided to homeless youth;

(II) To identify both procedural and substantive obstacles to the provision of services and to make recommendations to the entities specified in this section concerning procedural, regulatory, or statutory changes necessary to remove such obstacles;

(III) To obtain information from service providers concerning known services available for the homeless youth population in the state of Colorado and to post such information on a web site on the internet;

(IV) To develop, maintain, and make available a listing of all rights and organizations that may be relevant to the homeless youth

population in the state of Colorado, including but not limited to a listing of legal, educational, and victims' rights and organizations related thereto;
(V) To obtain information concerning known funding sources available for the homeless youth population in the state of Colorado; AND
(VI) To work with entities to identify issues concerning sharing of information in providing services to homeless youth and to facilitate resolution of such information-sharing issues. and
~~(VII) On or before January 15, 2005, and on or before January 15, 2006, to prepare a written report, which shall be made available electronically to the governor and to the general assembly concerning the performance of the office of homeless youth services and whether the office is effectively and efficiently meeting the goals specified in this section.~~
SECTION 7. Repeal of provisions not being relocated in this act. 26-5.9-102, Colorado Revised Statutes, is repealed.
SECTION 8. Repeal of provisions being relocated in this act. 26-5.9-101, 26-5.9-103, 26-5.9-104, and 26-5.9-105, Colorado Revised Statutes, are repealed."

Renumber succeeding sections accordingly.

As amended, ordered revised and placed on the calendar for third reading and final passage.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB11-208 by Senator(s) Schwartz and Hodge, Bacon, Boyd, Brophy, Cadman, Foster, Giron, Grantham, Guzman, Heath, Hudak, Jahn, King S., Kopp, Lambert, Newell, Nicholson, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; also Representative(s) Sonnenberg and Gerou, Acree, Barker, Baumgardner, Becker, Beezley, Bradford, Coram, Ferrandino, Gardner B., Hamner, Holbert, Joshi, Labuda, Looper, Massey, McCann, Miklosi, Murray, Nikkel, Priola, Ramirez, Ryden, Schafer S., Scott, Stephens, Summers, Swalm, Swerdfeger, Waller, Wilson--Concerning the consolidation of wildlife entities with parks and outdoor recreation entities under the department of natural resources.

Senator King K. moved to amend the Report of the Committee of the Whole to show that the following Schwartz floor amendment, (L.011) to SB 11-208, did not pass.

Amend the Agriculture, Natural Resources, and Energy Committee Report, dated March 31, 2011, page 2, strike lines 2 through 4 and substitute:

"Page 12, after line 15 insert:

"(4) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), IN PROMULGATING A RULE TO INCREASE OR DECREASE A PARK FEE OR CHARGE UNDER ARTICLES 10 TO 32 OF THIS TITLE, THE BOARD SHALL CONSIDER THE EFFECT THAT THE CHANGE IN THE FEE OR CHARGE WOULD HAVE ON PARK USAGE, THE DEMAND FOR THE SERVICE FOR WHICH THE FEE OR CHARGE IS USED, AND OPPORTUNITIES TO IMPLEMENT DIFFERENTIAL PRICING.
(b) THE BOARD MAY RAISE OR LOWER PARK FEES AND CHARGES DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) IF THE BOARD REASONABLY ANTICIPATES THAT THE TOTAL ANNUAL REVENUES REALIZED FROM SUCH FEES AND CHARGES WILL NOT INCREASE BY MORE THAN TWENTY PERCENT OVER THE AMOUNTS EARNED FROM FEES AND CHARGES AS THEY EXISTED ON JULY 1, 2011."."

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	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	E	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	E	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-180 as amended, SB11-193 as amended, SB11-201, SB11-189 as amended, SB11-206 as amended, SB11-197 as amended, HB11-1234 as amended, HB11-1182, HB11-1042 as amended, HB11-1071 as amended, HB11-1216 as amended, HB11-1230 as amended.
Laid over until April 13: SB11-052, SB11-126, SB11-168, HB11-1160, HB11-1109, HB11-1268, SB11-194, HB11-1138.
Laid over until April 18: SB11-208 as amended.
Laid over until April 19: SB11-060.

MESSAGE FROM THE GOVERNOR

March 24, 2011

The Honorable Colorado State Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I am filing with the Secretary of State Senate Bill 11-159, "Concerning the distribution of fifty percent of the balance remaining in the limited gaming fund that is allocated to the state general fund or such other fund as the general assembly provides as specified in section 9 (5)(b)(II) of article XVIII of the state constitution, and making an appropriation in connection therewith."
I will neither sign nor veto Senate Bill 11-159. Therefore, this bill will become law at 12:01 a.m. on March 25, 2011. This letter sets forth my reasons for allowing this bill to become law without my signature.

Among other provisions related to gaming, Senate Bill 11-159 also eliminates funding for the Governor's Energy Office. While not fatal to the mission of this office, we believe

restoration of funding from other revenue streams is important for job creation and energy development in Colorado.

My predecessor, Gov. Bill Ritter, working with Democrats and Republicans, created a legacy for Colorado as a global leader in the development of clean energy. Colorado's brand as a leader in the development of the "new energy economy" would be foolish to disregard, and the Governor's Energy Office plays a vital role in supporting it.

As we identify the key investments that will distinguish our economic recovery from other states, leadership on energy issues is a critical part of the equation. Funding the job-creating programs associated with the Governor's Energy Office is essential to delivering on this goal.

Over the next four years, with the support of our entire administration, the Governor's Energy Office intends to promote and facilitate the creation of thousands of new Colorado jobs across the energy industry.

- We must spur technology innovation and local manufacturing of equipment as we continue to advance renewable energy and energy efficiency research, development and manufacturing. This will help Colorado-based companies grow and will attract new companies to the state.
- We will improve enrgy production with an eye toward the exportation of our plentiful energy resources, including finding regional solutions to deliver Colorado electricity and natural gas to Western markets.
- We will work with the state's utilities to align incentives and incorporate new market development and technology improvements.
- We will diversify our transportation fuel supply to include increased use of natural gas, electricity and biofuels, first through pilots, then adoption by state fleets and then by identifying and addressing market barriers.

We appreciate the acknowledgement from legislative leaders that Colorado's energy industry is a priority for our state, and that Senate Bill 11-159 does not represent the final word on the General Assembly's intent for the Governor's Energy Office.

We look forward to a thoughtful discussion about funding to help advance energy development in Colorado. Because we have yet to resolve the question of funding for the Governor's Energy Office, I am allowing Senate Bill 11-159 to become law without my signature.

Sincerely,
(signed)
John W. Hickenlooper
Governor

SENATE SERVICES REPORT

Correctly Printed: SJR11-038.
Correctly Engrossed: SB11-184, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 228, 229 and 230; SJR11-009.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-057.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, April 12 was laid over until Wednesday, April 13, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024, SJR11-032, SJR11-035, SJR11-036, SJR11-037, SJR11-039.

Consideration of Memorials: SJM11-002.

Consideration of House Amendments to Senate Bills: SCR11-001, SB11-062, SB11-119, SB11-034, SB11-037, SB11-094, SB11-183.

Consideration of Governor's Appointments:

Members of the Board of Trustees for the Colorado School for the Deaf and the Blind

Members of the Board of Trustees for Adams State College

Members of the Colorado Commission on the Aging

Members of the Colorado State Fair Authority Board of Commissioners

Members of the Wildlife Commission

Members of the State Board for Community Colleges and Occupational Education

Member of the Colorado Commission on Higher Education

Members of the Medical Services Board

Member of the CoverColorado Board of Directors

Consideration of Conference Committee Reports: HB11-1258.

Conference Committees to Report: SB11-165, HB11-1209.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, April 13, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

92nd Legislative DayWednesday, April 13, 2011

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator White.

Roll Call Present--31
Absent--2, King K., Schwartz.
Excused--2, Mitchell, Scheffel.
Present later--4, King K., Mitchell, Scheffel, Schwartz.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Nicholson, reading of the Journal of Tuesday, April 12, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

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:

SB11-195 by Senator(s) Brophy; also Representative(s) Sonnenberg--Concerning the residency of a health care provider who verifies a person's disability for purposes of obtaining credentials entitling the person to park a vehicle in spaces reserved for use by persons with disabilities.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	E
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	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.

HB11-1198 by Representative(s) Kerr J.; also Senator(s) Schwartz--Concerning a reorganization of the statutes governing motor carriers, and, in connection therewith, consolidating the former articles 10, 11, 13, 14, and 16 of title 40, Colorado Revised Statutes, into a single article and making substantive and nonsubstantive amendments to provisions granting regulatory authority to the public utilities commission.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	E
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

HB11-1156 by Representative(s) Becker, Gerou, Ferrandino; also Senator(s) Hodge, Steadman, Lambert--Concerning an extension of conservation district grant funding with severance tax revenues, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	E
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

HB11-1004 by Representative(s) Baumgardner; also Senator(s) Harvey--Concerning the registration of a vehicle used for agricultural production, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	E
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Lambert and Lundberg.

SB11-191 by Senator(s) Bacon; also Representative(s) Gardner B. and Levy--Concerning enactment of the "Colorado Uniform Limited Cooperative Association Act", and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	E
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Johnston and Newell.

HB11-1080 by Representative(s) Todd; also Senator(s) King S.--Concerning the address confidentiality program, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	E
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Guzman, Heath, Jahn, Lambert, Newell, Nicholson and Steadman.

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:

SB11-180 by Senator(s) Tochtrop; also Representative(s) Looper--Concerning authority for taxicabs to pick up passengers outside their assigned geographic areas.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Brophy, Cadman, Foster, Guzman, Jahn, King S., Kopp, Lundberg, White and Williams S.

SB11-193 by Senator(s) Aguilar; also Representative(s) Gardner B. and Kerr J.--Concerning the disclosure of employment information to an employer regarding a person employed to work with a person with a developmental disability, and, in connection therewith, granting immunity from civil liability for the disclosure of information and creating an exception from the prohibition against blacklisting for the disclosure of information.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Foster, Giron, Guzman, Heath, Hudak, King S., Morse, Newell, Nicholson, Schwartz and Williams S.

SB11-201 by Senator(s) Roberts and Carroll; also Representative(s) Barker--Concerning clarifying the elements of the criminal offense of criminal impersonation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Jahn, King S., Newell, Nicholson and Williams S.

SB11-189 by Senator(s) Heath; also Representative(s) Murray--Concerning the adjustment of certain dates related to the administration of elections in order to comply with the federal "Military and Overseas Voter Empowerment (MOVE) Act" but excluding the adjustment of any dates related to voter registration.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	2	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	N	Morse	Y	Tochtrop	N
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Bacon, Grantham, Harvey, Jahn, King K., King S., Lambert, Lundberg, Spence and Williams S.

SB11-206 by Senator(s) Boyd; also Representative(s) Holbert--Concerning the exemption of certain noncommercial mortgage-related activities from the "Mortgage Loan Originator Licensing and Mortgage Company Registration Act".

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	1	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	N	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Foster, Guzman, Lundberg and White.

SB11-197 by Senator(s) Boyd; also Representative(s) Acree--Concerning the creation of a girl scouts centennial special license plate, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	2	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Foster, Heath, Hudak, Johnston, Lambert, Morse, Newell, Schwartz and Tochtrop.

HB11-1234 by Representative(s) Vaad; also Senator(s) Spence and Williams S.--Concerning the creation of a taxicab license plate for motor vehicles authorized to provide taxicab services, and making an appropriation therefor.

Laid over until Thursday, April 14, retaining its place on the calendar.

HB11-1182 by Representative(s) Ferrandino, Becker, Gerou; also Senator(s) Hodge, Steadman, Lambert--Concerning the adjustment of specified vehicle fees credited to special purpose accounts within the highway users tax fund, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	26	NO	9	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	Y	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

HB11-1042 by Representative(s) Levy; also Senator(s) Nicholson--Concerning the classification of residential land when the residential improvement is temporarily removed.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Boyd, Foster, Giron, Grantham, Guzman, Heath, Lambert, Lundberg, Newell, Roberts, Shaffer B., White and Williams S.

HB11-1071 by Representative(s) Hamner; also Senator(s) Bacon--Concerning the voluntary contribution designation benefiting the Roundup River Ranch fund that appears on the state individual income tax return forms, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Hudak, King S., Newell, Tochtrop, White and Williams S.

HB11-1216 by Representative(s) Riesberg and Gerou, Baumgardner, Court, Ferrandino, Kefalas, Looper, Miklosi, Pabon, Soper, McCann; also Senator(s) Aguilar, Bacon, King S., Newell, Tochtrop, Williams S.--Concerning the funding of programs that help persons with disabilities obtain benefits by the sale of uniquely valuable registration numbers for vehicles, and making an appropriation therefor.

Laid over until Thursday, April 14, retaining its place on the calendar.

HB11-1230 by Representative(s) Duran; also Senator(s) Boyd--Concerning the consolidation of state programs that distribute federal moneys to persons needing assistance in obtaining housing into the division of housing within the department of local affairs, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Foster, Giron, Hodge, Hudak, Jahn, Nicholson, Schwartz, Steadman, Tochtrop and Williams S.

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 House amendments to Senate bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-062 by Senator(s) Cadman; also Representative(s) Murray--Concerning the administrative duties of the office of information technology.

Senator Cadman moved that the Senate concur in House amendments to **SB11-062**, as printed in House journal, March 29, page 787. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB11-119 by Senator(s) Guzman; also Representative(s) Pabon--Concerning procedures governing the appeal of a valuation of income-producing commercial real property.

Senator Guzman moved that the Senate concur in House amendments to **SB11-119**, as printed in House journal, March 29, page 787. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB11-034 by Senator(s) Nicholson; also Representative(s) Summers--Concerning requiring an educator who provides services through the women, infants, and children program to report child abuse or neglect.

Senator Nicholson moved that the Senate concur in House amendments to **SB11-034**, as printed in House journal, March 15, page 644. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	26	NO	9	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsors added: Foster, Hodge and King S.

SB11-037 by Senator(s) Heath; also Representative(s) Kerr J.--Concerning the creation of a world war II special license plate, and making an appropriation therefor.

Senator Heath moved that the Senate concur in House amendments to **SB11-037**, as printed in House journal, April 5, page 866. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsor added: White

SB11-094 by Senator(s) Boyd, Aguilar, Carroll, Foster, Newell, White; also Representative(s) Summers--Concerning the continuation of the state board of optometric examiners, and, in connection therewith, changing the name of the board, implementing the sunset review recommendations of the department of regulatory agencies, and making an appropriation.

Senator Boyd moved that the Senate concur in House amendments to **SB11-094**, as printed in House journal, April 5, pages 866-867. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsor added: Nicholson

SB11-183 by Senator(s) Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Lundberg, Nicholson, Steadman, Tochtrop, Williams S.; also Representative(s) Gardner B. and Looper, Gardner D., Kagan, Kefalas, Lee, Levy, Miklosi, Ryden, Tyler--Concerning mandating representation by persons with disabilities on certain state boards.

Senator Aguilar moved that the Senate concur in House amendments to **SB11-183**, as printed in House journal, April 8, pages 913-914. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsor added: Mitchell

MESSAGE FROM THE HOUSE

April 12, 2011

Mr. President:

The House has adopted and returns herewith SJR11-038.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF TRUSTEES FOR THE COLORADO
SCHOOL FOR THE DEAF AND THE BLIND

for a terms expiring July 1, 2014:

Carolena Guiral Steen of Colorado Springs, Colorado, a Democrat, reappointed;

Kay A. Ferrell of Greeley, Colorado, a Democrat, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF TRUSTEES FOR
ADAMS STATE COLLEGE

for terms expiring December 31, 2014:

Liane "Buffie" McFadyen of Pueblo West, Colorado, a Democrat, appointed;

Timothy L. Walters of Alamosa, Colorado, a Republican, reappointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Boyd, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO COMMISSION ON THE AGING

for a term expiring July 1, 2012:

Ruth E. Long of Fort Collins, Colorado, to fill the vacancy occasioned by the resignation of Mark N. Shelton of Fort Collins, Colorado, and to serve as a representative from the Fourth Congressional District and as a Democrat, appointed.

for terms expiring July 1, 2014:

Vivian Stovall of Denver, Colorado, to serve as a Democrat from Congressional District 1, reappointed;

Leanne Jo Abdnor of Boulder, Colorado, to serve as a representative from the Second Congressional District and as a Republican, appointed.

Linda K. Sanden of Colorado Springs, Colorado, to serve as a Republican from Congressional District 5, reappointed;

Russell H. DenBraber of Littleton, Colorado, to serve as a Republican from Congressional District 6, reappointed;

for a term expiring when no longer a legislator:

Senator Lucia Guzman of Denver, Colorado, to serve as a representative of the Colorado State Senate, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Schwartz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO STATE FAIR AUTHORITY
BOARD OF COMMISSIONERS

for terms expiring November 1, 2014:

Paul Bernklau of Rifle, Colorado, a Republican from the 3rd Congressional District, who resides on the western slope of the state, reappointed;

Edward B. Cordes of Littleton, Colorado, a Republican from the 6th Congressional District, reappointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Schwartz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
WILDLIFE COMMISSION

for terms expiring March 1, 2015:

Honorable Robert D. Wingfield of Vernon, Colorado, to serve as a county commissioner, as a member from Wildlife District 3, and as a Democrat, reappointed;

Gaspar F. Perricone of Denver, Colorado, to serve as a representative of sportsmen or outfitters and to serve as a member from Wildlife District 1, and as a Democrat, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
STATE BOARD FOR COMMUNITY COLLEGES
AND OCCUPATIONAL EDUCATION

for terms expiring December 31, 2014:

John U. Trefny from Golden, Colorado, to serve as an Unaffiliated from the Seventh Congressional District, reappointed;

James M. Johnson from Colorado Springs, Colorado, to serve as a Republican from the Fifth Congressional District, appointed.

Kenneth C. Weil, a Democrat from the First Congressional District, to fill the vacancy occasioned by the resignation of Anthony L. Leffert, Denver, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Bacon, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
COLORADO COMMISSION ON HIGHER EDUCATION

for a term expiring July 1, 2012:

Richard C. Kaufman of Centennial, Colorado, a resident of the 6th Congressional District and a Democrat, to fill the vacancy occasioned by the resignation of Michael D. Plachy of Centennial, Colorado, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Boyd, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
MEDICAL SERVICES BOARD

for a term expiring July 1, 2015:

J. Michael Stahl of Grand Junction, Colorado, an Unaffiliated from the 3rd Congressional District with knowledge of the delivery of health care, to fill the vacancy occasioned by the resignation of Byron A. Geer of Colorado Springs, Colorado, appointed;

for a term expiring July 1, 2012:

Brenda T. LaCombe of Pueblo, Colorado, a Democrat from the 3rd Congressional District with knowledge of medical assistance programs, to fill the vacancy occasioned by the resignation of Mary A. "Sally" Schaefer of Grand Junction, Colorado, appointed;

for terms expiring July 1, 2014:

Alan I. Eisenberg of Denver, Colorado, a Democrat from the 1st Congressional District with knowledge of medical assistance programs, reappointed;

Richard D. Markley of Morrison, Colorado, a Republican from the 6th Congressional District with knowledge of medical assistance programs, reappointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Boyd, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
COVERCOLORADO BOARD OF DIRECTORS

for a term expiring July 1, 2011:

Gary S. Carlson of Castle Rock, Colorado, representing individuals who are currently insured under the program, to fill the vacancy occasioned by the resignation of Jayne R. Howard of Columbine Valley, Colorado, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB11-1258 by Representative(s) Baumgardner, Casso, Court, Lee, Liston, Miklosi, Ryden, Schafer S.; also Senator(s) Newell, Foster, King S.--Concerning forensic autopsies.

Senator Newell moved for the adoption of the first report of the first conference committee on **HB11-1258**, as printed in Senate journal, April 8, page 664.

Call of the Senate.

Call raised.

The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	23	NO	12	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SENATE SERVICES REPORT

Correctly Engrossed: SB11-180, 189, 191, 193, 195, 197, 201 and 206; SJR11-038.
Correctly Revised: HB11-1004, 1042, 1071, 1080, 1156, 1182, 1198, 1216, 1230 and 1234.
Correctly Enrolled: SJM11-001; SJR11-026, 034 and 038.

COMMITTEE OF REFERENCE REPORTS

- Judiciary After consideration on the merits, the Committee recommends that **HB11-1267** be referred to the Committee of the Whole with favorable recommendation.
- Trans-
portation After consideration on the merits, the Committee recommends that **HB11-1163** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.
- Amend reengrossed bill, page 3, line 27, strike "COLORADO STATE PATROL," and substitute "DEPARTMENT OF TRANSPORTATION,".
- Trans-
portation After consideration on the merits, the Committee recommends that **HB11-1251** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.
- Finance After consideration on the merits, the Committee recommends that **HB11-1237** be referred to the Committee on Appropriations with favorable recommendation.
- Finance After consideration on the merits, the Committee recommends that **SB11-192** be referred to the Committee on Appropriations with favorable recommendation.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, April 13 was laid over until Thursday, April 14, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB11-052, SB11-126, SB11-168, HB11-1160, HB11-1109, HB11-1268, SB11-194, HB11-1138.
Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024, SJR11-032, SJR11-035, SJR11-036, SJR11-037, SJR11-039.
Consideration of Memorials: SJM11-002.
Consideration of House Amendments to Senate Bills: SCR11-001.
Conference Committees to Report: SB11-165, HB11-1209.

TRIBUTES

Honoring:

Col. Edward D. Phelka -Commander Civil Air Patrol -- by Senator Lambert.
Trish and Mark Johnson - 48th Wedding Anniversary -- by Senator Shaffer.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, April 14, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

93rd Legislative Day Thursday, April 14, 2011

Prayer By the chaplain, Dr. Michael Dent, Trinity United Methodist Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator White.

Roll Call Present--32
Excused--3, Bacon, Kopp, Mitchell.
Present later--2, Bacon, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Nicholson, reading of the Journal of Wednesday, April 13, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

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:

HB11-1234 by Representative(s) Vaad; also Senator(s) Spence and Williams S.--Concerning the creation of a taxicab license plate for motor vehicles authorized to provide taxicab services, and making an appropriation therefor.

A majority of those elected to the Senate having voted in the affirmative, Senator Harvey was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.004), by Senator Harvey.

Amend revised bill, page 3, line 17, after the period add "THE DEPARTMENT SHALL NOT ISSUE MORE THAN TEN LICENSE PLATES BEYOND THE NUMBER OF MOTOR VEHICLES THE PERSON IS AUTHORIZED BY THE PUBLIC UTILITIES COMMISSION TO USE.".

The amendment was lost on the following roll call vote:

YES	7	NO	27	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Kopp	E	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	N
Brophy	N	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	N
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	N	Renfroe	N	President	N
Grantham	Y	King S.	N	Roberts	N		

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	1	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

HB11-1216 by Representative(s) Riesberg and Gerou, Baumgardner, Court, Ferrandino, Kefalas, Looper, Miklosi, Pabon, Soper, McCann; also Senator(s) Aguilar, Bacon, King S., Newell, Tochtrop, Williams S.--Concerning the funding of programs that help persons with disabilities obtain benefits by the sale of uniquely valuable registration numbers for vehicles, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	28	NO	6	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	N	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Giron, Guzman, Hudak, Morse, Nicholson, Spence and Steadman.

MESSAGE FROM THE HOUSE

April 13, 2011

Mr. President:

The House has adopted and transmits herewith HJR11-1015.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR11-1015 by Representative(s) Nikkel and McCann; also Senator(s) Newell and White--Concerning recognition of the month of April as Child Abuse Prevention Month.

On motion of Senator Newell, the resolution was read at length and **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop and Williams S.

INTRODUCTION OF MEMORIALS

The following memorials were read by title and referred to the committees indicated:

- SJM11-003

by Senator(s) Boyd; also Representative(s) Summers--Memorializing Congress to designate pseudoephedrine and ephedrine as prescription-only drugs.
Laid over one day under Senate Rule 30(d).
- SJM11-004

by Senator(s) Brophy, Carroll; also Representative(s) Solano and Massey, Sonnenberg, Kagan, Miklosi--Memorializing Congress to repeal the provisions of the federal "No Child Left Behind Act of 2001" when reauthorizing the federal "Elementary and Secondary Education Act of 1965".
Education

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

- SB11-239

by Senator(s) Newell; also Representative(s) Swerdfeger--Concerning the repeal of a requirement that the division of local government annually report about information related to incorporated municipalities to the clerk of each incorporated municipality.
Local Government
- SB11-240

by Senator(s) Hudak, Bacon, Schwartz; also Representative(s) Murray--Concerning the implementation of sunset review of the regulation of private occupational schools, and, in connection therewith, requiring the department of regulatory agencies to review the functions of the private occupational school division and the private occupational school board and scheduling a future repeal of the laws related to regulation of private occupational schools.
Education
- HB11-1195

by Representative(s) Gardner B., Ryden; also Senator(s) Newell--Concerning the voluntary licensure of private investigators, and making an appropriation therefor.
Judiciary
- HB11-1217

by Representative(s) Acree, Joshi, Kerr A., Stephens, Summers; also Senator(s) Boyd, Roberts--Concerning measures to expand access to health care throughout the state.
Health and Human Services
- HB11-1278

by Representative(s) Gardner B.; also Senator(s) Morse--Concerning sex offender registration.
Judiciary

- HB11-1279

by Representative(s) Sonnenberg and Becker; also Senator(s) Hodge--Concerning permits for excess size and weight vehicles.
Transportation

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- HB11-1281

by Representative(s) Joshi; also Senator(s) Boyd--Concerning health care professional loan forgiveness programs administered by the primary care office in the department of public health and environment, and making an appropriation therefor.
Health and Human Services

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MESSAGE FROM THE GOVERNOR

April 13, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-007 CONCERNING THE RESPONSIBILITY FOR THE PROSECUTION OF A PERSON WHO IS CHARGED WITH FAILURE TO REGISTER AS A SEX OFFENDER

Approved April 13, 2011 at 11:02 a.m.

SB11-081 CONCERNING THE VOLUNTARY CONTRIBUTION DESIGNATION BENEFITING THE 9HEALTH FAIR FUND THAT APPEARS ON THE STATE INDIVIDUAL INCOME TAX RETURN FORMS, AND, IN CONNECTION THEREWITH, EXTENDING THE PERIOD FOR THE CONTRIBUTION DESIGNATION

Approved April 13, 2011 at 11:05 a.m.

SB11-082 CONCERNING THE AUTHORITY OF THE STATE AUDITOR TO CONDUCT AUDITS OF SECURITY SYSTEMS USED FOR INFORMATION TECHNOLOGY OPERATED BY THE STATE

Approved April 13, 2011 at 11:08 a.m.

SB11-084 CONCERNING THE EMPLOYMENT OF PHYSICIANS AT LONG-TERM CARE FACILITIES

Approved April 13, 2011 at 11:13 a.m.

SB11-110 CONCERNING A REQUIREMENT THAT CERTAIN BOARDS OF COUNTY COMMISSIONERS DEVELOP AN OPEN BURNING PERMIT SYSTEM FOR THE PURPOSE OF SAFELY DISPOSING OF SLASH

Approved April 13, 2011 at 11:10 a.m.

SB11-115 CONCERNING THE AUTHORITY OF THE STATE AUDITOR TO AUDIT STATE GOVERNMENTAL ENTITIES

Approved April 13, 2011 at 11:14 a.m.

SB11-175 CONCERNING ENACTMENT OF THE INSURABLE INTEREST
AMENDMENTS TO THE UNIFORM TRUST CODE

Approved April 13, 2011 at 11:15 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

SENATE SERVICES REPORT

Correctly Reengrossed: SB11-180, 189, 191, 193, 195, 197, 201 and 206.
Correctly Rerevised: HB11-1004, 1042, 1071, 1080, 1156, 1182, 1198 and 1230.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1185.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Wednesday, April 13, 2011, at 3:56 p.m.: SB11-057.

COMMITTEE OF REFERENCE REPORTS

Local
Government

After consideration on the merits, the Committee recommends that **HB11-1116** be postponed indefinitely.

Local
Government

After consideration on the merits, the Committee recommends that **HB11-1196** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, after line 10 insert:

"SECTION 3. 19-1-116 (1.5) and (2) (b) (I), Colorado Revised Statutes, are amended to read:

19-1-116. Funding - alternatives to placement out of the home - services to prevent continued involvement in child welfare system.

(1.5) No later than July 1, 1994, each county in the state shall assure access to alternatives to out-of-home placements for families with children at imminent risk of out-of-home placements. BEGINNING SEPTEMBER 1, 2011, A COUNTY MAY ALSO PROVIDE ACCESS FOR FAMILIES TO ALTERNATIVE SERVICES TO PREVENT CONTINUED INVOLVEMENT WITH THE COUNTY DEPARTMENT CHILD WELFARE SYSTEM. Two or more counties may jointly provide or purchase alternative services to families in the respective counties. Such services shall either be provided for under the plan adopted by placement alternative commissions in accordance with paragraph (b) of subsection (2) of this section or purchased by the county if such county does not have a placement alternative commission for the county. If a county purchases alternative services, the county shall ensure that the services purchased meet the goals of placement alternative commission plans, as described in subparagraph (I) of paragraph (b) of subsection (2) of this section.

	(2) (b) (I) On or before July 1, 1994, the commission, if established, shall annually prepare a plan for the provision of services. The primary goals under the plan shall be to prevent imminent placement of children out of the home and to reunite children who have been placed out of the home with their families. IF A COUNTY PROVIDES SERVICES TO CHILDREN WHO, WITHOUT INTERVENTION, RISK CONTINUED INVOLVEMENT WITH THE CHILD WELFARE SYSTEM, THE COUNTY SHALL INCLUDE IN THE PLAN THE GOALS TO BE ACHIEVED BY PROVIDING SAID SERVICES. The plan shall be prepared using all available sources of information in the community, including public hearings. The plan shall specify the nature of the expenditures to be made and shall identify the services which are intended to prevent or minimize placement out of the home and to what extent. The plan shall contain, whenever practicable, a vocational component to provide assistance to older children concerning a transition into the work force upon completion of school. Upon approval of the plan by the county commissioners, the counties shall submit the plan to the department of human services.".	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18
	Renumber succeeding sections accordingly.	19
	Page 4, line 4, strike "THE" and substitute "BEGINNING WITH THE 2012-13 STATE FISCAL YEAR, THE".	20 21 22 23 24
Agriculture, Natural Resources, and Energy	After consideration on the merits, the Committee recommends that HB11-1286 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	25 26 27 28 29
Agriculture, Natural Resources, and Energy	After consideration on the merits, the Committee recommends that HB11-1274 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	30 31 32 33 34 35
Judiciary	The Committee on <u>Judiciary</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	36 37 38 39
	MEMBERS OF THE JUVENILE PAROLE BOARD	40 41 42 43 44
	for terms expiring at the pleasure of the Governor:	45 46
	Paula Ramaekers-Mattas of Grand Junction, Colorado, to fill the vacancy occasioned by the resignation of Mary Beth Buescher of Grand Junction, Colorado, and to serve as a public at-large member from the Western Slope, appointed;	47 48 49 50
	Charles F. Garcia of Denver, Colorado, to fill the vacancy occasioned by Allison A. Brittsan of Denver, Colorado, and to serve as a public member, appointed;	51 52 53
	Carmen Q. Nelson of Denver, Colorado, to fill the vacancy occasioned by the resignation of Suzanne S. Ageton of Boulder, Colorado, and to serve as a public member, appointed.	54 55
	James A. Known of Thornton, Colorado, to fill the vacancy occasioned by the resignation of Dean J. Conder of Denver, Colorado, and to serve as a representative from the Colorado Department of Labor and Employment, appointed.	56 57 58 59
Judiciary	After consideration on the merits, the Committee recommends that SB11-166 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	60 61 62 63 64
	Amend printed bill, page 5, after line 10 insert:	65 66
	"(7) NO PERSON OBLIGATED TO DISTRIBUTE AN INTEREST DISCLAIMED UNDER THIS PART 12 SHALL BE LIABLE TO ANY PERSON FOR DISTRIBUTING THE INTEREST AS IF THE INTEREST WERE NOT DISCLAIMED	67 68 69

UNLESS THE PERSON OBLIGATED TO DISTRIBUTE THE INTEREST RECEIVES A COPY OF THE DISCLAIMER PRIOR TO DISTRIBUTING THE INTEREST."

Page 15, after line 15 insert:

"(7) NOTWITHSTANDING ANY OTHER PROVISION IN THIS PART 12, THIS PART 12 SHALL NOT MODIFY THE CONSTRUCTION OF LAW OR APPLICATION OF LAW WITH RESPECT TO:

(a) A DISQUALIFICATION OF MEDICAL ASSISTANCE BENEFITS UNDER TITLE 25.5, C.R.S., TO A DISCLAIMANT WHO IS OR WAS AN APPLICANT FOR OR RECIPIENT OF SUCH BENEFITS; OR

(b) A RECOVERY FROM THE ESTATE OF A DECEASED RECIPIENT OF SUCH MEDICAL ASSISTANCE BENEFITS."

Page 16, after line 24 insert:

"SECTION 2. Repeal. 15-11-801, Colorado Revised Statutes, is repealed.

SECTION 3. 11-50-119 (1), Colorado Revised Statutes, is amended to read:

11-50-119. Renunciation, resignation, death, or removal of custodian - designation of successor custodian. (1) A person nominated under section 11-50-104 or designated under section 11-50-110 as custodian may decline to serve by delivering a valid disclaimer in the form provided in section 15-11-801 15-11-1212, C.R.S., to the person who made the nomination or to the transferor or the transferor's legal representative. If the event giving rise to a transfer has not occurred and no substitute custodian able, willing, and eligible to serve was nominated under section 11-50-104, the person who made the nomination may nominate a substitute custodian under section 11-50-104; otherwise the transferor or the transferor's legal representative shall designate a substitute custodian at the time of the transfer, in either case from among the persons eligible to serve as custodian for that kind of property under section 11-50-110 (1). The custodian so designated has the rights of a successor custodian."

Renumber succeeding section accordingly.

Health & Human Services After consideration on the merits, the Committee recommends that SB11-227 be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that SB11-231 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Education After consideration on the merits, the Committee recommends that SB11-001 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. Legislative declaration. (1) The general assembly finds that:

(a) In difficult economic times, the general assembly must be exceptionally vigilant in prioritizing the appropriation of public moneys to fund those services that most directly influence the success of the state and its citizens;

(b) Of all of the services provided by state and local government, public education exercises the most widespread, direct influence on the citizens of the state, ensuring them a wider range of opportunities and a greater likelihood of economic success;

(c) In providing a well-educated citizenry, a well-funded, effective public education system also increases the likelihood that the state will

enjoy a strong economy that attracts investment by businesses and industries that further improve the standard of living for the people of the state; and

(d) During periods of budgetary reductions, it is crucial that the state maintains funding for public education to the greatest extent possible. In considering funding for services and programs other than education, the general assembly should specifically balance the necessity of funding that service or program against the necessity of funding the state's public education system.

(2) The general assembly finds, therefore, that it is in the best interests of the state to appropriate to the state public school fund created in section 22-54-114, Colorado Revised Statutes, and to the state education fund created in section 17(4) of article IX of the state constitution the amount of the general fund surplus that exceeds the amount required for reserves for the 2010-11 fiscal year and any additional amount that the general assembly finds would be most appropriately spent to enhance the public education system in the state.

SECTION 2. 24-75-201.1 (1) (d) (XI.5), Colorado Revised Statutes, as amended by Senate Bill 11-156, is amended to read:

24-75-201.1. Restriction on state appropriations - legislative declaration - negative factor reduction cash fund - definitions - repeal. (1) (d) Except as otherwise provided in paragraph (e) of this subsection (1), for each fiscal year, unrestricted general fund year-end balances shall be retained as a reserve in the following amounts:

(XI.5) For the fiscal year 2010-11, two and three-tenths percent of the amount appropriated for expenditure from the general fund for that fiscal year. The additional amount of general fund moneys made available for appropriation by the reduction in the required reserve from four percent to two and three-tenths percent may be appropriated during the fiscal year 2010-11 for any lawful purpose. Notwithstanding any provision of law to the contrary, the state treasurer shall transfer the general fund surplus designated in accordance with section 24-75-201 (1) for the fiscal year 2010-11, less the applicable amount of reserve required pursuant to this subparagraph (XI.5), to the STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114, C.R.S., AND TO THE state education fund created in section 17 (4) of article IX of the state constitution. ~~Such transfer shall be made~~ ON JULY 1, 2011, THE STATE TREASURER SHALL TRANSFER AN AMOUNT EQUAL TO TWENTY-FIVE PERCENT OF THE ESTIMATED TOTAL AMOUNT REQUIRED TO BE TRANSFERRED PURSUANT TO THIS SUBPARAGRAPH (XI.5) TO THE STATE PUBLIC SCHOOL FUND. THE AMOUNT TRANSFERRED SHALL BE BASED ON THE ESTIMATE OF GENERAL FUND REVENUES PREPARED BY THE OFFICE OF STATE PLANNING AND BUDGETING IN JUNE 2011. On the date on which the state controller publishes the comprehensive annual financial report of the state for the fiscal year 2010-11, THE STATE TREASURER SHALL TRANSFER THE REMAINDER OF THE AMOUNT REQUIRED TO BE TRANSFERRED PURSUANT TO THIS SUBPARAGRAPH (XI.5) TO THE STATE EDUCATION FUND.

SECTION 3. 22-54-114, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-54-114. State public school fund. (2.7) FOR THE 2011-12 BUDGET YEAR, THE STATE TREASURER SHALL TRANSFER TO THE STATE PUBLIC SCHOOL FUND THE AMOUNT DESCRIBED IN SECTION 24-75-201.1 (1) (d) (XI.5), C.R.S. THE TRANSFERRED MONEYS ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF EDUCATION FOR THE PURPOSE OF INCREASING THE SUM OF THE TOTAL PROGRAM FUNDING FOR ALL DISTRICTS, INCLUDING FUNDING FOR INSTITUTE CHARTER SCHOOLS, FOR THE 2011-12 BUDGET YEAR AS ESTABLISHED IN SECTION 22-54-104 (5) (g) (I) (B), AND THEREBY REDUCING THE NEGATIVE FACTOR APPLIED TO TOTAL PROGRAM FUNDING FOR EACH DISTRICT AND FOR EACH INSTITUTE CHARTER SCHOOL FOR THE 2011-12 BUDGET YEAR.

SECTION 4. 22-54-104 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-54-104. District total program. (5) For purposes of the formulas used in this section:

(h) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (g) OF THIS SUBSECTION (5) TO THE CONTRARY, FOR THE 2011-12 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL USE ANY AMOUNT OF MONEYS APPROPRIATED TO THE DEPARTMENT PURSUANT TO SECTION 24-54-114 (2.5), TO REDUCE THE NEGATIVE FACTOR CALCULATED PURSUANT TO

PARAGRAPH (g) OF THIS SUBSECTION (5).

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Page 1, line 101, strike "EDUCATION, AND, IN CONNECTION" and substitute "EDUCATION."

Page 1, strike lines 102 and 103.

Education

After consideration on the merits, the Committee recommends that **SB11-109** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 2, after line 1 insert:

"SECTION 1. 39-22-1001 (6), Colorado Revised Statutes, is amended to read:

39-22-1001. Limitation on the duration of voluntary contribution programs. (6) FOR INCOME TAX YEARS COMMENCING PRIOR TO JANUARY 1, 2011, no more than fifteen voluntary contributions shall appear on Colorado income tax returns in any income tax year. FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2011, NO MORE THAN TWENTY VOLUNTARY CONTRIBUTIONS SHALL APPEAR ON COLORADO INCOME TAX RETURNS IN ANY INCOME TAX YEAR."

Renumber succeeding sections accordingly.

Page 2, line 10, strike "FROM PRESCHOOL THROUGH".

Page 2, line 11, strike "GRADUATE SCHOOL," and substitute "BEGINNING WITH PRESCHOOL,".

Page 2, line 16, after "EFFECTIVE" insert "PRESCHOOL AND".

Page 3, line 1, strike "PUBLIC EDUCATION" and substitute "PRESCHOOL".

Page 3, line 3, strike "PUBLIC EDUCATION," and substitute "PRESCHOOL,".

Page 3, line 5, before "PUBLIC" insert "PRESCHOOL AND".

Page 3, line 7, after "SUPPORT" insert "PRESCHOOL AND".

Page 4, line 8, strike "AS FOLLOWS:" and substitute "TO THE DEPARTMENT OF EDUCATION FOR USE IN THE COLORADO PRESCHOOL PROGRAM CREATED IN ARTICLE 28 OF TITLE 22, C.R.S."

Page 4, strike lines 9 through 26.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB11-199** 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 23, after the comma insert "IF REQUESTED BY THE CLAIMANT,".

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB11-182** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, after line 12 insert:

"(2) "LEGITIMATE VIATICAL SETTLEMENT CONTRACT" MEANS A VIATICAL SETTLEMENT CONTRACT THAT COMPLIES WITH COLORADO LAW GOVERNING VIATICAL SETTLEMENT CONTRACTS AND IS NOT OTHERWISE PART OF OR IN FURTHERANCE OF AN ACT, PRACTICE, OR ARRANGEMENT

THAT IS PROHIBITED BY THIS ARTICLE."

Renumber succeeding subsections accordingly.

Page 2, after line 22 insert:

"(6) "STRANGER ORIGINATED LIFE INSURANCE" MEANS A PRACTICE OR PLAN TO INITIATE A LIFE INSURANCE POLICY FOR THE BENEFIT OF A THIRD-PARTY INVESTOR WHO, AT THE TIME OF POLICY ORIGATION, HAS NO INSURABLE INTEREST IN THE INSURED. STRANGER ORIGINATED LIFE INSURANCE PRACTICES INCLUDE CASES IN WHICH LIFE INSURANCE IS PURCHASED WITH RESOURCES OR GUARANTEES FROM OR THROUGH A PERSON OR ENTITY WHO, AT THE TIME OF INCEPTION, COULD NOT LAWFULLY INITIATE THE POLICY THEMSELVES AND WHERE, AT THE TIME OF INCEPTION, THERE IS AN ARRANGEMENT OR AGREEMENT, WHETHER VERBAL OR WRITTEN, TO DIRECTLY OR INDIRECTLY TRANSFER THE OWNERSHIP OF THE POLICY OR THE POLICY BENEFITS TO A THIRD PARTY. TRUSTS THAT ARE CREATED TO GIVE THE APPEARANCE OF INSURABLE INTEREST AND ARE USED TO INITIATE POLICIES FOR INVESTORS VIOLATE INSURABLE INTEREST LAWS AND THE PROHIBITION ON WAGERING ON LIFE."

Page 3, strike lines 6 through 9 and substitute:

"(a) AN INDIVIDUAL HAS AN INSURABLE INTEREST IN THE LIFE OF ANOTHER PERSON IN WHOM THE INDIVIDUAL HAS A SUBSTANTIAL INTEREST ENGENDERED BY LOVE AND AFFECTION IN THE CONTINUATION OF THE LIFE OF THE INSURED AND WHO ARE:
(I) RELATED WITHIN THE FIFTH DEGREE OR CLOSER, AS MEASURED BY THE CIVIL LAW SYSTEM OF DETERMINING DEGREES OF RELATION, EITHER BY BLOOD OR MARRIAGE TO THE INSURED;
(II) STEPCHILDREN OF THE INSURED OR THEIR DESCENDANTS; OR
(III) INDIVIDUALS WHO ARE DESIGNATED AS BENEFICIARIES OF INSURANCE POLICIES FOR LIFE INSURANCE COVERAGE ON THE LIFE OF THE INSURED UNDER A DESIGNATED BENEFICIARY AGREEMENT EXECUTED PURSUANT TO ARTICLE 22 OF TITLE 15, C.R.S.;"

Page 3, line 24, strike "AND THE TRUST OR".

Page 3, strike lines 25 through 27.

Page 4, line 1, strike "HAVE AN INSURABLE INTEREST IN THE INSURED,".

Page 4, line 14, strike "THIRD" and substitute "FIFTH".

Page 4, line 24, strike "INSURED AND THE GUARDIANSHIP OR" and substitute "INSURED;".

Page 4, strike lines 25 through 27.

Page 5, strike line 1.

Page 6, line 5, strike "BORROWER;" and substitute "BORROWER OR ANY OF THE OWNERS, DIRECTORS, OFFICERS, PARTNERS, OR MANAGERS OF THE BORROWER; KEY EMPLOYEES, GUARANTORS, OR KEY PERSONS OF THE BORROWER; OR OF AN AFFILIATE OF THE BORROWER, BUT ONLY IF CONSENT IS NOT OBTAINED IN WRITING FROM SUCH PERSONS BEFORE THE INSURANCE IS PURCHASED;".

Page 6, line 6, strike "THE INSTITUTION'S" and substitute "SUCH".

Page 6, strike lines 13 through 17 and substitute "BENEFICIARY AT THE TIME OF ORIGIN OR MAY, UNLESS THE BENEFICIARY DESIGNATION IS IRREVOCABLE, CHANGE THE BENEFICIARY AT ANY TIME THEREAFTER."

Page 7, after line 4 insert:

"(a) A SPOUSE MAY CONSENT TO INSURANCE ON THE OTHER SPOUSE;".

Reletter succeeding paragraphs accordingly.

Page 7, line 23, after "**practices.**" insert "(1)".

Page 7, after line 26 insert:

"(2) IT IS UNLAWFUL FOR ANY PERSON TO ENGAGE IN STRANGER ORIGINATED LIFE INSURANCE OR OTHERWISE WAGER ON LIFE. SUCH CONDUCT IS AN UNFAIR OR DECEPTIVE PRACTICE PURSUANT TO SECTION 10-3-1104."

Page 8, line 3, strike "SECTION 10-7-703," and substitute "THIS ARTICLE,".

Page 8, after line 5 insert:

"10-7-710. Legitimate insurance transactions. (1) NOTHING IN THIS ARTICLE PREVENTS:

(a) A POLICY OWNER, WHETHER OR NOT THE POLICY OWNER IS ALSO THE SUBJECT OF THE INSURANCE, FROM ENTERING INTO A LEGITIMATE VIATICAL SETTLEMENT CONTRACT;

(b) ANY PERSON FROM SOLICITING A PERSON TO ENTER INTO A LEGITIMATE VIATICAL SETTLEMENT CONTRACT;

(c) A PERSON FROM ENFORCING THE PAYMENT OF PROCEEDS FROM THE INTEREST OBTAINED UNDER A LEGITIMATE LIFE SETTLEMENT CONTRACT; OR

(d) THE ASSIGNMENT, SALE, TRANSFER, DEVISE, OR BEQUEST, WITH RESPECT TO THE DEATH BENEFIT OR OWNERSHIP OF ANY PORTION OF THE POLICY, PROVIDED THE ASSIGNMENT, SALE, TRANSFER, DEVISE, OR BEQUEST IS CONNECTED TO A LEGITIMATE VIATICAL SETTLEMENT CONTRACT AND NOT PART OF OR IN FURTHERANCE OF STRANGER ORIGINATED LIFE INSURANCE."

Page 8, line 7, strike "A NEW PARAGRAPH" and substitute "THE FOLLOWING NEW PARAGRAPHS".

Page 8, line 13, strike "TITLE." and substitute "TITLE;".

Page 8, after line 13 insert:

"(II) ENGAGING IN STRANGER ORIGINATED LIFE INSURANCE."

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 14 was laid over until Friday, April 15, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB11-052, SB11-126, SB11-168, HB11-1160, HB11-1109, HB11-1268, SB11-194, HB11-1138.
Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024, SJR11-032, SJR11-035, SJR11-036, SJR11-037, SJR11-039.
Consideration of Memorials: SJM11-002.
Consideration of House Amendments to Senate Bills: SCR11-001.
Conference Committees to Report: SB11-165, HB11-1209.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, April 15, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

94th Legislative Day Friday, April 15, 2011

Prayer By Senator Guzman.

Call to Order By the President at 9:00 a.m.

Pledge By Senator White.

Roll Call Present--23
Excused--12, Bacon, Giron, Grantham, Harvey, Heath, Hodge, King K. Lambert, Lundberg, Nicholson, Renfroe, Steadman.
Present later--11, Bacon, Giron, Grantham, Harvey, Heath, Hodge, King K., Lambert, Nicholson, Renfroe, Steadman.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Guzman, reading of the Journal of Thursday, April 14, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

REPORT OF CONFERENCE COMMITTEES

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-165

THIS REPORT ADOPTS THE
REENGROSSED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB11-165,
concerning the "Colorado Uniform Estate Tax Apportionment Act", has
met and reports that it has agreed upon the following:

That the House recede from its amendment made to the bill and
that the reengrossed bill be adopted without change.

Respectfully submitted,

Senate Committee:	House Committee:
(signed)	(signed)
Lucia Guzman, Chairman	Bob Gardner, Chairman
Ellen Roberts	Brian DelGrosso
Morgan Carroll	Andrew Kerr

MESSAGE FROM THE HOUSE

April 14, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1296.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; HB11-1293, amended as printed in House Journal, April 13, page 965, and amended on Third Reading as printed in House Journal, April 14.

The House has passed on Third Reading and returns herewith SB11-215, 217, 218, 224, 216, 222, 228, 229, 211, 221, 212, 214, 223.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-209, amended as printed in House Journal, April 13, page 961.
SB11-210, amended as printed in House Journal, April 13, page 962.
SB11-225, amended as printed in House Journal, April 13, page 963.
SB11-226, amended as printed in House Journal, April 13, page 964.
SB11-219, amended as printed in House Journal, April 13, pages 964-965.
SB11-213, amended as printed in House Journal, April 13, page 965.

The Speaker has announced the following change in sponsorship on SB11-206. Representative Bradford replaces Representative Holbert as prime sponsor.

MESSAGE FROM THE REVISOR OF STATUTES

April 15, 2011

We herewith transmit:

Without comment, as amended, HB11-1032, 1043, 1064, 1141, 1265, 1272, 1275, 1288.
Without comment, as amended, SB11-188.

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 General Orders -- Second Reading of Bills.

Committee of the Whole On motion of Senator Boyd, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Boyd 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:

SB11-126 by Senator(s) Giron and Johnston, Bacon, Foster, Guzman, Heath, Hodge, Morse, Nicholson, Shaffer B., Steadman, Williams S.; also Representative(s) Miklosi and Williams A., Duran, Fields, Hullinghorst, Levy, Pabon, Solano--Concerning classification as an unsubsidized in-state student for tuition purposes at state institutions of higher education.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, February 23, page 287 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, February 25, pages 317-318 and placed in members' bill files.)

Amendment No. 3(L.014), by Senator King K.

Amend printed bill, page 2, strike lines 7 and 8 and substitute "TO THE CONTRARY, A STUDENT".

Page 3, strike line 1.

Page 3, line 2, strike "(15) (M)".

Amendment No. 4(L.009), by Senator Newell.

Amend printed bill, page 2, line 6, after "(1)" insert "(a)".

Page 3, line 5, strike "(a)" and substitute "(I)".

Page 3, line 10, strike "(b)" and substitute "(II)".

page 3, after line 13 insert:

"(b) THE GENERAL ASSEMBLY RECOGNIZES THAT CLASSIFICATION AS AN UNSUBSIDIZED IN-STATE STUDENT FOR TUITION PURPOSES IS A STATE BENEFIT AND ATTENDANCE FOR THREE YEARS AT A PUBLIC OR PRIVATE HIGH SCHOOL IN COLORADO IS A LEGAL PROXY FOR PROVING RESIDENCY AS RECOGNIZED IN 8 U.S.C. SEC. 1623."

As amended, ordered engrossed 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.)

(For further action, see roll call vote on **SB11-126**.)

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB11-126 by Senator(s) Giron and Johnston, Bacon, Foster, Guzman, Heath, Hodge, Morse, Nicholson, Shaffer B., Steadman, Williams S.; also Representative(s) Miklosi and Williams A., Duran, Fields, Hullinghorst, Levy, Pabon, Solano--Concerning classification as an unsubsidized in-state student for tuition purposes at state institutions of higher education.

Senator Lambert moved to amend the Report of the Committee of the Whole to show that the following Lambert floor amendment, (L.018) to SB 11-126, did pass.

Amend printed bill, page 5, strike lines 4 through 14 and substitute:

"(d) AN INSTITUTION OF HIGHER EDUCATION THAT GRANTS UNSUBSIDIZED IN-STATE TUITION CLASSIFICATION PURSUANT TO THIS SECTION SHALL BE IN COMPLIANCE WITH THE PROVISIONS OF ARTICLE 72.1 OF TITLE 24, C.R.S."

Renumber succeeding section accordingly.

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	14	NO	19	EXCUSED	2	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	E	Spence	Y
Brophy	Y	Hodge	N	Mitchell	E	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	Y	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

Senator King K. moved to amend the Report of the Committee of the Whole to show that the following King K. floor amendment, (L.013) to SB 11-126, did pass.

Amend printed bill, page 2, strike lines 5 and 6 and substitute:

"23-7-112. Tuition classification for persons who attend Colorado high schools and graduate or complete a Colorado general equivalency diploma - repeal. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE".

Page 3, line 3, strike "UNSUBSIDIZED".

Page 3, line 16, strike "UNSUBSIDIZED".

Page 3, line 19, strike "UNSUBSIDIZED".

Page 4, line 2, strike "UNSUBSIDIZED".

Page 4, line 15, strike "UNSUBSIDIZED".

Page 4, line 16, strike "SECTION IS NOT" and substitute "SECTION:".

Page 4, strike lines 17 through 19 and substitute:

"(a) SHALL PAY TUITION IN AN AMOUNT THAT IS EQUAL TO OR GREATER THAN TOTAL IN-STATE TUITION, AS DEFINED IN SECTION 23-18-102;
 (b) IS NOT ELIGIBLE FOR A STIPEND PURSUANT TO THE COLLEGE OPPORTUNITY FUND PROGRAM CREATED IN SECTION 23-18-201; AND
 (c) IS NOT ELIGIBLE TO RECEIVE STATE-FUNDED, NEED-BASED FINANCIAL AID."

Page 4, line 20, strike "UNSUBSIDIZED".

Page 4, line 23, strike "UNSUBSIDIZED".

Page 5, line 13, strike "UNSUBSIDIZED".

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
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	E	Spence	Y
Brophy	Y	Hodge	N	Mitchell	E	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	Y	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

ROLL CALL VOTE ON SB11-126

SB11-126 by Senator(s) Giron and Johnston, Bacon, Foster, Guzman, Heath, Hodge, Morse, Nicholson, Shaffer B., Steadman, Williams S.; also Representative(s) Miklosi and Williams A., Duran, Fields, Hullinghorst, Levy, Pabon, Solano--Concerning classification as an unsubsidized in-state student for tuition purposes at state institutions of higher education.

Senator Kopp requested a roll call vote on **SB11-126**.

YES	20	NO	13	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	N
Brophy	N	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Boyd, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	23	NO	10	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	N	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-126 as amended.
Laid over until April 18: SB11-052, SB11-168, HB11-1160, HB11-1109, HB11-1268, SB11-194, HB11-1138, HB11-1267.

MESSAGE FROM THE HOUSE

April 15, 2011

Mr. President:

The House has adopted and transmits herewith HJR11-1016.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1064, amended as printed in House Journal, April 11, page 937.
HB11-1265, amended as printed in House Journal, April 11, pages 937-938.
HB11-1043, amended as printed in House Journal, April 11, pages 939-942.
HB11-1288, amended as printed in House Journal, April 11, page 942.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-188, amended as printed in House Journal, March 11, page 937.

MESSAGE FROM THE REVISOR OF STATUTES

April 15, 2011

We herewith transmit:

Without comment, as amended, HB11-1043, 1064, 1265, 1288.
Without comment, as amended, SB11-188.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

HJR11-1016 by Representative(s) Labuda; also Senator(s) Hudak--Concerning recognition of the role of libraries in empowering citizens through access to computer technology, and, in connection therewith, celebrating National Library Week.

Laid over one day under Senate Rule 30(e).

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-209 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--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, 2011, except as otherwise noted.

Senator Hodge moved that the Senate not concur in House amendments to **SB11-209**, as printed in House journal, April 13, page 961, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The President appointed Senators Hodge, Chair, Steadman, and Lambert as Senate conferees on the first conference committee on **SB11-209**.

SB11-210 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning the elimination of the supplemental old age pension health and medical care program, and, in connection therewith, providing for the transfer of the fund balance of the supplemental old age pension health and medical care fund to the general fund, authorizing the use of moneys in the tobacco tax cash fund to provide services under medicaid for the medical care of old age pensioners, and making an appropriation.

Senator Steadman moved that the Senate concur in House amendments to **SB11-210**, as printed in House journal, April 13, page 962. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB11-225 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the short-term innovative health program grant fund, and, in connection therewith, transferring the balance of the grant fund to the general fund at the end of the 2011-12 fiscal year and terminating all existing statutory transfers to the grant fund other than its percentage-based base allocation of tobacco litigation settlement moneys after the 2010-11 fiscal year.

Senator Lambert moved that the Senate concur in House amendments to **SB11-225**, as printed in House journal, April 13, page 963. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB11-226 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the augmentation of the general fund through transfers of certain moneys, and making an appropriation in connection therewith.

Senator Hodge moved that the Senate not concur in House amendments to **SB11-226**, as printed in House journal, April 13, page 964, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The President appointed Senators Hodge, Chair, Steadman, and Lambert as Senate conferees on the first conference committee on **SB11-226**.

SB11-219 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning moneys appropriated in the 2011-12 fiscal year for health clinics, and making an appropriation therefor.

Senator Steadman moved that the Senate not concur in House amendments to **SB11-219**, as printed in House journal, April 13, pages 964-965, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The President appointed Senators Hodge, Chair, Steadman, and Lambert as Senate conferees on the first conference committee on **SB11-219**.

MESSAGE FROM THE GOVERNOR

April 12, 2011

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, reappoint and submit to your consideration, the following:

MEMBERS OF THE
BOARD OF GOVERNORS OF THE
COLORADO STATE UNIVERSITY SYSTEM

for terms expiring December 31, 2014:

Dennis E. Flores of Pueblo, Colorado, to serve as a Democrat, and occasioned by the resignation of Bonifacio A. Cosyleon, appointed;

Penfield W. Tate of Denver, Colorado, to serve as a Democrat, and occasioned by the resignation of Leonard W. Gregory, appointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 4/13/11
Cindi L. Markwell, Secretary of the Senate

Committee on Education

April 12, 2011

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, reappoint and submit to your consideration, the following:

MEMBER OF THE
ADVISORY COMMITTEE TO THE PROPERTY
TAX ADMINISTRATOR

for a term expiring September 1, 2015:

Tim Canterbury of Howard, Colorado, to serve as a non-assessor from a county with a population less than seventy-five thousand and as a Republican, appointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 4/13/11
Cindi L. Markwell, Secretary of the Senate

Committee on Finance

April 12, 2011

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:

MEMBERS OF THE
ADVISORY COMMITTEE ON
GOVERNMENTAL ACCOUNTING

for terms expiring May 18, 2015:

- Kevin F. Collins of Franktown, Colorado, to serve as a representative of special services districts, appointed;
- John A. Carlson of Louisville, Colorado, to serve as a representative of city and county government, reappointed;
- Donald J. McMahan of Avon, Colorado, to serve as a certified public accountant, reappointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 4/13/11
Cindi L. Markwell, Secretary of the Senate

Committee on Finance

June 12, 2011

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, reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO BANKING BOARD

for terms expiring July 1, 2015:

Donald R. Sall, Colorado Springs, Colorado, to serve as a representative of the public, appointed;

Richard Estaban Martinez, Jr., Centennial, Colorado, to serve as a representative of bankers, and as a representative of a bank having less than one hundred fifty million dollars in total assets, appointed;

Stephen A. Sherlock of Lamar, Colorado, to serve as a representative of bankers, reappointed;

Adam P. Coyle of Parker, Colorado, to serve as a representative of the public, reappointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 4/13/11
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

April 13, 2011

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
PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

for a term expiring on January 12, 2015:

Joshua B. Epel of Greenwood Village, Colorado, a Democrat, appointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 4/13/11
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

SENATE SERVICES REPORT

Correctly Printed: SB11-239 and 240; SJM11-003 and 004.
Correctly Revised: HB11-1015.
Correctly Rerevised: HB11-1216 and 1234.
Correctly Enrolled: SB11-034, 037, 119 and 183.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJM11-001; SJR11-026, SJR11-034, and SJR11-038.

COMMITTEE OF REFERENCE REPORTS

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
COLORADO COMMISSION ON THE AGING

for a term expiring July 1, 2014:

Maureen Robinson of Littleton, Colorado, to serve as a Democrat from Congressional District 6, reappointed.

Health &
Human
Services

The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COLORADO COMMISSION FOR THE
DEAF AND HARD OF HEARING

for terms expiring July 1, 2014:

Marie N. Runge of Greeley, Colorado, to serve as a member who is deaf, appointed;

Kirk B. Neuroth of Denver, Colorado, to serve as a member who is an interpreter for the deaf and hard of hearing, appointed;

Deborah G. Mohney of Boulder, Colorado, to serve as a member who is hard of hearing, reappointed.

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **HB11-1218** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, line 11, after "(2)" insert "(a)".

Page 5, after line 13 insert:

"(b) THE SERVICE PLAN SHALL INCLUDE REQUIREMENTS FOR ANNUAL AUDITS OF ALL OF THE FUNDING THE DISTRICT RECEIVES. COPIES OF THE AUDITS SHALL BE SENT ANNUALLY TO THE STATE TREASURER."

Page 8, line 9, strike "(I)," and substitute "(II),".

Page 8, strike line 27.

Page 9, strike lines 1 through 4 and substitute:

"(II) Except as otherwise specified in subparagraph (IV) of this paragraph (c), the moneys allocated to each county pursuant to subparagraph (I) of this paragraph (c) shall be further distributed to the county OR THE FEDERAL MINERAL LEASE DISTRICT and to each municipality within the county based upon the following factors:".

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **HB11-1146** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, strike line 15 and substitute "(1) SHALL ONLY APPLY:

(I) TO A DISTRICT, AS DEFINED IN SECTION 20 (2) (b)".

Page 4, strike lines 17 and 18 and substitute "VOTER APPROVAL TO RETAIN AND SPEND REVENUES IN EXCESS OF THE FISCAL YEAR".

Page 4, line 23, strike the first "THE" and substitute "WHERE THE".

Page 4, line 26, strike "SAID HOUSE BILL 11-1146" and substitute "HOUSE BILL 11-1146, ENACTED IN 2011,".

Page 5, line 3, strike "SHALL" and substitute "MAY".

Page 5, line 24, strike "THIS SUBSECTION (2)," and substitute "SUBSECTION (1) OF THIS SECTION,".

Agriculture,
Natural
Resources,
and Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COAL MINE BOARD OF EXAMINERS

for terms expiring July 1, 2012:

Daniel R. Meadors of Durango, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in underground mining, to fill the vacancy occasioned by the resignation of Trent A. Peterson of Marvel, Colorado, appointed;

Lara A. Sims of Hayden, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in surface mining, to fill the vacancy occasioned by the resignation of Karl C. Koehler of Hayden, Colorado, appointed.

Education

The Committee on Education has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBER OF THE
COLLEGEINVEST BOARD OF DIRECTORS

for terms expiring July 31, 2014:

David L. Stevens of Denver, Colorado, appointed.

Charles W. Kercheval of Parker, Colorado, appointed.

Angela A. Gripenstraw of Greenwood Village, Colorado, appointed.

Education

The Committee on Education has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
PRIVATE OCCUPATIONAL SCHOOL BOARD

	for terms expiring July 1, 2014:	1
		2
	Winnifred S. Rovig of Glenwood Springs, Colorado, a representative of the general public,	3
	reappointed;	4
		5
	Earl F. Douglass of Lakewood, Colorado, a representative of the general public who is	6
	employed by a lending institution located in Colorado and is familiar with the Colorado	7
	college access network, reappointed.	8
		9
Education	The Committee on <u>Education</u> has had under consideration and has had a hearing on the	10
	following appointments and recommends that the appointments be confirmed:	11
		12
		13
		14
	<u>MEMBER OF THE</u>	15
	<u>BOARD OF TRUSTEES FOR THE COLORADO</u>	16
	<u>SCHOOL FOR THE DEAF AND THE BLIND</u>	17
		18
		19
	for a term expiring July 1, 2014:	20
		21
	Chris A. Madison of Grand Junction, Colorado, a Republican, appointed;	22
		23
		24
Appropriations	After consideration on the merits, the Committee recommends that SB11-051 be amended	25
	as follows, and as so amended, be referred to the Committee of the Whole with favorable	26
	recommendation.	27
		28
	Amend printed bill, page 2, after line 1 insert:	29
		30
	" SECTION 1. 24-30-202.4 (3), Colorado Revised Statutes, is	31
	amended BY THE ADDITION OF A NEW PARAGRAPH to read:	32
	24-30-202.4. Collection of debts due the state - controller's	33
	duties - creation of debt collection fund - definitions.	34
	(3) (f) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE	35
	CONTRARY, FOR THE 2011-12 FISCAL YEAR THE GENERAL ASSEMBLY MAY	36
	APPROPRIATE MONEYS IN THE DEBT COLLECTION FUND CREATED IN	37
	PARAGRAPH(e) OF THIS SUBSECTION (3) TO THE DEPARTMENT OF REVENUE	38
	FOR THE PURPOSE OF MODIFYING THE PROGRAM ADMINISTERED THROUGH	39
	THE "GAMBLING PAYMENT INTERCEPT ACT", PART 6 OF ARTICLE 35 OF	40
	TITLE 24, TO INCLUDE THE COLLECTION OF UNPAID DEBTS DUE TO THE	41
	STATE.".	42
		43
	Renumber succeeding sections accordingly.	44
		45
	Page 8, after line 9 insert:	46
		47
	" SECTION 9. Appropriation. In addition to any other	48
	appropriation, there is hereby appropriated, out of any moneys in the debt	49
	collection cash fund created in section 24-30-202.4 (3) (e), Colorado	50
	Revised Statutes, not otherwise appropriated, to the department of	51
	revenue, for allocation to the information technology division, for the	52
	fiscal year beginning July 1, 2011, the sum of ninety-four thousand six	53
	hundred dollars (\$94,600) cash funds, or so much thereof as may be	54
	necessary, for the implementation of this act.".	55
		56
	Renumber succeeding section accordingly.	57
		58
	Page 1, line 102 strike "STATE." and substitute "STATE, AND MAKING AN	59
	APPROPRIATION THEREFOR.".	60
		61
		62
Appropriations	After consideration on the merits, the Committee recommends that SB11-047 be amended	63
	as follows, and as so amended, be referred to the Committee of the Whole with favorable	64
	recommendation.	65
		66
	Amend printed bill, page 2, line 6, strike "- bioscience".	67
		68
	Page 2, line 8, strike "BIOSCIENCE AND".	69

Appropriations

Page 2, line 12, strike "BIOSCIENCE".

Page 2, line 13, strike "AND CLEAN TECHNOLOGY SEGMENTS" and substitute "CLEAN TECHNOLOGY SEGMENT" and strike "HAVE" and substitute "HAS".

Page 2, line 17, strike "BIOSCIENCE AND".

Page 2, line 20, strike "THESE INDUSTRY SECTORS;" and substitute "THIS INDUSTRY SECTOR;".

Page 3, line 3, strike "THESE AREAS;" and substitute "THIS AREA;".

Page 3, line 10, strike "BIOSCIENCE AND CLEAN TECHNOLOGY INDUSTRIES" and substitute "CLEAN TECHNOLOGY INDUSTRY".

Page 3, line 14, strike ""BIOSCIENCE AND CLEAN" and substitute ""CLEAN".

Page 3, line 17, strike ""BIOSCIENCE OR CLEAN" and substitute ""CLEAN".

Page 3, strike lines 20 through 23 and substitute "MANAGEMENT AND BUDGET: 221111, 221119,".

Page 4, line 5, strike "BIOSCIENCE OR".

Page 4, line 14, strike "BIOSCIENCE OR".

Page 4, line 18, strike "BIOSCIENCE AND".

Page 4, strike lines 20 through 23 and substitute "THE CLEAN TECHNOLOGY DISCOVERY EVALUATION CASH FUND CREATED IN SECTION 24-48.5-111 (5), C.R.S.".

Page 5, strike lines 3 through 27.

Page 6, strike line 1.

Re-number succeeding sections accordingly.

Page 7, strike lines 23 through 25 and substitute "shall take effect July 1, 2012; except that, if a".

Page 8, strike lines 3 and 4 and substitute "November 2012 and shall take effect on July 1, 2012, or on the date of the official declaration of the vote thereon by the governor, whichever is later.".

Page 1, line 103, strike "BIOSCIENCE AND".

Amend the Business, Labor and Technology Committee Report, dated February 8, 2011, page 2, strike line 14.

After consideration on the merits, the Committee recommends that **SB11-177** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, after line 12 insert:

"SECTION 6. Adjustments in 2011 long bill. For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the department of health care policy and financing, shall be adjusted as follows:

(1) The appropriation to the executive director's office, for personal services, is increased by forty-seven thousand eight hundred seventeen dollars (\$47,817) and 1.0 FTE. Of said sum, twenty-three thousand nine hundred nine dollars (\$23,909) shall be from the general fund and twenty-three thousand nine hundred eight dollars (\$23,908) shall

	be from federal funds.	1
	(2) The appropriation to the executive director's office, for operating expenses, is increased by five thousand six hundred fifty-three dollars (\$5,653). Of said sum, two thousand eight hundred twenty-six dollars (\$2,826) shall be from the general fund and two thousand eight hundred twenty-seven dollars (\$2,827) shall be from federal funds.	2 3 4 5 6
	(3) The appropriation to the medical services premiums section is increased by five hundred eighty-seven thousand seven hundred ninety-two dollars (\$587,792). Of said sum, sixty-four thousand four hundred forty-four dollars (\$64,444) shall be cash funds from certified public expenditures by the counties and five hundred seventy-nine thousand nine hundred ninety-six dollars (\$579,996) shall be from federal funds.	7 8 9 10 11 12
	(4) The appropriation to the medical services premiums section is decreased by fifty-six thousand six hundred forty-eight dollars (\$56,648). Of said sum, twenty-eight thousand three hundred twenty-four dollars (\$28,324) and twenty-eight thousand three hundred twenty-four dollars (\$28,324).".	13 14 15 16 17 18
	Renumber succeeding section accordingly.	19
	Page 1, line 103, strike "PROGRAM." and substitute "PROGRAM, AND MAKING AN APPROPRIATION.".	20 21 22 23 24
Appropriations	After consideration on the merits, the Committee recommends that SB11-125 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	25 26 27 28
	Amend printed bill, page 5, after line 3 insert:	29
	"SECTION 2. Adjustments in 2011 long bill. For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the department of health care policy and financing, shall be adjusted as follows:	30 31 32 33 34 35
	(1) The appropriation to the executive director's office, for general professional services and special projects, is increased by sixty thousand dollars (\$60,000). Of said sum, thirty thousand dollars (\$30,000) shall be from the general fund and thirty thousand dollars (\$30,000) shall be from federal funds.	36 37 38 39 40
	(2) The appropriation to the medical services premiums section is increased by thirty million nine hundred ninety-four thousand four hundred eleven dollars (\$30,994,411). Of said sum, fifteen million four hundred ninety-seven thousand two hundred six dollars (\$15,497,206) shall be cash funds from the medicaid nursing facility cash fund created in section 25.5-6-203 (2) (a), Colorado Revised Statutes, and fifteen million four hundred ninety-seven thousand two hundred five dollars (\$15,497,205) shall be from federal funds.".	41 42 43 44 45 46 47 48 49
	Renumber succeeding section accordingly.	50
	Page 1, line 103, strike "FEE AND" and substitute "FEE,".	51 52 53
	Page 1, line 105, strike "FUND." and substitute "FUND, AND MAKING AN APPROPRIATION THEREFOR.".	54 55 56 57
Appropriations	After consideration on the merits, the Committee recommends that SB11-105 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	58 59 60 61
	Strike the Health and Human Services Committee Report dated February 10, 2011.	62 63 64 65
Appropriations	After consideration on the merits, the Committee recommends that SB11-004 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	66 67 68 69

Amend the Judiciary Committee Report, dated February 7, 2011, page 2, strike lines 13 through 42.

Strike page 3.

Page 4, strike lines 1 through 12 and substitute:

"SECTION 2. Exception to the requirements of section 2-2-703, Colorado Revised Statutes. The general assembly hereby finds that the amendments to section 18-9-121, Colorado Revised Statutes, enacted in section 1 of this act will result in the minor fiscal impact of one additional offender being convicted and sentenced to the department of corrections during the five years following passage of this act. Because of the relative insignificance of this degree of fiscal impact, these amendments are an exception to the five-year appropriation requirements specified in section 2-2-703, Colorado Revised Statutes."

Renumber succeeding section accordingly.

Page 1 of the printed bill, strike lines 101 and 102 and substitute **"CONCERNING CRIMES AGAINST HOMELESS PERSONS."**

Appropriations After consideration on the merits, the Committee recommends that **SB11-066** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the Committee recommends that **SB11-022** be postponed indefinitely.

Appropriations After consideration on the merits, the Committee recommends that **SB11-203** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the Committee recommends that **SB11-185** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB11-1201** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 6, after line 7 insert:

"SECTION 5. Appropriation - adjustments in 2011 long bill.
(1) For the implementation of this act, the appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the department of education, office of professional services, for personal services, is increased by twenty-seven thousand eight hundred nine dollars (\$27,809). Said sum shall be from the educator licensure cash fund created in section 22-60.5-112 (1), Colorado Revised Statutes.
(2) For the implementation of this act, the appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the department of education, office of professional services, for personal services, is decreased by 1.0 FTE."

Renumber succeeding section accordingly.

Page 1, line 102, strike **"LICENSES."** and substitute **"LICENSES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."**

Page 776	Senate Journal-94th Day-April 15, 2011	
Appropriations	After consideration on the merits, the Committee recommends that HB11-1026 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.	1 2 3 4 5
	Amend the Senate Business, Labor and Technology Committee Report, dated March 16, 2011, page 6, line 33, strike "C.R.S.," and substitute "Colorado Revised Statutes,".	6 7 8 9
	Page 6, line 35, strike "C.R.S." and substitute "Colorado Revised Statutes.".	10 11 12
Appropriations	After consideration on the merits, the Committee recommends that HB11-1145 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	13 14 15 16
	Amend reengrossed bill, page 9, line 8, strike "seventy-two thousand five hundred dollars (\$172,500)" and substitute "fifty-one thousand eight hundred dollars (\$151,800)".	17 18 19 20 21
Appropriations	After consideration on the merits, the Committee recommends that HB11-1200 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	22 23 24 25 26
Appropriations	After consideration on the merits, the Committee recommends that HB11-1076 be referred to the Committee of the Whole with favorable recommendation.	27 28 29 30
Appropriations	After consideration on the merits, the Committee recommends that SB11-192 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	31 32 33 34
	Amend the Health and Human Services Committee Report, dated March 31, 2011, page 5, after line 6 insert:	35 36 37 38
	"SECTION 12. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the prescription drug monitoring fund created in section 12-22-706 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for personal services and operating expenses, for the fiscal year beginning July 1, 2011, the sum of fifty thousand three hundred twenty-six dollars (\$50,326) cash funds and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act."	39 40 41 42 43 44 45 46 47 48
	Renumber succeeding sections accordingly.	49 50
	Page 5 of the report, after line 12 insert:	51 52
	"Page 1 of the printed bill, line 104, strike "COMMITTEE." and substitute "COMMITTEE, AND MAKING AN APPROPRIATION."."	53 54 55 56
	<hr/>	57 58
	NOTICE OF INTENT TO MOVE FOR RECONSIDERATION OF SB11-210 AND SB11-225	59 60
	Senator Morse gave notice of intent to reconsider SB11-210 and SB11-225.	61 62 63 64
	<hr/>	65 66
	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 15 was laid over until Monday, April 18, retaining its place on the calendar.	67 68 69

General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1251.
Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024,
SJR11-032, SJR11-035, SJR11-036, SJR11-037, SJR11-039.
Consideration of Memorials: SJM11-002, SJM11-003.
Consideration of House Amendments to Senate Bills: SCR11-001.
Conference Committees to Report: SB11-165, HB11-1209.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, April 18, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

97th Legislative Day	Monday, April 18, 2011
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Prayer	By the chaplain, Father Eustace Sequeira, St. Ignatius Loyola Catholic Church, Denver.
Call to Order	By the President at 10:00 a.m.
Pledge	By Senator Guzman.
Roll Call	Present--33 Absent--2, Johnston, Williams S. Present later--2, Johnston, Williams S.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Lambert, reading of the Journal of Friday, April 15, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SR11-005	by Senator(s) Boyd; --Concerning Adolescent Sexual and Reproductive Health Month in Colorado.
	On motion of Senator Boyd, the resolution was read at length.
	On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the resolution was laid over to the end of the Consideration of Resolutions Calendar for Monday, April 18.

	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.
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CONSIDERATION OF RESOLUTIONS

HJR11-1016	by Representative(s) Labuda; also Senator(s) Hudak--Concerning recognition of the role of libraries in empowering citizens through access to computer technology, and, in connection therewith, celebrating National Library Week.
	On motion of Senator Hudak, the resolution was read at length and adopted by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Carroll, Foster, Giron, Guzman, Heath, Hodge, Jahn, King K., Morse, Newell, Nicholson, Roberts, Schwartz, Shaffer B., Spence, Steadman, Tochtrop and Williams S.

SR11-005 by Senator(s) Boyd; --Concerning Adolescent Sexual and Reproductive Health Month in Colorado.

Laid over until Tuesday, April 19, retaining its place on the calendar.

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:

SB11-126 by Senator(s) Giron and Johnston, Bacon, Foster, Guzman, Heath, Hodge, Morse, Nicholson, Shaffer B., Steadman, Williams S.; also Representative(s) Miklosi and Williams A., Duran, Fields, Hullinghorst, Levy, Pabon, Solano--Concerning classification as an unsubsidized in-state student for tuition purposes at state institutions of higher education.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	20	NO	15	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd and Schwartz.

SB11-220 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning a reduction in the mileage allowance for the use of a personal motor vehicle for official state business, and making an appropriation therefor.

Laid over until Tuesday, April 19, retaining its place on the calendar.

Committee of the Whole On motion of Senator Hudak, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Hudak was called to the Chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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:

HB11-1251 by Representative(s) Conti, Acree, Balmer, Brown, Kerr J., Summers, Swerdfeger; also Senator(s) Tochtrop--Concerning an exemption from the restrictions on window tinting for public safety vehicles.

Ordered revised and placed on the calendar for third reading and final passage.

HB11-1286 by Representative(s) Sonnenberg and Becker, Baumgardner, Brown, Coram, DelGrosso, Fischer, Hullinghorst, Joshi, McKinley, McNulty, Pace, Priola, Ramirez, Scott, Swalm, Wilson; also Senator(s) Schwartz, Brophy, Giron, Grantham, Guzman, Hodge, Jahn, Renfroe, Tochtrop--Concerning the state engineer's rule-making authority in the case of dewatering of geologic formations by withdrawing nontributary ground water to facilitate the mining of minerals.

Ordered revised and placed on the calendar for third reading and final passage.

SB11-231 by Senator(s) Steadman; also Representative(s) Nikkel--Concerning operation of the Colorado channel authority, and, in connection therewith, allowing the authority to make available via the internet audio recordings of proceedings of the general assembly and requiring certain members of the board of directors of the authority to be serving members of the general assembly and to represent the major political parties in each house.

Ordered engrossed and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR

On motion of Senator Hudak, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-231, HB11-1251, HB11-1286.

Committee of the Whole On motion of Senator Hudak, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Hudak 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:

- SB11-052

by Senator(s) Heath, Bacon, King K.; also Representative(s) Massey, Ferrandino--
Concerning expectations for higher education institutions in Colorado.

Laid over until Tuesday, April 19, retaining its place on the calendar.
- SB11-168

by Senator(s) Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Johnston, Morse, Nicholson, Steadman, Tochtrop; also Representative(s) Kefalas, Court, Fields, Fischer, Gardner D., Hullinghorst, Jones, Kagan, Levy, McCann, Miklosi, Pace, Solano, Tyler--
Concerning the creation of the Colorado health care authority for the purpose of designing a health care cooperative.

Laid over until Friday, April 29, retaining its place on the calendar.
- HB11-1160

by Representative(s) Gerou; also Senator(s) Jahn--Concerning the establishment of a green building incentive pilot program administered by the governor's energy office to incentivize the making of energy efficiency improvements to existing residences with current home energy ratings below minimum standards for people who purchase highly efficient new residential construction.

Ordered revised and placed on the calendar for third reading and final passage.
- HB11-1109

by Representative(s) Liston, Balmer, Bradford, DelGrosso, Holbert, Kerr J., Looper, Nikkel, Priola, Ramirez, Schafer S., Stephens; also Senator(s) Giron--Concerning the authority for a local government to create an exemption from local sales tax for the sale of equipment used directly in the provision of telecommunications services.

Laid over until Tuesday, April 19, retaining its place on the calendar.
- HB11-1268

by Representative(s) Levy; also Senator(s) Nicholson--Concerning penalties for traffic offenses involving alcohol and drugs.

Laid over until Tuesday, April 19, retaining its place on the calendar.
- SB11-194

by Senator(s) Boyd; --Concerning the regulation of alcohol beverages.

Laid over until Tuesday, April 19, retaining its place on the calendar.
- HB11-1138

by Representative(s) Gardner B., Barker, Casso, Waller; also Senator(s) Morse, Bacon, Boyd, Jahn, King S.--Concerning the sex offender management board, and making an appropriation therefor.

Laid over until Tuesday, April 19, retaining its place on the calendar.
- HB11-1267

by Representative(s) McCann; also Senator(s) Mitchell--Concerning an expansion of the circumstances in which a court may order further restrictions as conditions of a protection order against a defendant.

Laid over until Tuesday, April 19, retaining its place on the calendar.

SB11-208 by Senator(s) Schwartz and Hodge, Bacon, Boyd, Brophy, Cadman, Foster, Giron, Grantham, Guzman, Heath, Hudak, Jahn, King S., Kopp, Lambert, Newell, Nicholson, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; also Representative(s) Sonnenberg and Gerou, Acree, Barker, Baumgardner, Becker, Beezley, Bradford, Coram, Ferrandino, Gardner B., Hamner, Holbert, Joshi, Labuda, Looper, Massey, McCann, Miklosi, Murray, Nikkel, Priola, Ramirez, Ryden, Schafer S., Scott, Stephens, Summers, Swalm, Swerdfeger, Waller, Wilson--Concerning the consolidation of wildlife entities with parks and outdoor recreation entities under the department of natural resources.

Amendment No. 1, General Orders Amendment.

(Printed in Senate Journal, April 12, page 719 and placed in members' bill files.)

Amendment No. 2(L.013), by Senator Schwartz.

Amend the Agriculture, Natural Resources, and Energy Committee Report, dated March 31, 2011, page 2, strike lines 2 through 4 and substitute:

"Page 12, after line 15 insert:

"(4) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), IN PROMULGATING A RULE TO INCREASE OR DECREASE A PARK FEE OR CHARGE UNDER ARTICLES 10 TO 32 OF THIS TITLE, THE BOARD SHALL CONSIDER THE EFFECT THAT THE CHANGE IN THE FEE OR CHARGE WOULD HAVE ON PARK USAGE, THE DEMAND FOR THE SERVICE FOR WHICH THE FEE OR CHARGE IS USED, AND OPPORTUNITIES TO IMPLEMENT DIFFERENTIAL PRICING.

(b) THE BOARD MAY RAISE OR LOWER PARK FEES AND CHARGES DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) IF THE BOARD REASONABLY ANTICIPATES THAT THE TOTAL ANNUAL REVENUES REALIZED FROM SUCH FEES AND CHARGES WILL NOT INCREASE BY MORE THAN TWENTY PERCENT OVER THE ANNUAL AMOUNT EARNED FROM FEES AND CHARGES AS THEY EXISTED ON JULY 1, 2011."."

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

HB11-1196 by Representative(s) Summers; also Senator(s) Foster--Concerning measures to increase flexibility in funding services for families.

Amendment No. 1, Local Government Committee Amendment.

(Printed in Senate Journal, April 14, pages 751-752 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

SB11-166 by Senator(s) Johnston; also Representative(s) Wilson--Concerning the "Uniform Disclaimer of Property Interests Act".

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, April 14, pages 752-753 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-227 by Senator(s) Hudak, Bacon, Boyd, Heath, Williams S.; also Representative(s) Vaad and Ryden--Concerning a repeal of the exception to the child restraint system law for children weighing more than forty pounds who are being transported in a motor vehicle with a rear seat that was not equipped with combination belts at the time of manufacture.

Laid over until Tuesday, April 19, retaining its place on the calendar.

SB11-199

by Senator(s) Tochtrop; also Representative(s) Riesberg--Concerning workers' compensation.

Amendment No. 1, Business, Labor & Technology Committee Amendment.

(Printed in Senate Journal, April 14, page 755 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-182

by Senator(s) Carroll, Cadman, Giron, Guzman, Spence; also Representative(s) Liston, Barker, Court, Massey, Pabon, Pace--Concerning the establishment of an insurable interest requirement for life insurance policies.

Laid over until Tuesday, April 19, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hudak, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-208 as amended, SB11-166 as amended, SB11-199 as amended, HB11-1160, HB11-1196 as amended.

Laid over until April 19: SB11-052, HB11-1109, HB11-1268, SB11-194, HB11-1138, HB11-1267, SB11-227, SB11-182.

Laid over until April 29: SB11-168.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Carroll, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
JUVENILE PAROLE BOARD

for terms expiring at the pleasure of the Governor:

Paula Ramaekers-Mattas of Grand Junction, Colorado, to fill the vacancy occasioned by the resignation of Mary Beth Buescher of Grand Junction, Colorado, and to serve as a public at-large member from the Western Slope, appointed;

Charles F. Garcia of Denver, Colorado, to fill the vacancy occasioned by Allison A. Brittsan of Denver, Colorado, and to serve as a public member, appointed;

Carmen Q. Nelson of Denver, Colorado, to fill the vacancy occasioned by the resignation of Suzanne S. Ageton of Boulder, Colorado, and to serve as a public member, appointed.

James A. Keown of Thornton, Colorado, to fill the vacancy occasioned by the resignation of Dean J. Conder of Denver, Colorado, and to serve as a representative from the Colorado Department of Labor and Employment, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

SENATE SERVICES REPORT

Correctly Engrossed: SB11-126.
Correctly Enrolled: SB11-062 and 094.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB11-165 by Senator(s) Guzman; also Representative(s) Kerr A.--Concerning the "Colorado Uniform Estate Tax Apportionment Act".

Laid over until Tuesday, April 19, retaining its place on the calendar.

COMMITTEE OF REFERENCE REPORTS

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that HB11-1120 be referred to the Committee on Appropriations with favorable recommendation.

MEMORANDUM FROM THE COMMITTEE ON ETHICS

April 15, 2011

Dear Mr. President:

The Ethics Committee appointed pursuant to Senate Rule 43 has met to consider the Complaint against Senator John Morse filed by Ms. Stephanie Cegielski on behalf of the Colorado Government Accountability Project. The Ethics Committee met on March 25, 2011, March 31, 2011, and April 12, 2011. Minutes of the discussions and actions taken at those meetings, along with the evidentiary information, are maintained by the Legislative Council staff and may be reviewed at that office.

At the meeting on April 12, 2011, the Ethics Committee, by a unanimous vote, found that there was no probable cause to believe that a violation had occurred. It is the understanding of the Ethics Committee members that the Complaint is dismissed pursuant to Senate Rule 43 (c).

As the Ethics Committee undertook its responsibilities in this matter, it considered certain perceived shortcomings related to the per diem statute. By means of this letter,

the members of the Ethics Committee respectfully request that you take the following recommendations to the Executive Committee for its consideration of possible legislation to address these issues. Specifically, the Committee found that section 2-2-307 (3) (a) (III), C.R.S., provides very little guidance to members of legislative leadership who seek compensation for "matters pertaining to the general assembly". This general statement not only fails to provide specific guidance to a member of leadership requesting per diem compensation, it also fails to require even a minimum amount of information that would provide citizens of the state with any indication of the matters to which the legislative leader attended. For these reasons, the Ethics Committee makes the following two recommendations for the Executive Committee's consideration:

1. The Ethics Committee recommends that section 2-2-307 (3) (a) (III), C.R.S., be amended to require that, for each day claimed, legislative leaders seeking compensation pursuant to this section provide a brief explanation with sufficient detail that a reasonable person could ascertain the nature of the legislative activity for which the compensation is claimed.
2. The Ethics Committee further recommends that section 2-2-307 (3) (a) (III), C.R.S., be amended to clarify that the legislative activity forming the basis for the per diem claim by a member of leadership be changed from matters pertaining to the general assembly to specifically address *legislative leadership* matters pertaining to the general assembly.

In addition to these specific recommendations, the Ethics Committee also discussed other observations related to section 2-3-307 (3), C.R.S. Specifically, the Ethics Committee considered what it viewed as a possible disparity in the treatment between members of legislative leadership and non-leadership members. The Committee observed that members of leadership may claim compensation under the statute for certain legislative activities that may also be undertaken by other members of the General Assembly over the course of the year, but for which the latter are not entitled to claim compensation. The Committee, however, also recognized the financial reality that the commitments of legislative leaders make it difficult for them to have income-generating work during the interim and that leadership positions are essentially full-time jobs. Furthermore, for those leaders whose primary residences are outside the Denver metropolitan area, they must maintain a secondary residence in order to attend to early-morning, late-day, and frequent leadership activities in the metro area.

The members of the Committee recognize the need for flexibility and the importance of allowing for judgment and discretion in claiming per diem compensation in accordance with section 2-2-307 (3) (a), C.R.S. However, since this is not the first time a member's claim of leadership per diem has been questioned, we believe the issues raised in this letter warrant consideration and possible action by the Executive Committee.

Respectfully submitted,
(signed)
Morgan Carroll, Chair
Bob Bacon
Pat Steadman

(signed)
Nancy Spence, Vice-chair
Shawn Mitchell

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 18 was laid over until Tuesday, April 19, retaining its place on the calendar.

- Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024, SJR11-032, SJR11-035, SJR11-036, SJR11-037, SJR11-039.
- Consideration of Memorials: SJM11-002, SJM11-003.
- Consideration of House Amendments to Senate Bills: SCR11-001, SB11-213, SB11-188.
- Consideration of Conference Committee Reports: SB11-165.
- Conference Committees to Report: HB11-1209.
- Requests for Conference Committee: SB11-209, SB11-226, SB11-219.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, April 19, 2011.	1
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Approved:	4
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Brandon C. Shaffer	8
President of the Senate	9
	10
Attest:	11
	12
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	14
Cindi L. Markwell	15
Secretary of the Senate	16

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

98th Legislative Day	Tuesday, April 19, 2011
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| Prayer | By the chaplain, Reverend Barry Ebert, Mile Hi Church, Lakewood. |
| Call to Order | By the President at 9:00 a.m. |
| Pledge | By Senator Guzman. |
| Roll Call | Present--35 |
| Quorum | The President announced a quorum present. |
| Reading of Journal | On motion of Senator Lambert, reading of the Journal of Monday, April 18, 2011, was dispensed with and the Journal was approved as corrected by the Secretary. |

MESSAGE FROM THE HOUSE

April 18, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1141, amended as printed in House Journal, April 6, page 876.
HB11-1032, amended as printed in House Journal, April 8, page 912.
HB11-1272, amended as printed in House Journal, April 11, page 938.
HB11-1275, amended as printed in House Journal, April 11, page 938.

The House has adopted the First Report of the First Conference Committee on HB11-1258, as printed in House Journal, April 13, page 978, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on SB11-165, as printed in House Journal, April 15, page 1003, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted and transmits herewith HJR11-1017.

The House has voted to concur in the Senate amendments to HB11-1097, 1004, 1042, 1071, 1080, 1156, 1216, 1234, and has repassed the bills as so amended.

MESSAGE FROM THE REVISOR OF STATUTES

April 18, 2011

We herewith transmit:

Without comment, as amended, HB11-1032, 1141, 1272, and 1275.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title and referred to the committees indicated:

SJR11-040 by Senator(s) White, Boyd, Brophy, Cadman, Giron, Grantham, Guzman, Hodge, Jahn, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Nicholson, Renfroe, Roberts, Schwartz, Spence, Tochtrop; also Representative(s) Brown, Acree, Barker, Baumgardner, Becker, Bradford, Conti, Coram, DelGrosso, Gardner B., Hamner, Holbert, Joshi, Kerr J., Looper, Massey, McKinley, Murray, Priola, Riesberg, Scott, Sonnenberg, Soper, Summers, Swalm, Swerdfeger, Vaad, Vigil--Concerning management of wild horse and burro herds by the bureau of land management, and, in connection therewith, urging the bureau of land management to take certain actions concerning those herds.
Agriculture, Natural Resources, and Energy

SJR11-041 by Senator(s) Tochtrop, Carroll, King S., Renfroe; also Representative(s) Acree, Gardner D., Kerr J., Miklosi--Concerning the appointment of Dianne E. Ray to the position of state auditor.

Laid over one day under Senate Rule 30(b).

SJR11-042 by Senator(s) Roberts and Williams S.; also Representative(s) Brown and Coram--Concerning the recognition of the Tri-Ute meeting in Colorado, and, in connection therewith, honoring the culture and heritage of the Ute Indian Tribes.

Laid over one day under Senate Rule 30(b).

SJR11-043 by Senator(s) Scheffel; also Representative(s) Massey--Concerning the designation of September 27, 2011, as "First Responder Appreciation Day".

Laid over one day under Senate Rule 30(b).

SJR11-044 by Senator(s) Schwartz; also Representative(s) Jones, Barker, Bradford, Fischer, Gardner D., Hamner, Lee, Looper, Nikkel, Priola, Ryden, Schafer S., Scott, Swalm, Tyler, Wilson--Concerning the proclamation of April 21, 2011, as "Colorado Outdoor Stewardship Day", and, in connection therewith, recognizing the importance of outdoor recreation to the state of Colorado and acknowledging the efforts of outdoor volunteers and the Colorado outdoor stewardship advisory council.

Laid over one day under Senate Rule 30(b).

SJR11-045 by Senator(s) Jahn; also Representative(s) Tyler--Concerning 22q11.2 deletion syndrome awareness week.

Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

SB11-241 by Senator(s) King S. and Carroll; also Representative(s) Gardner B. and Kagan--Concerning changes related to the operation of the parole board.
Judiciary

SB11-242 by Senator(s) Aguilar; also Representative(s) Miklosi--Concerning retired volunteer nurse licensure.
Health and Human Services

SB11-243 by Senator(s) Guzman; --Concerning the repeal of the civil penalty for document fraud.
Judiciary

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:

HB11-1251 by Representative(s) Conti, Acree, Balmer, Brown, Kerr J., Summers, Swerdfeger; also Senator(s) Tochtrop--Concerning an exemption from the restrictions on window tinting for public safety vehicles.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	28	NO	7	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: King S. and Williams S.

HB11-1286 by Representative(s) Sonnenberg and Becker, Baumgardner, Brown, Coram, DelGrosso, Fischer, Hullinghorst, Joshi, McKinley, McNulty, Pace, Priola, Ramirez, Scott, Swalm, Wilson; also Senator(s) Schwartz, Brophy, Giron, Grantham, Guzman, Hodge, Jahn, Renfroe, Tochtrop--Concerning the state engineer's rule-making authority in the case of dewatering of geologic formations by withdrawing nontributary ground water to facilitate the mining of minerals.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

SB11-231 by Senator(s) Steadman; also Representative(s) Nikkel--Concerning operation of the Colorado channel authority, and, in connection therewith, allowing the authority to make available via the internet audio recordings of proceedings of the general assembly and requiring certain members of the board of directors of the authority to be serving members of the general assembly and to represent the major political parties in each house.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Cadman

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:

SB11-220 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning a reduction in the mileage allowance for the use of a personal motor vehicle for official state business, and making an appropriation therefor.

Laid over until Wednesday, April 20, retaining its place on the calendar.

HB11-1160 by Representative(s) Gerou; also Senator(s) Jahn--Concerning the establishment of a green building incentive pilot program administered by the governor's energy office to incentivize the making of energy efficiency improvements to existing residences with current home energy ratings below minimum standards for people who purchase highly efficient new residential construction.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	25	NO	10	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Johnston, King S., Morse, Newell, Nicholson, Schwartz, Shaffer B., Steadman, Tochtrop and Williams S.

SB11-208 by Senator(s) Schwartz and Hodge, Bacon, Boyd, Brophy, Cadman, Foster, Giron, Grantham, Guzman, Heath, Hudak, Jahn, King S., Kopp, Lambert, Newell, Nicholson, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; also Representative(s) Sonnenberg and Gerou, Acree, Barker, Baumgardner, Becker, Beezley, Bradford, Coram, Ferrandino, Gardner B., Hamner, Holbert, Joshi, Labuda, Looper, Massey, McCann, Miklosi, Murray, Nikkel, Priola, Ramirez, Ryden, Schafer S., Scott, Stephens, Summers, Swalm, Swerdfeger, Waller, Wilson--Concerning the consolidation of wildlife entities with parks and outdoor recreation entities under the department of natural resources.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Harvey

Senator Newell requested her name be removed as sponsor on SB11-208.

HB11-1196 by Representative(s) Summers; also Senator(s) Foster--Concerning measures to increase flexibility in funding services for families.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Boyd, Giron, Guzman, Heath, Hudak, Jahn, Newell, Nicholson, Schwartz, Tochtrop, White and Williams S.

SB11-166 by Senator(s) Johnston; also Representative(s) Wilson--Concerning the "Uniform Disclaimer of Property Interests Act".

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	23	NO	12	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

SB11-199 by Senator(s) Tochtrop; also Representative(s) Riesberg--Concerning workers' compensation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Boyd and Guzman.

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--Consent Calendar and Senator Newell was called to the Chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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:

SB11-066 by Senator(s) Jahn; --Concerning the issuance of special event permits to serve alcohol beverages.

Ordered engrossed and placed on the calendar for third reading and final passage.

SB11-203 by Senator(s) Schwartz; also Representative(s) Sonnenberg--Concerning the species conservation trust fund, and, in connection therewith, approving the species conservation eligibility list.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, March 31, page 615 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

HB11-1026 by Representative(s) Gerou; also Senator(s) Jahn--Concerning the designation of storm water management system administrators, and making an appropriation therefor.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, March 17, pages 475-479 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 15, page 776 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1200 by Representative(s) Barker, Beezley, Labuda; also Senator(s) Roberts--Concerning conducting a substance abuse assessment at probation intake when the presentence report is waived.

Ordered revised and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR

On motion of Senator Newell, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-066, SB11-203 as amended, HB11-1026 as amended, HB11-1200.

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.

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:

SB11-194 by Senator(s) Boyd; --Concerning the regulation of alcohol beverages.

Laid over until May 12, retaining its place on the calendar.

SB11-060 by Senator(s) Boyd and White; also Representative(s) Gardner B. and Kerr A.--Concerning the alcohol content of alcohol beverages that are available for consumption on a licensed premises.

Ordered engrossed and placed on the calendar for third reading and final passage.

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	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-060.
Laid over until April 20: SB11-052, HB11-1109, HB11-1268, HB11-1138, HB11-1267, SB11-227, SB11-182, HB11-1218, HB11-1146, SB11-051, SB11-047, SB11-177, SB11-125, SB11-105, SB11-004, SB11-185, HB11-1201, HB11-1145, HB11-1076, SB11-192.
Laid over until May 12: SB11-194.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Boyd, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
COLORADO COMMISSION ON THE AGING

for a term expiring July 1, 2014:

Maureen Robinson of Littleton, Colorado, to serve as a Democrat from Congressional District 6, reappointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfro	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Boyd, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO COMMISSION FOR THE
DEAF AND HARD OF HEARING

for terms expiring July 1, 2014:

Marie N. Runge of Greeley, Colorado, to serve as a member who is deaf, appointed;
Kirk B. Neuroth of Denver, Colorado, to serve as a member who is an interpreter for the deaf and hard of hearing, appointed;
Deborah G. Mohny of Boulder, Colorado, to serve as a member who is hard of hearing, reappointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Schwartz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COAL MINE BOARD OF EXAMINERS

for terms expiring July 1, 2012:

Daniel R. Meadors of Durango, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in underground mining, to fill the vacancy occasioned by the resignation of Trent A. Peterson of Marvel, Colorado, appointed;

Lara A. Sims of Hayden, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in surface mining, to fill the vacancy occasioned by the resignation of Karl C. Koehler of Hayden, Colorado, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLLEGEINVEST BOARD OF DIRECTORS

for terms expiring July 31, 2014:

David L. Stevens of Denver, Colorado, appointed;

Charles W. Kercheval of Parker, Colorado, appointed;

for a term expiring July 31, 2012:

Angela A. Gripenstraw of Greenwood Village, Colorado, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Bacon, the following Governor's appointments were confirmed by a roll call vote:

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;

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.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Schwartz, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
BOARD OF TRUSTEES FOR THE COLORADO
SCHOOL FOR THE DEAF AND THE BLIND

for a term expiring July 1, 2014:

Chris A. Madison of Grand Junction, Colorado, a Republican, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB11-165 by Senator(s) Guzman; also Representative(s) Kerr A.--Concerning the "Colorado Uniform Estate Tax Apportionment Act".

Senator Guzman moved for the adoption of the first report of the first conference committee on **SB11-165**, as printed in Senate journal, April 15, page 759. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-188 by Senator(s) Bacon and King K.; also Representative(s) Casso--Concerning increasing the state's oversight of the program that allows the financing of capital construction for qualified charter schools.

Senator Bacon moved that the Senate concur in House amendments to **SB11-188**, as printed in House journal, April 18, page 937. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SENATE SERVICES REPORT

Correctly Printed: SR11-005.
Correctly Engrossed: SB11-166, 199, 208 and 231.
Correctly Reengrossed: SB11-126.
Correctly Revised: HB11-1160, 1196, 1251 and 1286; HJR11-1016.
Correctly Enrolled: SB11-211, 212, 214, 215, 216, 217, 218, 221, 222, 223, 224, 228 and 229.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1182, 1198, HJR11-1015.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, April 19 was laid over until Wednesday, April 20, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024, SJR11-032, SJR11-035, SJR11-036, SJR11-037, SJR11-039, SR11-005.
Consideration of Memorials: SJM11-002, SJM11-003.
Consideration of House Amendments to Senate Bills: SCR11-001, SB11-213.
Conference Committees to Report: HB11-1209.
Requests for Conference Committee: SB11-209, SB11-226, SB11-219.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB11-1283 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB11-1199 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB11-207 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.

	Amend printed bill, page 19, line 8, strike "THE" and substitute "FOR CONTRACTS ENTERED INTO TO PERFORM ROOFING WORK ON A RESIDENTIAL PROPERTY, THE".	1 2 3 4 5 6
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1140 be postponed indefinitely.	7 8 9 10 11
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1252 be postponed indefinitely.	12 13 14 15 16 17
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1219 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend reengrossed bill, page 11, line 23, strike "TRANSMISSION," and substitute "TRANSMISSION IN CIRCUMSTANCES WHERE ANOTHER MORE SECURE METHOD, SUCH AS RETURNING THE BALLOT BY MAIL, IS NOT AVAILABLE OR FEASIBLE,". Page 14, line 5, after "CERTIFIED" insert "STATEWIDE BALLOT QUESTIONS AND".	18 19 20 21 22 23 24 25 26 27 28 29 30
Judiciary	After consideration on the merits, the Committee recommends that HB11-1261 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation. Amend reengrossed bill, strike everything below the enacting clause and substitute: "SECTION 1. 42-4-1306, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read: 42-4-1306. Interagency task force on drunk driving - creation - repeal. (6) (a) BEGINNING WITH THE FIRST MEETING OF THE TASK FORCE ON OR AFTER JULY 1, 2011, AND AT EACH MEETING THEREAFTER, THE TASK FORCE SHALL CONSIDER THE FOLLOWING QUESTIONS: (I) HOW MAY THE GENERAL ASSEMBLY CONSIDER AMENDING THE CRIMINAL OR ADMINISTRATIVE STATUTORY PROVISIONS RELATING TO THE OFFENSES OF "DRIVING UNDER THE INFLUENCE" AND "DRIVING WHILE ABILITY IMPAIRED", AS DESCRIBED IN SECTION 42-4-1301, TO ADDRESS TRAFFIC OFFENSES IN WHICH THE OFFENDER HAS APPARENTLY CONSUMED ONE OR MORE DRUGS; (II) SHOULD THE GENERAL ASSEMBLY ESTABLISH A STATUTORY THRESHOLD, EXPRESSED IN NANOGRAMS OF TETRAHYDROCANNABINOLS PER MILLILITER OF WHOLE BLOOD, AS SHOWN BY ANALYSIS OF A PERSON'S BLOOD, FOR THE PURPOSE OF ALLOWING PROSECUTORS TO CHARGE A PERSON WHOSE BLOOD EXCEEDS THE THRESHOLD WITH THE OFFENSE OF DUI PER SE, AS DESCRIBED IN SECTION 42-4-1301; (III) IF SUCH A STATUTORY THRESHOLD IS ESTABLISHED, WHAT SHOULD THE THRESHOLD BE, AND WHAT IS THE SCIENTIFIC JUSTIFICATION FOR SUCH THRESHOLD; (IV) TO WHAT EXTENT IS SUCH SCIENTIFIC JUSTIFICATION DEEMED VALID AND RELIABLE BY THE SCIENTIFIC COMMUNITY; AND (V) WILL THE ESTABLISHMENT OF SUCH A STATUTORY THRESHOLD PRESENT AN UNREASONABLE RISK THAT A PERSON WHO USES MARIJUANA WILL BE UNJUSTLY PROSECUTED FOR OR CONVICTED OF A DUI PER SE TRAFFIC OFFENSE AS A RESULT OF THE DETECTION OF DELTA 9-TETRAHYDROCANNABINOL IN THE PERSON'S WHOLE BLOOD. (b) ON OR BEFORE DECEMBER 1, 2012, THE TASK FORCE SHALL CREATE AND PUBLISH A REPORT OF ITS FINDINGS AND CONCLUSIONS, IN WHICH REPORT THE TASK FORCE SHALL RESPOND TO THE QUESTIONS POSED IN PARAGRAPH (a) OF THIS SUBSECTION (6). THE TASK FORCE SHALL	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

SUBMIT THE REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES.

(c) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE DECEMBER 2, 2012.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Page 1, strike lines 102 through 105 and substitute "**THRESHOLD FOR THE PURPOSE OF CHARGING A PERSON WITH THE CRIMINAL OFFENSE OF DUI PER SE.**".

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, April 20, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

99th Legislative Day	Wednesday, April 20, 2011
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Prayer	By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator Guzman.
Roll Call	Present--33 Excused--2, Kopp, Mitchell. Present later--1, Kopp.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Lambert, reading of the Journal of Tuesday, April 19, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

April 18, 2011

Mr. President:

In response to the request of the Senate, the Speaker has appointed Representatives Gerou, chairman, Becker, and Ferrandino as House conferees on the First Conference Committee on SB11-219.

In response to the request of the Senate, the Speaker has appointed Representatives Gerou, chairman, Becker, and Ferrandino as House conferees on the First Conference Committee on SB11-209.

In response to the request of the Senate, the Speaker has appointed Representatives Gerou, chairman, Becker, and Ferrandino as House conferees on the First Conference Committee on SB11-226.

**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:

SB11-066 by Senator(s) Jahn; also Representative(s) Gardner B.--Concerning the issuance of special event permits to serve alcohol beverages.
Local Government and Energy
Laid over until Thursday, April 21, retaining its place on the calendar.

SB11-203

by Senator(s) Schwartz; also Representative(s) Sonnenberg--Concerning the species conservation trust fund, and, in connection therewith, approving the species conservation eligibility list.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Guzman and Williams S.

HB11-1026

by Representative(s) Gerou; also Senator(s) Jahn--Concerning the designation of storm water management system administrators, 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
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

HB11-1200

by Representative(s) Barker, Beezley, Labuda; also Senator(s) Roberts--Concerning conducting a substance abuse assessment at probation intake when the presentence report is waived.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Giron, Guzman, Heath, Jahn, Newell, Steadman and Williams S.

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:

SB11-220 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning a reduction in the mileage allowance for the use of a personal motor vehicle for official state business, and making an appropriation therefor.

Laid over until Monday, April 25, retaining its place on the calendar.

SB11-060 by Senator(s) Boyd and White; also Representative(s) Gardner B. and Kerr A.--Concerning the alcohol content of alcohol beverages that are available for consumption on a licensed premises.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	2	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Foster, Heath, Kopp, Schwartz and Williams S.

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

SJR11-041 by Senator(s) Tochtrop, Carroll, King S., Renfroe; also Representative(s) Acree, Gardner D., Kerr J., Miklosi--Concerning the appointment of Dianne E. Ray to the position of state auditor.

On motion of Senator Tochtrop, the resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., Kopp, Lambert, Lundberg, Morse, Newell, Nicholson, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, White and Williams S.

Committee of the Whole On motion of Senator Aguilar, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Aguilar 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:

SB11-052 by Senator(s) Heath, Bacon, King K.; also Representative(s) Massey, Ferrandino-- Concerning expectations for higher education institutions in Colorado.
Laid over until Thursday, April 21, retaining its place on the calendar.

HB11-1109 by Representative(s) Liston, Balmer, Bradford, DelGrosso, Holbert, Kerr J., Looper, Nikkel, Priola, Ramirez, Schafer S., Stephens; also Senator(s) Giron--Concerning the authority for a local government to create an exemption from local sales tax for the sale of equipment used directly in the provision of telecommunications services.
Laid over until Thursday, April 21, retaining its place on the calendar.

HB11-1268 by Representative(s) Levy; also Senator(s) Nicholson--Concerning penalties for traffic offenses involving alcohol and drugs.
Laid over until Thursday, April 21, retaining its place on the calendar.

HB11-1138 by Representative(s) Gardner B., Barker, Casso, Waller; also Senator(s) Morse, Bacon, Boyd, Jahn, King S.--Concerning the sex offender management board, and making an appropriation therefor.
Laid over until Thursday, April 21, retaining its place on the calendar.

HB11-1267 by Representative(s) McCann; also Senator(s) Mitchell--Concerning an expansion of the circumstances in which a court may order further restrictions as conditions of a protection order against a defendant.
Laid over until Thursday, April 21, retaining its place on the calendar.

SB11-227 by Senator(s) Hudak, Bacon, Boyd, Heath, Williams S.; also Representative(s) Vaad and Ryden--Concerning a repeal of the exception to the child restraint system law for children weighing more than forty pounds who are being transported in a motor vehicle with a rear seat that was not equipped with combination belts at the time of manufacture.
Ordered engrossed and placed on the calendar for third reading and final passage.

SB11-182 by Senator(s) Carroll, Cadman, Giron, Guzman, Spence; also Representative(s) Liston, Barker, Court, Massey, Pabon, Pace--Concerning the establishment of an insurable interest requirement for life insurance policies.
Laid over until Thursday, April 21, retaining its place on the calendar.

HB11-1218 by Representative(s) Baumgardner; also Senator(s) White--Concerning a county power to create a federal mineral lease district for purposes of receiving moneys distributed by the department of local affairs from the local government mineral impact fund.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, April 15, page 770 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1146 by Representative(s) Massey; also Senator(s) Steadman--Concerning a requirement that a residence be integral to an agricultural operation in determining whether two acres or less associated with the residence satisfies the definition of agricultural land for property tax purposes.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, April 15, page 771 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

SB11-051 by Senator(s) Giron; also Representative(s) Swerdfeger--Concerning an intercept of a person's winnings for the purpose of paying an unpaid debt due to the state.

Laid over until Thursday, April 21, retaining its place on the calendar.

SB11-047 by Senator(s) Heath; also Representative(s) Gerou and Riesberg--Concerning funding to support innovative industries, and, in connection therewith, creating the "Colorado Clean Technology Innovation Reinvestment Act".

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, February 9, pages 126-127 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 15, pages 772-773 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-177 by Senator(s) Nicholson, Aguilar, Boyd, Carroll, Foster, Newell; also Representative(s) Nikkel--Concerning the teen pregnancy and dropout prevention program, and, in connection therewith, continuing the program, and making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 15, pages 773-774 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-125 by Senator(s) White, Guzman, Jahn, Tochtrop; also Representative(s) Sonnenberg, Pace--Concerning medicaid nursing facility provider fees, and, in connection therewith, increasing the cap on the medicaid nursing facility provider fee and changing the priority of uses for supplemental payments from the medicaid nursing facility cash fund.

Laid over until Thursday, April 21, retaining its place on the calendar.

SB11-105 by Senator(s) Guzman, Aguilar, Boyd, Carroll, Foster, Lundberg, Newell, Roberts; also Representative(s) Levy--Concerning in-home support services, and, in connection therewith, extending the in-home support services program.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 11, page 171 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 15, page 774 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

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| SB11-004 | by Senator(s) Guzman, Steadman; also Representative(s) Pabon--Concerning crimes against homeless persons, and making an appropriation therefor. |
| | <u>Amendment No. 1, Judiciary Committee Amendment.</u>
(Printed in Senate Journal, February 8, pages 118-120 and placed in members' bill files.) |
| | <u>Amendment No. 2, Appropriations Committee Amendment.</u>
(Printed in Senate Journal, April 15, pages 774-775 and placed in members' bill files.) |
| | As amended, ordered engrossed and placed on the calendar for third reading and final passage. |
| SB11-185 | by Senator(s) Johnston; also Representative(s) Duran--Concerning a clause in state contracts that requires a vendor to notify the state if the vendor outsources duties performed pursuant to the contract to a locale outside the United States. |
| | <u>Amendment No. 1, Local Government Committee Amendment.</u>
(Printed in Senate Journal, March 25, pages 580-581 and placed in members' bill files.) |
| | As amended, ordered engrossed and placed on the calendar for third reading and final passage. |
| HB11-1201 | by Representative(s) Hamner, Todd, Massey, Fischer, Kerr A., Peniston, Scott, Solano; also Senator(s) Nicholson and White--Concerning measures to facilitate the issuance of educator licenses. |
| | <u>Amendment No. 1, Education Committee Amendment.</u>
(Printed in Senate Journal, March 31, pages 612-613, was lost .) |
| | <u>Amendment No. 2, Appropriations Committee Amendment.</u>
(Printed in Senate Journal, April 15, page 775, was lost .) |
| | Ordered revised and placed on the calendar for third reading and final passage. |
| HB11-1145 | by Representative(s) McCann, Labuda, Levy, Pabon; also Senator(s) Tochtrop--Concerning requirements surrounding background checks for child care facilities, and making an appropriation therefor. |
| | <u>Amendment No. 1, Education Committee Amendment.</u>
(Printed in Senate Journal, April 1, page 632 and placed in members' bill files.) |
| | <u>Amendment No. 2, Appropriations Committee Amendment.</u>
(Printed in Senate Journal, April 15, page 776 and placed in members' bill files.) |
| | As amended, ordered revised and placed on the calendar for third reading and final passage. |
| HB11-1076 | by Representative(s) Riesberg; also Senator(s) Roberts--Concerning time payment fees in judicial matters. |
| | <u>Amendment No. 1, Judiciary Committee Amendment.</u>
(Printed in Senate Journal, March 24, page 561 and placed in members' bill files.) |
| | As amended, ordered revised and placed on the calendar for third reading and final passage. |
| SB11-192 | by Senator(s) Aguilar and Spence, Boyd, Guzman, Jahn, Newell, White, Williams S.; also Representative(s) Massey, Casso, Priola, Riesberg, Soper--Concerning the continuation of the prescription drug monitoring program, and, in connection therewith, repealing the prescription controlled substance abuse monitoring committee. |
| | <u>Amendment No. 1, Health & Human Services Committee Amendment.</u>
(Printed in Senate Journal, April 1, pages 633-636 and placed in members' bill files.) |
| | <u>Amendment No. 2, Appropriations Committee Amendment.</u>
(Printed in Senate Journal, April 15, page 776 and placed in members' bill files.) |

Amendment No. 3(L.005), by Senator Aguilar.

Amend the Health and Human Services Committee Report, dated March 31, 2011, page 3, line 18, after "SHALL" insert "ORALLY".

Page 3, line 19, strike "SUBSTANCE" and substitute "SUBSTANCE, AT THE TIME THE CONTROLLED SUBSTANCE IS FIRST PRESCRIBED,".

Page 5, after line 6 insert:

"SECTION 12. 18-4-412 (2) (a), Colorado Revised Statutes, is amended to read:

18-4-412. Theft of medical records or medical information - penalty. (2) As used in this section:

(a) "Medical record" means the written or graphic documentation, sound recording, or computer record pertaining to medical, mental health, and health care services ~~which~~ THAT are performed at the direction of a physician or other licensed health care provider on behalf of a patient by physicians, dentists, nurses, technicians, emergency medical technicians, mental health professionals, prehospital providers, or other health care personnel. "Medical record" includes such diagnostic documentation as X rays, electrocardiograms, electroencephalograms, and other test results. "MEDICAL RECORD" INCLUDES DATA ENTERED INTO THE PRESCRIPTION DRUG MONITORING PROGRAM PURSUANT TO SECTION 12-22-704, C.R.S.

SECTION 13. 25-1-1202 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25-1-1202. Index of statutory sections regarding medical record confidentiality and health information. (1) Statutory provisions concerning policies, procedures, and references to the release, sharing, and use of medical records and health information include the following:

(nnn) SECTION 12-22-707, C.R.S., CONCERNING INFORMATION ENTERED INTO THE PRESCRIPTION DRUG MONITORING PROGRAM DATABASE.".

Renumber succeeding sections accordingly.

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Aguilar, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-227, SB11-047 as amended, SB11-177 as amended, SB11-105 as amended, SB11-004 as amended, SB11-185 as amended, SB11-192 as amended, HB11-1218 as amended, HB11-1146 as amended, HB11-1201, HB11-1145 as amended, HB11-1076 as amended.
Laid over until April 21: SB11-052, HB11-1109, HB11-1268, HB11-1138, HB11-1267, SB11-182, SB11-051, SB11-125.

MESSAGE FROM THE HOUSE

April 20, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB11-1242, amended as printed in House Journal, April 19, page 1024.
HB11-1250, amended as printed in House Journal, April 19, page 1024.
HB11-1271, amended as printed in House Journal, April 19, page 1024.

The House has passed on Third Reading and returns herewith SB11-128.

The House has voted to grant the House conferees on the First Conference Committee on
SB11-209 to consider matters not at issue between the two houses.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR11-046 by Senator(s) Tochtrop; also Representative(s) Pabon--Concerning the declaration of July
28, 2011, as "Hepatitis C Awareness Day".

Laid over until Thursday, April 21, retaining its place on the calendar.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

SB11-244 by Senator(s) Steadman; also Representative(s) Kagan--Concerning the repeal of certain
crimes that include marital status as an element of the crime.
Judiciary

HB11-1043 by Representative(s) Massey; also Senator(s) Steadman--Concerning medical marijuana,
and making an appropriation therefor.
Judiciary

HB11-1064 by Representative(s) Waller; also Senator(s) Steadman--Concerning a parole presumption
pilot program for certain drug offenders, and making an appropriation in connection
therewith.
Judiciary

HB11-1265 by Representative(s) Stephens, Waller; also Senator(s) Johnston--Concerning the filing of
claims for refunds of sales or use tax.
Finance

HB11-1288 by Representative(s) Liston and Pabon, DelGrosso, Gardner D., Holbert, McNulty, Miklosi,
Pace, Peniston, Priola, Soper, Swalm, Swerdfeger, Tyler, Williams A., Wilson; also
Senator(s) Morse, Aguilar, Shaffer B., Tochtrop, Jahn, Harvey--Concerning unemployment
insurance solvency reform, and, in connection therewith, enacting measures to enhance the
solvency of the unemployment compensation fund, and making an appropriation.
Business, Labor and Technology

HB11-1293 by Representative(s) Stephens and Murray; also Senator(s) Jahn and Newell, Spence--
Concerning the repeal of House Bill 10-1192 regarding the state sales and use tax of
standardized software on July 1, 2012, and making an appropriation therefor.
Finance

HB11-1296 by Representative(s) Kagan, Court, Ferrandino, Fischer, Labuda, Miklosi, Tyler, Wilson; also Senator(s) Steadman, Nicholson--Concerning the temporary continuation of the state sales and use tax on cigarettes.
Finance

SENATE SERVICES REPORT

Correctly Printed: SB11-241, 242 and 243; SJR11-040, 041, 042, 043, 044 and 045.
Correctly Engrossed: SB11-060, 066 and 203.
Correctly Reengrossed: SB11-166, 199, 208 and 231.
Correctly Revised: HB11-1026 and 1200.
Correctly Rerevised: HB11-1160, 1196, 1251 and 1286.
Correctly Enrolled: SB11-210 and 225.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-034, 037, 062, 094, 119, 183, 211, 212, 214, 215, 216, 217, 218, 221, 222, 223, 224, 228 and 229.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Tuesday, April 19, 2011, at 3:00 p.m.:
SB11-034, 037, 062, 094, 119 and 183.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

SB11-209 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--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, 2011, except as otherwise noted.

Senator Hodge moved that the Senate conferees on the first conference committee on **SB11-209** be granted permission to go beyond the scope of the differences between the two houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**.

COMMITTEE OF REFERENCE REPORTS

Legislative Council After consideration on the merits, the Committee recommends that **SB11-050** be referred to the Committee of the Whole with favorable recommendation.

Legislative Council After consideration on the merits, the Committee recommends that **SB11-167** be postponed indefinitely.

Legislative Council After consideration on the merits, the Committee recommends that **SJR11-033** be postponed indefinitely.

Legislative Council	After consideration on the merits, the Committee recommends that SB11-200 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.	1 2 3 4
	Amend printed bill, page 13, after line 4 insert:	5 6
	" SECTION 3. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act."	7 8 9 10 11
	Renumber succeeding section accordingly.	12 13 14
Legislative Council	After consideration on the merits, the Committee recommends that SB11-111 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	15 16 17 18
	Amend printed bill, page 7, line 14, before "MEMBERS" insert "NON-LEGISLATIVE".	19 20 21
	Page 7, line 26, after the period add "THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL PROVIDE STAFF SUPPORT TO THE TASK FORCE."	22 23 24 25
	Page 9, strike lines 14 through 16 and substitute:	26 27
	"(2) IN FULFILLING ITS DUTIES, THE TASK FORCE SHALL WORK WITH THE EDUCATION LEADERSHIP COUNCIL CREATED BY THE GOVERNOR IN EXECUTIVE ORDER B 2010-010. THE TASK FORCE SHALL CONSULT WITH THE EDUCATION LEADERSHIP COUNCIL IN SETTING ITS MEETING AGENDAS, ORGANIZING ITS WORK PLAN, AND PREPARING ITS REPORTS. IN ADDITION TO THE DUTIES SPECIFIED IN THIS SECTION, THE TASK FORCE MAY RESPOND TO REQUESTS FROM THE EDUCATION LEADERSHIP COUNCIL FOR INFORMATION, FINDINGS, AND REPORTS ON TOPICS IDENTIFIED BY THE EDUCATION LEADERSHIP COUNCIL THAT ARE COMPLEMENTARY TO THE TOPICS SPECIFIED IN THIS SECTION."	28 29 30 31 32 33 34 35 36 37 38
	Page 10, after line 5 insert:	39 40
	"(4) THE TASK FORCE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS FOR LEGISLATION TO THE LEGISLATIVE COUNCIL IN ACCORDANCE WITH JOINT RULE 24 (b) (1) (D) OF THE SENATE AND THE HOUSE OF REPRESENTATIVES AND SHALL BE SUBJECT TO THE LIMITATIONS ON BILLS SPECIFIED IN SAID JOINT RULE. ANY RECOMMENDATIONS FOR LEGISLATION REQUIRE THE APPROVAL OF A MAJORITY OF THE LEGISLATIVE MEMBERS OF THE TASK FORCE."	41 42 43 44 45 46 47 48
	Renumber succeeding subsection accordingly.	49 50
	Page 10, strike lines 13 through 15.	51 52
	Page 10, after line 19 insert:	53 54
	" SECTION 2. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act."	55 56 57 58 59
	Renumber succeeding section accordingly.	60 61 62
Legislative Council	After consideration on the merits, the Committee recommends that SB11-133 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	63 64 65 66
	Amend the Judiciary Committee Report, dated March 23, 2011, page 3, strike lines 1 through 4.	67 68 69

Page 3 of the committee report, strike lines 41 and 42 and substitute:

"(5) THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL PROVIDE STAFF SUPPORT TO THE TASK FORCE.

(6) THE TASK FORCE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS FOR LEGISLATION TO THE LEGISLATIVE COUNCIL IN ACCORDANCE WITH JOINT RULE 24 (b) (1) (D) OF THE SENATE AND THE HOUSE OF REPRESENTATIVES AND SHALL BE SUBJECT TO THE LIMITATIONS ON BILLS SPECIFIED IN SAID JOINT RULE."

Page 4 of the committee report, strike lines 1 though 20.

Page 4 of the committee report, after line 21 insert:

"SECTION 2. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act."

Renumber succeeding section accordingly.

Judiciary After consideration on the merits, the Committee recommends that **SB11-232** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB11-044** 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 20, strike "A PROCESS THROUGH WHICH THOSE INDIVIDUALS".

Page 3, strike lines 21 through 24 and substitute "INDIVIDUALS CHARGED WITH CRIMINAL OFFENSES, BEING SENTENCED AFTER A CRIMINAL CONVICTION, OR RELEASED FROM SUPERVISION OR INCARCERATION AFTER A CRIMINAL CONVICTION WITH NOTICE OF POTENTIAL COLLATERAL CONSEQUENCES. THIS INFORMATION WILL ALLOW THESE INDIVIDUALS TO CONSIDER SUCH CONSEQUENCES WHEN ENTERING PLEA AGREEMENTS, PREPARING FOR REINTEGRATION AFTER SUPERVISION, OR DEVELOPING A PAROLE PLAN."

Page 4, strike lines 23 through 27.

Page 5, strike line 1.

Renumber succeeding subsections accordingly.

Page 7, strike line 3 and substitute "DISQUALIFICATION OR DOES NOT GIVE RISE TO A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL OR CLAIM FOR A DISCIPLINARY PROCEEDING AGAINST THE STATE PUBLIC DEFENDER OR AN ATTORNEY EMPLOYED BY THE STATE PUBLIC DEFENDER."

Page 8, strike lines 18 and 19.

Page 8, line 25, strike "INDIVIDUAL:" and substitute "INDIVIDUAL IN WRITING:".

Page 9, strike lines 3 and 4.

Reletter succeeding paragraphs accordingly.

Page 9, line 7, strike "SEEKING RELIEF FROM" and substitute "FACING".

Page 9, strike lines 15 through 27.

Strike pages 10 through 15.

Page 16, strike lines 1 through 22 and substitute:

	"SECTION 2. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act."	1
		2
		3
		4
		5
	Renumber succeeding section accordingly.	6
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		8
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1291 be referred to the Committee of the Whole with favorable recommendation.	9
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Finance	After consideration on the merits, the Committee recommends that HB11-1005 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	15
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		18
Finance	After consideration on the merits, the Committee recommends that HB11-1241 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	19
		20
		21
		22
Trans- portation	After consideration on the merits, the Committee recommends that HB11-1002 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	23
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Legal Services	After consideration on the merits, the Committee recommends that SB11-078 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	27
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Finance	After consideration on the merits, the Committee recommends that SB11-187 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	32
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	Amend printed bill, page 7, line 20, strike "OF EACH TYPE".	36
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	Page 10, line 1, strike "TERMS" and substitute "TERM".	38
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	Page 10, line 2, strike "TERMS" and substitute "TERM".	40
		41
	Page 10, line 3, strike "EXPIRE" and substitute "EXPIRES".	42
		43
	Page 10, line 4, strike "THESE BOARD MEMBERS ARE" and substitute "THIS BOARD MEMBER IS".	44
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		46
	Page 10, strike lines 7 and 8 and substitute "BOARD MEMBER'S TERM, THE TERM OF A PERSON APPOINTED TO THIS MEMBER'S POSITION ON THE BOARD IS AS DESCRIBED IN PARAGRAPH (a)".	47
		48
		49
		50
	Page 10, line 11, strike "TERM" and substitute "TERMS".	51
		52
	Page 10, line 12, strike "TERM" and substitute "TERMS".	53
		54
	Page 10, line 13, strike "EXPIRES" and substitute "EXPIRE".	55
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	Page 10, line 14, strike "THIS BOARD MEMBER IS" and substitute "THESE BOARD MEMBERS ARE".	57
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		59
	Page 10, line 17, strike "THIS BOARD MEMBER'S TERM," and substitute "THESE BOARD MEMBERS' TERMS,".	60
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	Page 10, line 18, strike "MEMBER'S POSITION" and substitute "MEMBERS' POSITIONS".	63
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	Page 10, line 22, strike "DUTY AFTER GIVING THE" and substitute "DUTY.".	66
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	Page 10, strike line 23.	68
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Page 10, line 24, strike "OPPORTUNITY TO BE HEARD.".

Page 15, line 19, strike "RENEWABLE." and substitute "RENEWABLE, UNLESS THE BOARD, IN ITS DISCRETION, GRANTS THE CANDIDATE AN EXTENSION.".

Page 15, line 21, after "APPLYING" insert "TO THIS BOARD OR".

Page 17, line 13, strike "RENEWABLE." and substitute "RENEWABLE, UNLESS THE BOARD, IN ITS DISCRETION, GRANTS THE CANDIDATE AN EXTENSION.".

Page 17, line 15, after "APPLYING" insert "TO THIS BOARD OR".

Page 19, line 3, after "RECEIPT" insert "AND REVIEW".

Page 19, line 4, strike "SHALL INCLUDE" and substitute "MAY APPROVE".

Page 19, line 5, strike "REGISTERED PSYCHOTHERAPIST" and substitute "PSYCHOTHERAPIST FOR REGISTRATION".

Page 19, line 18, after "~~may~~" insert "WHOSE PRIMARY PRACTICE IS PSYCHOTHERAPY OR WHO HOLDS HIMSELF OR HERSELF OUT TO THE PUBLIC AS ABLE TO PRACTICE PSYCHOTHERAPY FOR COMPENSATION".

Page 23, line 12, strike "(1) (i),".

Page 23, line 20, strike "PLEADED" and substitute "PLED".

Page 23, line 21, strike "felony." and substitute "felony".

Page 23, line 23, strike "~~article~~." and substitute "~~article~~ OR RECEIVED A DEFERRED SENTENCE TO A FELONY CHARGE.".

Page 24, line 21, strike "INCLUDE" and substitute "MAY INCLUDE, AT THE BOARD'S DISCRETION,".

Page 25, strike lines 3 through 6.

Page 26, line 2, strike "RESPOND" and substitute "RESPOND, IN THE MANNER REQUIRED BY THE BOARD," and after "FILED" insert "WITH OR BY THE BOARD".

Page 29, line 14, strike "UNPROFESSIONAL CONDUCT." and substitute "ACTIVITIES PROHIBITED PURSUANT TO SECTION 12-43-222." and strike "IS AN ADMINISTRATIVE".

Page 29, line 15, strike "ACTION AND".

Page 42, line 20, after "HOLDER" insert "WHO IS A MEMBER OF OR IS".

Page 55, line 25, strike "AND, IN THE".

Page 55, line 26, strike "OPINION OF THE BOARD, SHOULD BE DISMISSED,".

Page 55, line 27, strike "POSSIBLE ERRANT".

Page 57, line 4, after "THE" insert "MEMBERS OF THE".

Page 63, strike line 13 and substitute:

"(c) PROVIDING CLINICAL INFORMATION TO BE UTILIZED IN LEGAL PROCEEDINGS.".

Page 67, strike lines 6 and 7.

Page 67, line 8, strike "(a)" and substitute "(7)".

Page 67, line 12, strike "BOARD; OR" and substitute "BOARD.".

Page 67, strike lines 13 through 15.

Page 75, line 12, strike "INCLUDES:" and substitute "MAY INCLUDE:".

Page 80, line 4, strike "COMPETENCIES:" and substitute "COMPETENCIES, AS APPROPRIATE BASED ON THE LEVEL OF CERTIFICATION OR LICENSURE AND SCOPE OF PRACTICE:".

Page 80, line 19, strike the second "AND".

Page 80, line 20, strike "SUPERVISION." and substitute "SUPERVISION; AND".

Page 80, after line 20 insert:

"(I) INTERVENTION.".

Page 81, line 3, strike the second "AND" and strike "RESPONSIBILITIES." and substitute "RESPONSIBILITIES, AND INTERVENTION.".

Amend the Health and Human Services Committee report, dated March 23, 2011, page 2, strike lines 21 through 31.

Page 3 of the committee report, line 4, strike "2011," and substitute "2012,".

Page 3 of the committee report, line 25, after "PROVIDERS." insert "FOR PURPOSES OF SELECTING DESIGNATED PROVIDERS, THE BOARDS SHALL USE A COMPETITIVE BIDDING PROCESS THAT ENCOURAGES PARTICIPATION FROM INTERESTED VENDORS.".

Page 7 of the committee report, line 7, strike "FORMAL" and substitute "STANDARDIZED".

Page 7 of the committee report, line 16, strike ""(5) and (7),"" and substitute ""(5), (7), and (10),"".

Page 7 of the committee report, line 24, strike "state:." and substitute "state.".

Page 7 of the committee report, after line 24 insert:

"(10) The provisions of this article shall DO not apply to a professional coach, INCLUDING A LIFE COACH, EXECUTIVE COACH, PERSONAL COACH, OR BUSINESS COACH, who has had coach-specific training and who serves clients exclusively as a coach, AS LONG AS THE PROFESSIONAL COACH DOES NOT ENGAGE IN THE PRACTICE OF PSYCHOLOGY, SOCIAL WORK, MARRIAGE AND FAMILY THERAPY, LICENSED PROFESSIONAL COUNSELING, PSYCHOTHERAPY, OR ADDICTION COUNSELING, AS THOSE PRACTICES ARE DEFINED IN THIS ARTICLE.".

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, April 20 was laid over until Thursday, April 21, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024, SJR11-032, SJR11-035, SJR11-036, SJR11-037, SJR11-039, SJR11-042, SJR11-043, SJR11-044, SJR11-045, SR11-005.
Consideration of Memorials: SJM11-002, SJM11-003.
Consideration of House Amendments to Senate Bills: SCR11-001, SB11-213.
Conference Committees to Report: HB11-1209, SB11-209, SB11-226, SB11-219.

TRIBUTES

Honoring:

- Louise and Jerry Lester - 55th Anniversary -- by Senator Shaffer.
- Normandy Elementary School -- by Senator Kopp.
- D'Evelyn Junior/Senior High School -- by Senator Kopp.
- Conifer High School -- by Senator Kopp.
- Bradford Primary School -- by Senator Kopp.
- Jodi Brammeier - "Jodi's Run" For Ovarian Cancer Awareness -- by Senator White.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, April 21, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

100th Legislative Day Thursday, April 21, 2011

Prayer By the chaplain, Reverend Father Zaven Markosyan, Armenian Apostolic Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Guzman.

Roll Call Present--31
Excused--4, Bacon, Mitchell, Renfroe, Roberts.
Present later--3, Bacon, Mitchell, Renfroe.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Lambert, reading of the Journal of Wednesday, April 20, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

REPORT OF CONFERENCE COMMITTEES

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB11-1209

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB11-1209, concerning the creation of a small business navigator by the small business assistance center under the office of economic development, has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 3, line 5, after "(b)" insert "(I)".

Page 3, line 9, strike "(I)" and substitute "(A)".

Page 3, line 10, strike "(II)" and substitute "(B)".

Page 3, line 14, strike "(III)" and substitute "(C)".

Page 3, line 16, strike "(IV)" and substitute "(D)".

Page 3, line 17, strike "(V)" and substitute "(E)".

Page 3, after line 18 insert:

"(II) ON OR BEFORE JANUARY 15, 2012, AND ON OR BEFORE EACH JANUARY 15 THEREAFTER, THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT SHALL SUBMIT A REPORT TO THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE AND THE ECONOMIC AND BUSINESS DEVELOPMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR SUCH SUCCESSOR COMMITTEES, WHICH REPORT SHALL INCLUDE THE NUMBER OF SMALL BUSINESSES BEING SERVED BY THE SMALL BUSINESS NAVIGATOR." .

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Matt Jones, Chairman	Rollie Heath, Chairman
Marsha Looper	Linda Newell
Tom Massey	Jean White

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

SJR11-047 by Senator(s) Shaffer B.; --Concerning recognition of extraordinary contributions of children to the world.

Laid over one day under Senate Rule 30(b).

SJR11-048 by Senator(s) King K. and Johnston; also Representative(s) Massey and Casso--Concerning recognizing April 25 through 29, 2011, as "Colorado Charter Schools Week" in the state of Colorado.

Laid over one day under Senate Rule 30(b).

HJR11-1017 by Representative(s) Swalm and Casso, Priola, Beezley, Barker, Becker, Bradford, Baumgardner, Joshi, Conti, DelGrosso, Stephens, Szabo, Swerdfeger, Summers, Holbert, Murray, Brown, Balmer, McNulty, Vaad, Ramirez, Acree, Pabon, Soper; also Senator(s) Grantham and White, Lundberg, Mitchell, Cadman, King K., King S., Lambert, Roberts, Scheffel--Concerning a request that Congress call a convention for the limited purpose of considering an amendment to the United States Constitution to require a balanced federal budget and restrain federal spending.
State, Veterans & Military Affairs

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

SB11-245 by Senator(s) Bacon; also Representative(s) Murray--Concerning educator preparation programs at institutions of higher education.
Education

SB11-246 by Senator(s) Giron; also Representative(s) Barker--Concerning eliminating the requirement that a defendant execute a promise to appear in court in order to secure his or her release following the issuance of a notice for a traffic violation.
Transportation

SB11-247 by Senator(s) Hudak; also Representative(s) Kerr J.--Concerning the repeal of the Colorado early childhood council advisory team.
Health and Human Services

SB11-248	by Senator(s) Newell; also Representative(s) Looper--Concerning repeal of the "Bedding Act". Health and Human Services	1 2 3 4 5
SB11-249	by Senator(s) Tochtrop, Harvey, Mitchell; also Representative(s) Gardner B., Barker, Tyler--Concerning the statutory time limit for commencing certain civil actions. State, Veterans & Military Affairs	6 7 8 9 10
SB11-250	by Senator(s) Boyd; also Representative(s) Ferrandino and Summers--Concerning changing the eligibility for certain pregnant women from the children's basic health plan to medicaid. Health and Human Services	11 12 13 14 15
SB11-251	by Senator(s) Nicholson; also Representative(s) Looper--Concerning the authority of the division of fire safety within the department of public safety. Agriculture, Natural Resources, and Energy	16 17 18 19 20
SB11-252	by Senator(s) Bacon; also Representative(s) Murray--Concerning a modification of deadlines in the "Fair Campaign Practices Act" governing the reporting of basic campaign finance information. State, Veterans & Military Affairs	21 22 23 24 25 26
SB11-253	by Senator(s) Carroll, Newell; also Representative(s) Williams A.--Concerning clarification of the requirements for registration of a unit owners' association under the "Colorado Common Interest Ownership Act". Judiciary	27 28 29 30 31 32
SB11-254	by Senator(s) Steadman, Carroll; also Representative(s) Pace--Concerning statutory changes to improve practices for persons under community supervision. Judiciary	33 34 35 36 37
SB11-255	by Senator(s) Nicholson; also Representative(s) Balmer--Concerning the collection of charitable solicitations from passing motorists on a public roadway by local government public safety personnel. Local Government	38 39 40 41 42 43
SB11-256	by Senator(s) Guzman and King S.; also Representative(s) Kerr J. and Ferrandino--Concerning graffiti. Judiciary	44 45 46 47 48
SB11-257	by Senator(s) Carroll and Jahn, Hodge, Steadman; --Concerning the imposition of effective parole supervision. Judiciary	49 50 51 52 53
SB11-258	by Senator(s) Schwartz; also Representative(s) Vigil and Coram--Concerning locally produced foods, and, in connection therewith, directing local boards of health to create registries of growers who produce food products in their home kitchens, promoting local foods, and increasing economic opportunities for local food producers. Agriculture, Natural Resources, and Energy	54 55 56 57 58 59 60
HB11-1032	by Representative(s) Lee; also Senator(s) Newell--Concerning restorative justice. Judiciary	61 62 63 64
HB11-1141	by Representative(s) Holbert, McNulty, Scott, Acree, Balmer, Barker, Baumgardner, Beezley, Bradford, Brown, Conti, Coram, DelGrosso, Gardner B., Joshi, Kerr J., Liston, Looper, Massey, McKinley, Murray, Nikkel, Priola, Ramirez, Sonnenberg, Stephens, Summers, Szabo, Waller; also Senator(s) Scheffel, Harvey, Cadman, Grantham, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Renfroe--Concerning an economic stimulus through a property tax exemption for business personal property. State, Veterans & Military Affairs	65 66 67 68 69 70 71 72

HB11-1242 by Representative(s) Ferrandino; also Senator(s) Nicholson--Concerning the provision of integrated health care services pursuant to the Colorado medical assistance program, and making an appropriation therefor.
Health and Human Services

HB11-1250 by Representative(s) Acree, Balmer, Conti, Joshi, Ramirez, Scott; also Senator(s) Renfroe, Harvey, King K., Lambert--Concerning a prohibition on ingestible medical marijuana-infused products.
Judiciary

HB11-1271 by Representative(s) Scott; also Senator(s) Brophy--Concerning limitations on electric utilities' ability to establish a graduated scale of charges.
State, Veterans & Military Affairs

HB11-1272 by Representative(s) Vaad and Looper; also Senator(s) Tochtrop--Concerning the evaluation of driver-improvement schools that people attend as a result of violating a traffic law, and making an appropriation therefor.

Transportation

HB11-1275 by Representative(s) Priola; also Senator(s) Williams S. and Spence--Concerning the creation of an engine idling standard for certain commercial diesel vehicles.
Transportation

THIRD READING OF BILLS -- FINAL PASSAGE -- CONSENT CALENDAR

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB11-066 by Senator(s) Jahn; also Representative(s) Gardner B.--Concerning the issuance of special event permits to serve alcohol beverages.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	E	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfro	Y	President	Y
Grantham	Y	King S.	Y	Roberts	E		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd and Grantham.

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:

SB11-227 by Senator(s) Hudak, Bacon, Boyd, Heath, Williams S.; also Representative(s) Vaad and Ryden--Concerning a repeal of the exception to the child restraint system law for children weighing more than forty pounds who are being transported in a motor vehicle with a rear seat that was not equipped with combination belts at the time of manufacture.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	19	NO	14	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	E	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	E		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Foster and Nicholson.

HB11-1218 by Representative(s) Baumgardner; also Senator(s) White--Concerning a county power to create a federal mineral lease district for purposes of receiving moneys distributed by the department of local affairs from the local government mineral impact fund.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	E	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	E		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Jahn and King S.

HB11-1146 by Representative(s) Massey; also Senator(s) Steadman--Concerning a requirement that a residence be integral to an agricultural operation in determining whether two acres or less associated with the residence satisfies the definition of agricultural land for property tax purposes.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	12	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	Y	King S.	N	Roberts	E		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Foster, Guzman, Heath, Nicholson and Tochtrop.

SB11-047 by Senator(s) Heath; also Representative(s) Gerou and Riesberg--Concerning funding to support innovative industries, and, in connection therewith, creating the "Colorado Clean Technology Innovation Reinvestment Act".

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	20	NO	14	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	E		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Boyd, Foster, Giron, Guzman, Jahn, Newell, Nicholson, Schwartz, Steadman and Williams S.

SB11-177 by Senator(s) Nicholson, Aguilar, Boyd, Carroll, Foster, Newell; also Representative(s) Nikkel--Concerning the teen pregnancy and dropout prevention program, and, in connection therewith, continuing the program, and making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	25	NO	9	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	E		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Bacon, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, King S., Morse, Schwartz, Spence, Steadman, Tochtrop, White and Williams S.

SB11-105 by Senator(s) Guzman, Aguilar, Boyd, Carroll, Foster, Lundberg, Newell, Roberts; also Representative(s) Levy--Concerning in-home support services, and, in connection therewith, extending the in-home support services 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
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	E		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Bacon, Giron, Heath, Hodge, Hudak, Morse, Schwartz, Steadman, Tochtrop and Williams S.

SB11-004 by Senator(s) Guzman, Steadman; also Representative(s) Pabon--Concerning crimes against homeless persons.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	20	NO	14	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	N	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	E		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Boyd, Giron, Hodge, Hudak, Newell, Schwartz, Tochtrop and Williams S.

SB11-185 by Senator(s) Johnston; also Representative(s) Duran--Concerning a clause in state contracts that requires a vendor to notify the state if the vendor outsources duties performed pursuant to the contract to a locale outside the United States.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	12	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	E		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Bacon, Boyd, Hudak and Williams S.

HB11-1201
by Representative(s) Hamner, Todd, Massey, Fischer, Kerr A., Peniston, Scott, Solano; also Senator(s) Nicholson and White--Concerning measures to facilitate the issuance of educator licenses.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	E		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Boyd, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Kopp, Morse, Newell, Spence, Steadman, Tochtrop and Williams S.

HB11-1145
by Representative(s) McCann, Labuda, Levy, Pabon; also Senator(s) Tochtrop--Concerning requirements surrounding background checks for child care facilities, and making an appropriation therefor.

A majority of those elected to the Senate having voted in the affirmative, Senator Tochtrop was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.016), by Senator Tochtrop.

Amend revised bill, page 2, line 14, strike "PERSONS" and substitute "SUPERVISORY EMPLOYEES".

Page 3, line 23, strike "PERSONS" and substitute "EMPLOYEES".

Page 4, strike line 25 and substitute "prior to employment: ~~and every two years thereafter, one of the following:~~".

Page 4, line 27, strike "FOR" insert "AS OF AUGUST 10, 2011, FOR ANY NEW APPLICANT OR NEWLY HIRED EMPLOYEE, THE FEDERAL BUREAU OF".

Page 5, strike line 1.

Page 6, line 22, strike "FOR" and substitute "AS OF AUGUST 10, 2011, FOR ANY NEW OWNER, NEW APPLICANT, NEWLY HIRED EMPLOYEE, NEW LICENSEE, OR INDIVIDUAL WHO BEGINS RESIDING IN THE LICENSED FACILITY ON OR AFTER AUGUST 11, 2011, THE FEDERAL BUREAU OF".

Page 6, strike line 23.

Page 8, line 5, strike "PERSONS HIRED" and substitute "QUALIFIED PROVIDERS OR QUALIFIED ADULTS APPLYING FOR CHILD CARE ASSISTANCE PROGRAM MONIES".

The amendment was **passed** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	E		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	23	NO	11	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	E		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Foster, Guzman, Hodge, Newell and Nicholson.

HB11-1076 by Representative(s) Riesberg; also Senator(s) Roberts--Concerning time payment fees in judicial matters.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	28	NO	6	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	E		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Bacon, Jahn, King S. and Steadman.

SB11-192 by Senator(s) Aguilar and Spence, Boyd, Guzman, Jahn, Newell, White, Williams S.; also Representative(s) Massey, Casso, Priola, Riesberg, Soper--Concerning the continuation of the prescription drug monitoring program, and, in connection therewith, repealing the prescription controlled substance abuse monitoring committee, and making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	E		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Bacon, Foster, Giron, Heath, Hodge, Johnston, King S., Morse, Nicholson, Schwartz and Tochtrop.

IMMEDIATE RECONSIDERATION OF SB11-192

SB11-192 by Senator(s) Aguilar and Spence, Boyd, Guzman, Jahn, Newell, White, Williams S.; also Representative(s) Massey, Casso, Priola, Riesberg, Soper--Concerning the continuation of the prescription drug monitoring program, and, in connection therewith, repealing the prescription controlled substance abuse monitoring committee, and making an appropriation.

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **SB11-192**.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB11-192 by Senator(s) Aguilar and Spence, Boyd, Guzman, Jahn, Newell, White, Williams S.; also Representative(s) Massey, Casso, Priola, Riesberg, Soper--Concerning the continuation of the prescription drug monitoring program, and, in connection therewith, repealing the prescription controlled substance abuse monitoring committee, and making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	29	NO	5	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	E		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Bacon, Foster, Giron, Hodge, Johnston, King S., Morse, Nicholson and Tochtrop.

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

SJR11-035 by Senator(s) Tochtrop; also Representative(s) Ryden--Concerning remembrance of the Armenian genocide on April 24, 2011, and, in connection therewith, designating every April 24 hereafter as "Colorado Day of Remembrance of the Armenian Genocide".

On motion of Senator Tochtrop, the resolution was read at length and **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	E		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Scheffel, Schwartz, Shaffer B., Spence, Steadman, White and Williams S.

SJR11-043 by Senator(s) Scheffel; also Representative(s) Massey--Concerning the designation of September 27, 2011, as "First Responder Appreciation Day".

On motion of Senator Scheffel, the resolution was read at length and **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	E		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

Senate in recess. Senate reconvened.

SJR11-044 by Senator(s) Schwartz; also Representative(s) Jones, Barker, Bradford, Fischer, Gardner D., Hamner, Lee, Looper, Nikkel, Priola, Ryden, Schafer S., Scott, Swalm, Tyler, Wilson--Concerning the proclamation of April 21, 2011, as "Colorado Outdoor Stewardship Day", and, in connection therewith, recognizing the importance of outdoor recreation to the state of Colorado and acknowledging the efforts of outdoor volunteers and the Colorado outdoor stewardship advisory council.

On motion of Senator Schwartz, the resolution was read at length and **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	E		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Scheffel, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

REPORT OF CONFERENCE COMMITTEES

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-226

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB11-226, concerning the augmentation of the general fund through transfers of certain moneys, and making an appropriation in connection therewith, has met and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the bill, as the amendments appear in the rerevised bill.

Respectfully submitted,

Senate Committee:	House Committee:
(signed)	(signed)
Mary Hodge, Chairman	Cheri Gerou, Chairman
Pat Steadman	Jon Becker
Kent D. Lambert	Mark Ferrandino

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-209

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB11-209,

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, 2011, except as otherwise noted, 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 said amendments appear in the rerevised bill, with the following changes:

Page 64, line 5, in the ITEM & SUBTOTAL column strike "2,500,000" and substitute "5,000,000" and in the CASH FUNDS column strike "2,500,000^b" and substitute "5,000,000^b".

Adjust affected totals accordingly.

Page 64, line 6, in the CASH FUNDS column strike "(0.8 FTE)" and substitute "(1.0 FTE)".

Page 203, line 5, in the ITEM & SUBTOTAL column strike "500,000" and substitute "675,000" and in the GENERAL FUND column strike "283,430" and substitute "458,430".

Adjust affected totals accordingly.

Page 212, line 12, in the ITEM & SUBTOTAL column strike "400,000" and substitute "475,000" and in the GENERAL FUND column strike "400,000" and substitute "475,000".

Adjust affected totals accordingly.

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Page 10, line 4, in the ITEM & SUBTOTAL column strike "519,056" and substitute "520,491" and in the CASH FUNDS column strike "136,243^c" and substitute "137,678^c".

Page 10, line 5, in the ITEM & SUBTOTAL column strike "181,999" and substitute "182,691" and in the CASH FUNDS column strike "110,595^c" and substitute "111,287^c".

Page 10, line 7, in the ITEM & SUBTOTAL column strike "134,478" and substitute "134,856" and in the CASH FUNDS column strike "30,083^c" and substitute "30,461^c".

Page 11, line 2, in the ITEM & SUBTOTAL column strike "14,484" and substitute "14,542" and in the CASH FUNDS column strike "5,201^c" and substitute "5,259^c".

Adjust affected totals accordingly.

Page 32, line 12, in the ITEM & SUBTOTAL column strike "2,302,645" and substitute "2,303,077" and in the CASH FUNDS column strike "69,079^a" and substitute "69,511^a".

Adjust affected totals accordingly.

Page 74, line 2, in the ITEM & SUBTOTAL column strike "84,412" and substitute "84,524", in the CASH FUNDS column strike "3,658^a" and substitute "3,704^a", and in the FEDERAL FUNDS column strike "5,253" and substitute "5,319".

Adjust affected totals accordingly.

Page 80, line 15, in the ITEM & SUBTOTAL column strike "1,109,703" and substitute "1,127,581" and in the REAPPROPRIATED FUNDS column strike "1,109,703^a" and substitute "1,127,581^a".

Page 81, line 3, in the ITEM & SUBTOTAL column strike "5,158,129"

and substitute "5,233,061" and in the REAPPROPRIATED FUNDS column strike "5,158,129^{a"} and substitute "5,233,061^{a"}.
Adjust affected totals accordingly.
Page 81, line 13, in the ITEM & SUBTOTAL column strike "43,613,796" and substitute "44,270,197" and in the REAPPROPRIATED FUNDS column strike "43,613,796^{a"} and substitute "44,270,197^{a"}.
Adjust affected totals accordingly.
Page 82, line 13, in the ITEM & SUBTOTAL column strike "437,638" and substitute "444,303" and in the REAPPROPRIATED FUNDS column strike "437,638^{a"} and substitute "444,303^{a"}.
Adjust affected totals accordingly.
Page 83, line 7, in the ITEM & SUBTOTAL column strike "827,965" and substitute "840,574" and in the REAPPROPRIATED FUNDS column strike "827,965^{a"} and substitute "840,574^{a"}.
Adjust affected totals accordingly.
Page 84, line 1, in the ITEM & SUBTOTAL column strike "2,843,384" and substitute "2,886,684" and in the REAPPROPRIATED FUNDS column strike "2,843,384^{a"} and substitute "2,886,684^{a"}.
Adjust affected totals accordingly.
Page 84, line 11, in the ITEM & SUBTOTAL column strike "7,485,634" and substitute "7,590,673" and in the REAPPROPRIATED FUNDS column strike "7,485,634^{a"} and substitute "7,590,673^{a"}.
Adjust affected totals accordingly.
Page 85, line 12, in the ITEM & SUBTOTAL column strike "615,797" and substitute "620,946" and in the REAPPROPRIATED FUNDS column strike "615,797^{a"} and substitute "620,946^{a"}.
Adjust affected totals accordingly.
Page 86, line 6, in the ITEM & SUBTOTAL column strike "3,630,521" and substitute "3,685,808".
Page 86, line 13, in the ITEM & SUBTOTAL column strike "4,836,774" and substitute "4,892,061" and in the REAPPROPRIATED FUNDS column strike "4,667,174^{b"} and substitute "4,722,461^{b"}.
Adjust affected totals accordingly.
Page 87, line 1, strike "\$4,601,023" and substitute "\$4,656,310".
Page 92, line 8, in the ITEM & SUBTOTAL column strike "835,805" and substitute "835,843".
Page 93, line 6, in the ITEM & SUBTOTAL column strike "37,071,079" and substitute "37,071,117" and in the REAPPROPRIATED FUNDS column strike "465,087^{b"} and substitute "465,125^{b"}.
Adjust affected totals accordingly.
Page 94, line 1, strike "\$3,337" and substitute "\$3,375".
Page 116, line 2, in the ITEM & SUBTOTAL column strike "105,976" and substitute "107,140" and in the CASH FUNDS column strike "100,994^{a"} and substitute "102,158^{a"}.
Page 116, line 3, in the ITEM & SUBTOTAL column strike "74,327" and substitute "74,792" and in the CASH FUNDS column strike "74,327^{a"} and substitute "74,792^{a"}.
Page 116, line 5, in the ITEM & SUBTOTAL column strike "97,056" and

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substitute "98,276" and in the CASH FUNDS column strike "97,056^a" and substitute "98,276^a".

Adjust affected totals accordingly.

Page 116, line 12, strike "\$1,270,900" and substitute "\$1,273,749".

Page 144, line 15, in the ITEM & SUBTOTAL column strike "14,168,301" and substitute "14,244,028", in the CASH FUNDS column strike "177,094^k" and substitute "179,103^k", in the REAPPROPRIATED FUNDS column strike "254,150^l" and substitute "254,625^l", and in the FEDERAL FUNDS column strike "6,455,969^m" and substitute "6,529,212^m".

Page 144, line 16, in the ITEM & SUBTOTAL column strike "3,087,531" and substitute "3,093,056", in the CASH FUNDS column strike "26,584^k" and substitute "26,750^k", in the REAPPROPRIATED FUNDS column strike "269,998^l" and substitute "270,623^l", and in the FEDERAL FUNDS column strike "756,618^m" and substitute "761,352^m".

Page 145, line 2, in the ITEM & SUBTOTAL column strike "1,656,475" and substitute "1,660,209", in the CASH FUNDS column strike "26,102^k" and substitute "26,430^k", in the REAPPROPRIATED FUNDS column strike "133,995^l" and substitute "134,466^l", and in the FEDERAL FUNDS column strike "233,377^m" and substitute "236,312^m".

Page 145, line 4, in the ITEM & SUBTOTAL column strike "200,702" and substitute "201,019" and in the REAPPROPRIATED FUNDS column strike "28,376ⁿ" and substitute "28,693ⁿ".

Adjust affected totals accordingly.

Page 146, line 9, strike "\$112,232" and substitute "\$114,735".

Page 146, line 10, strike "\$179,225" and substitute "\$181,113".

Page 146, line 14, strike "\$3,909,810" and substitute "\$3,990,722".

Page 218, line 5, in the ITEM & SUBTOTAL column strike "6,571,930" and substitute "6,647,650".

Page 218, line 6, in the ITEM & SUBTOTAL column strike "915,335" and substitute "921,062".

Page 218, line 8, in the ITEM & SUBTOTAL column strike "433,664" and substitute "439,118".

Page 219, line 2, in the ITEM & SUBTOTAL column strike "1,187" and substitute "1,200".

Page 219, line 8, in the TOTAL column strike "33,562,035" and substitute "33,648,949", in the CASH FUNDS column strike "15,940,166^a" and substitute "15,981,450^a", and in the FEDERAL FUNDS column strike "17,460,975" and substitute "17,506,605".

Adjust affected totals accordingly.

Page 219, line 13, strike "\$2,429,180" and substitute "\$2,470,464".

Page 229, line 5, in the ITEM & SUBTOTAL column strike "72,354" and substitute "73,188" and in the REAPPROPRIATED FUNDS column strike "72,354^a" and substitute "73,188^a".

Page 230, line 2, in the ITEM & SUBTOTAL column strike "8,305" and substitute "8,365", in the CASH FUNDS column strike "2,244^b" and substitute "2,269^b", in the REAPPROPRIATED FUNDS column strike "1,133^c" and substitute "1,146^c", and in the FEDERAL FUNDS column strike "1,982^d" and substitute "2,004^d".

Adjust affected totals accordingly.

Page 230, line 7, strike "\$2,759,566" and substitute "\$2,760,413".

Page 230, line 12, strike "\$22,382" and substitute "\$22,404".

Page 243, line 4, in the ITEM & SUBTOTAL column strike "760,673" and substitute "766,814", in the REAPPROPRIATED FUNDS column strike "174,253^c" and substitute "176,261^c", and in the FEDERAL FUNDS column strike "358,677" and substitute "362,810".

Page 243, line 5, in the ITEM & SUBTOTAL column strike "181,612" and substitute "182,613", in the CASH FUNDS column strike "1,863^b" and substitute "1,875^b", in the REAPPROPRIATED FUNDS column strike "2,744^c" and substitute "2,761^c", and in the FEDERAL FUNDS column strike "155,268" and substitute "156,240".

Page 243, line 7, in the ITEM & SUBTOTAL column strike "72,938" and substitute "73,783", in the REAPPROPRIATED FUNDS column strike "57,009^c" and substitute "57,727^c", and in the FEDERAL FUNDS column strike "10,060" and substitute "10,187".

Page 244, line 4, in the ITEM & SUBTOTAL column strike "28,128" and substitute "28,364" and in the FEDERAL FUNDS column strike "21,096" and substitute "21,332".

Adjust affected totals accordingly.

Page 264, line 5, in the ITEM & SUBTOTAL column strike "5,325,338" and substitute "5,411,608", in the CASH FUNDS column strike "3,279,211^b" and substitute "3,314,076^b", in the REAPPROPRIATED FUNDS column strike "1,471,429^a" and substitute "1,521,241^a", and in the FEDERAL FUNDS column strike "103,050" and substitute "104,643".

Page 264, line 7, in the ITEM & SUBTOTAL column strike "2,172,812" and substitute "2,186,240", in the CASH FUNDS column strike "1,370,329^b" and substitute "1,375,172^b", in the REAPPROPRIATED FUNDS column strike "563,014^a" and substitute "569,738^a", and in the FEDERAL FUNDS column strike "108,915" and substitute "110,776".

Page 264, line 9, in the ITEM & SUBTOTAL column strike "543,460" and substitute "549,913", in the CASH FUNDS column strike "296,251^b" and substitute "297,502^b", in the REAPPROPRIATED FUNDS column strike "239,520^a" and substitute "244,797^a", and in the FEDERAL FUNDS column strike "6,172" and substitute "6,097".

Page 265, line 5, in the ITEM & SUBTOTAL column strike "1,048,841" and substitute "1,060,571" and in the CASH FUNDS column strike "1,048,841^b" and substitute "1,060,571^b".

Adjust affected totals accordingly.

Page 265, line 8, strike "\$5,710,441" and substitute "\$5,772,254".

Page 265, line 10, strike "\$22,899,464" and substitute "\$22,952,081" and strike "\$1,182,949" and substitute "\$1,183,021".

Page 287, line 9, strike "\$13,495,957" and substitute "\$13,496,029".

Page 291, line 8, in the ITEM & SUBTOTAL column strike "2,601,177" and substitute "2,631,147" and in the CASH FUNDS column strike "293,642^b" and substitute "323,612^b".

Page 291, line 9, in the ITEM & SUBTOTAL column strike "177,815" and substitute "178,927" and in the REAPPROPRIATED FUNDS column strike "177,815^c" and substitute "178,927^c".

Page 291, line 11, in the ITEM & SUBTOTAL column strike "91,742" and substitute "92,896", in the CASH FUNDS column strike "8,068^b" and substitute "8,307^b", and in the REAPPROPRIATED FUNDS column strike "72,725^c" and substitute "73,640^c".

Adjust affected totals accordingly.

Page 313, line 2, in the ITEM & SUBTOTAL column strike "6,822" and

substitute "6,898" and in the REAPPROPRIATED FUNDS column strike "6,822^a" and substitute "6,898^a".

Adjust affected totals accordingly.

Page 313, line 11, strike "\$14,916,546" and substitute "\$14,916,622".

Page 319, line 11, in the ITEM & SUBTOTAL column strike "5,460,988" and substitute "5,520,712", in the CASH FUNDS column strike "923,358^a" and substitute "933,997^a", in the REAPPROPRIATED FUNDS column strike "1,718,122^b" and substitute "1,737,918^b", and in the FEDERAL FUNDS column strike "2,542,081" and substitute "2,571,370".

Page 319, line 12, in the ITEM & SUBTOTAL column strike "683,375" and substitute "687,583", in the CASH FUNDS column strike "1,008^a" and substitute "1,014^a", in the REAPPROPRIATED FUNDS column strike "424,434^b" and substitute "427,089^b", and in the FEDERAL FUNDS column strike "247,320" and substitute "248,867".

Page 319, line 14, in the ITEM & SUBTOTAL column strike "628,316" and substitute "634,519", in the REAPPROPRIATED FUNDS column strike "372,411^b" and substitute "376,088^b", and in the FEDERAL FUNDS column strike "255,905" and substitute "258,431".

Adjust affected totals accordingly.

Page 320, line 3, strike "\$3,192,101" and substitute "\$3,218,229".

Page 360, line 6, in the ITEM & SUBTOTAL column strike "2,613,015" and substitute "2,628,068" and in the CASH FUNDS column strike "1,052,765^b" and substitute "1,067,818^b".

Page 360, line 10, in the ITEM & SUBTOTAL column strike "393,340" and substitute "398,286" and in the CASH FUNDS column strike "193,202^d" and substitute "198,148^d".

Page 361, line 4, in the ITEM & SUBTOTAL column strike "656,879" and substitute "664,226" and in the CASH FUNDS column strike "585,089^g" and substitute "592,436^g".

Adjust affected totals accordingly.

Page 361, line 11, strike "\$10,400,765" and substitute "\$10,415,818".

Page 362, line 3, strike "\$1,027,973" and substitute "\$1,035,320".

Page 383, line 13, strike "\$99,922,688" and substitute "\$99,950,034".

Page 386, line 6, in the ITEM & SUBTOTAL column strike "1,676,504" and substitute "1,695,122" and in the CASH FUNDS column strike "1,615,880^c" and substitute "1,634,498^c".

Page 386, line 7, in the ITEM & SUBTOTAL column strike "148,927" and substitute "149,825" and in the CASH FUNDS column strike "143,542^c" and substitute "144,440^c".

Page 386, line 9, in the ITEM & SUBTOTAL column strike "275,341" and substitute "278,679" and in the CASH FUNDS column strike "265,384^c" and substitute "268,722^c".

Adjust affected totals accordingly.

Page 400, line 7, in the ITEM & SUBTOTAL column strike "9,102,668" and substitute "9,146,036", in the CASH FUNDS column strike "3,424,860^c" and substitute "3,464,044^c", and in the REAPPROPRIATED FUNDS column strike "365,746^d" and substitute "369,930^d".

Page 400, line 8, in the ITEM & SUBTOTAL column strike "3,081,232" and substitute "3,098,197", in the CASH FUNDS column strike "2,685,620^c" and substitute "2,702,421^c", and in the REAPPROPRIATED FUNDS column strike "26,242^d" and substitute "26,406^d".

Page 400, line 10, in the ITEM & SUBTOTAL column strike "1,043,895" and substitute "1,047,473", in the CASH FUNDS column strike "254,429^c" and substitute "257,629^c", and in the REAPPROPRIATED FUNDS column strike "30,029^d" and substitute "30,407^d".

Page 401, line 4, in the ITEM & SUBTOTAL column strike "69,850" and substitute "70,501" and in the CASH FUNDS column strike "58,161^c" and substitute "58,812^c".

Adjust affected totals accordingly.

Page 402, line 9, strike "\$1,974,669" and substitute "\$1,979,429".

Page 403, line 4, strike "\$17,114,737" and substitute "\$17,169,813".

Page 403, line 6, strike "\$256,108" and substitute "\$258,976" and strike "\$165,909" and substitute "\$167,767".

Page 419, line 13, in the ITEM & SUBTOTAL column strike "671,660" and substitute "674,028" and in the CASH FUNDS column strike "671,660^a" and substitute "674,028^a".

Page 425, line 2, in the ITEM & SUBTOTAL column strike "500,674" and substitute "503,032" and in the CASH FUNDS column strike "500,674^a" and substitute "503,032^a".

Page 428, line 6, in the ITEM & SUBTOTAL column strike "1,621" and substitute "1,640".

Page 428, line 7, in the ITEM & SUBTOTAL column strike "65,822" and substitute "66,234".

Page 429, line 4, in the TOTAL column strike "8,375,839" and substitute "8,376,270" and in the CASH FUNDS column strike "8,375,839^a" and substitute "8,376,270^a".

Adjust affected totals accordingly.

Page 429, line 6, strike "\$7,936,004" and substitute "\$7,936,435".

Page 12, line 3, strike "**Division**" and substitute "**Division**¹".

Page 18, after line 8 insert:

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

1 Department of Agriculture, Agricultural Services Division
-- It is the intent of the General Assembly that expenditures for these services should be recorded only against the Long Bill group total for the Agricultural Services Division."

Renumber succeeding footnote 1 to footnote 1a accordingly.

Page 99, line 4, strike "**PREMIUMS**^{10,11}" and substitute "**PREMIUMS**^{10, 11, 11a}".

Page 99, line 7, in the TOTAL column strike "3,487,165,965" and substitute "3,487,065,965", in the GENERAL FUND column strike "1,002,218,001(M)" and substitute "1,002,168,001(M)" and in the FEDERAL FUND column strike "1,717,640,507" and substitute "1,717,590,507".

Adjust affected totals accordingly.

Page 112, line 13, strike "\$898,648,301" and substitute "\$898,614,301" and strike "\$22,718.38" and substitute "\$22,717.52".

Page 112, line 14, strike "146,225,609" and substitute "146,192,609" and strike "18,057.00" and substitute "18,052.93".

Page 112, line 15, strike "955,887,885" and substitute "955,854,885" and

strike "16,526.13" and substitute "16,525.56".

Page 113, line 11, strike "\$3,487,165,965" and substitute "\$3,487,065,965" and strike "\$5,687.32" and substitute "\$5,687.15".

Page 113, after line 14 insert:

"11a Department of Health Care Policy and Financing, Medical Services Premiums -- It is the intent of the General Assembly that the Department reduce the reimbursement for procedure code E2402 to \$88.50 per day. This procedure code is used for negative pressure wound therapy."

Page page 99, line 7, in the TOTAL column strike "3,487,165,965" and substitute "3,488,124,157", in the GENERAL FUND column strike "1,002,218,001(M)" and substitute "1,002,697,097(M)", and in the FEDERAL FUNDS column strike "1,717,640,507" and substitute "1,718,119,603".

Adjust affected totals accordingly.

Page 112, line 13, strike "\$898,648,301" and substitute "\$898,712,479" and strike "\$22,718.38" and substitute "\$22,720.00".

Page 112, line 14, strike "146,225,609" and substitute "146,258,813" and strike "18,057.00" and substitute "18,061.10".

Page 112, line 15, strike "955,887,885" and substitute "956,166,187" and strike "16,526.13" and substitute "16,530.94".

Page 112, line 16, strike "71,541,566" and substitute "71,562,446" and strike "16,526.12" and substitute "16,530.94".

Page 113, line 1, strike "298,503,716" and substitute "298,637,761" and strike "4,632.85" and substitute "4,634.93".

Page 113, line 2, strike "87,938,093" and substitute "87,979,591" and strike "11,484.67" and substitute "11,490.09".

Page 113, line 3, strike "51,110,874" and substitute "51,119,675" and strike "2,163.15" and substitute "2,163.52".

Page 113, line 4, strike "73,655,208" and substitute "73,667,892" and strike "2,163.15" and substitute "2,163.52".

Page 113, line 5, strike "35,475,635" and substitute "35,481,745" and strike "2,163.15" and substitute "2,163.52".

Page 113, line 7, strike "662,255,863" and substitute "662,545,349" and strike "2,093.15" and substitute "2,094.06".

Page 113, line 8, strike "93,309,574" and substitute "93,346,646" and strike "4,933.72" and substitute "4,944.73".

Page 113, line 9, strike "27,277,529" and substitute "27,279,583".

Page 113, line 10, strike "72,134,792" and substitute "72,164,670" and strike "23,414.89" and substitute "23,414.88".

Page 113, line 11, strike "\$3,487,165,965" and substitute "\$3,488,124,157" and strike "\$5,687.32" and substitute "\$5,688.88".

Page 99, line 7, in the TOTAL column strike "3,487,165,965" and substitute "3,490,481,477", in the GENERAL FUND column strike "1,002,218,001(M)" and substitute "1,003,875,757(M)", and in the FEDERAL FUNDS column strike "1,717,640,507" and substitute "1,719,298,263".

Adjust affected totals accordingly.

Page 112, line 13, strike "\$898,648,301" and substitute "\$899,418,286"

and strike "\$22,718.38" and substitute "\$22,737.85". 1

Page 112, line 14, strike "146,225,609" and substitute "146,395,397" and 2

strike "18,057.00" and substitute "18,077.97". 3

Page 112, line 15, strike "955,887,885" and substitute "957,494,901" and 4

strike "16,526.13" and substitute "16,553.91". 5

Page 112, line 16, strike "71,541,566" and substitute "71,661,891" and 6

strike "16,526.12" and substitute "16,553.91". 7

Page 113, line 1, strike "298,503,716" and substitute "298,603,895" and 8

strike "4,632.85" and substitute "4,634.40". 9

Page 113, line 2, strike "87,938,093" and substitute "87,945,661" and 10

strike "11,484.67" and substitute "11,485.66". 11

Page 113, line 3, strike "51,110,874" and substitute "51,120,437" and 12

strike "2,163.15" and substitute "2,163.55". 13

Page 113, line 4, strike "73,655,208" and substitute "73,668,989" and 14

strike "2,163.15" and substitute "2,163.55". 15

Page 113, line 5, strike "35,475,635" and substitute "35,482,273" and 16

strike "2,163.15" and substitute "2,163.55". 17

Page 113, line 7, strike "662,255,863" and substitute "662,601,333" and 18

strike "2,093.15" and substitute "2,094.24". 19

Page 113, line 8, strike "93,309,574" and substitute "93,474,632" and 20

strike "4,933.72" and substitute "4,951.51". 21

Page 113, line 9, strike "27,277,529" and substitute "27,277,647" and 22

strike "1,498.06" and substitute "1,497.95". 23

Page 113, line 10, strike "72,134,792" and substitute "72,134,815" and 24

strike "23,414.89" and substitute "23,405.20". 25

Page 113, line 11, strike "\$3,487,165,965" and substitute 26

"\$3,490,481,477" and strike "\$5,687.32" and substitute "\$5,692.72". 27

Page 102, line 11, in the GENERAL FUND column strike "37,606,486" 28

and substitute "33,001,775" and in the CASH FUND column strike 29

"36,973,667ⁱ" and substitute "41,578,378ⁱ". 30

Adjust affected totals accordingly. 31

Page 104, line 1, strike "\$24,122,386" and substitute "\$28,727,097". 32

Page 205, line 4, in the GENERAL FUND column strike "92,563,224" 33

and substitute "91,937,301" and in the CASH FUNDS column strike 34

"27,335,493^a" and substitute "27,961,416^a". 35

Adjust affected totals accordingly. 36

Page 205, line 5, in the GENERAL FUND column strike "(1,444.7 FTE)" 37

and substitute "(1,429.8 FTE)" and in the CASH FUNDS column strike 38

"(303.9 FTE)" and substitute "(318.8 FTE)". 39

Page 206, line 1, strike "\$24,660,493" and substitute "\$25,286,416". 40

Page 209, line 12, in the ITEM & SUBTOTAL column strike "1,360,065" 41

and substitute "1,209,206" and in the GENERAL FUND column strike 42

"1,330,065" and substitute "1,179,206". 43

Adjust affected totals accordingly. 44

Page 211, line 9, in the ITEM & SUBTOTAL column strike "21,499,144" 45

and substitute "20,692,161" and in the GENERAL FUND column strike 46

"21,499,144" and substitute "20,692,161". 47

Page 211, line 10, in the ITEM & SUBTOTAL column strike "1,663,839" 48

and substitute "1,589,848" and in the GENERAL FUND column strike "1,663,839" and substitute "1,589,848".

Adjust affected totals accordingly.

Page 296, line 15, strike "**Services**" and substitute "**Services**^{48a}".

Page 310, after line 9 insert:

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

48a Department of Personnel and Administration, Division of Human Resources, Employee Benefits Services -- It is the intent of the General Assembly that the Department shall submit to the Joint Budget Committee the projected premium increases for State and employee contributions for employee group benefits for the upcoming fiscal year. The information shall be submitted in time to be considered as a part of the Joint Budget Committee staff's annual total compensation recommendations for the upcoming fiscal year."

Page 491, line 2, in the ITEM & SUBTOTAL column strike "8,356,880" and substitute "12,961,591" and in the GENERAL FUND column strike "6,856,880" and substitute "11,461,591".

Page 491, line 9, in the TOTAL column strike "541,352,435" and substitute "\$545,957,146".

Page 501, line 9, in the TOTAL column strike "\$4,884,060,922" and substitute "\$4,888,665,633" and in the GENERAL FUND column strike "\$1,097,792,206" and substitute "\$1,102,396,917".

Page 91, line 6, in the ITEM & SUBTOTAL column strike "21,773,511" and substitute "21,775,206".

Page 93, line 6, in the ITEM & SUBTOTAL column strike "37,071,079" and substitute "37,072,774" and in the FEDERAL FUNDS column strike "20,418,080" and substitute "20,419,775".

Adjust affected totals accordingly.

Page 99, line 7, in the TOTAL column strike "3,487,165,965" and substitute "3,517,228,269", in the CASH FUNDS column strike "480,030,332^b" and substitute "495,061,484^b", and in the FEDERAL FUNDS column strike "1,717,640,507" and substitute "1,732,671,659".

Adjust affected totals accordingly.

Page 99, line 10, strike "\$339,611,034" and substitute "\$354,642,186".

Page 113, line 4, strike "73,655,208" and substitute "87,730,974" and strike "2,163.15" and substitute "2,576.53".

Page 113, line 5, strike "35,475,635" and substitute "51,462,173" and strike "2,163.15" and substitute "3,137.94".

Page 113, line 11, strike "\$3,487,165,965" and substitute "\$3,517,228,269" and strike "\$5,687.32" and substitute "\$5,736.34".

Page 319, line 14, in the CASH FUNDS column insert "67,500^a" and in the REAPPROPRIATED FUNDS column strike "372,411^b" and substitute "304,911^b".

Adjust affected totals accordingly.

Page 320, line 3, strike "\$3,192,101" and substitute "\$3,124,601".

Page 381, line 8, in the ITEM & SUBTOTAL column strike "1,350,352" and substitute "1,366,352" and in the REAPPROPRIATED FUNDS column insert "16,000^b".

Adjust affected totals accordingly.

Page 381, after line 11 insert "^b Of this amount, \$8,000 shall be from an appropriation to the Department of Public Health and Environment from the Medical Marijuana Program Cash Fund created in Section 25-1.5-106 (16), C.R.S., and \$8,000 shall be from an appropriation to the Department of Revenue from the Medical Marijuana License Cash Fund created in Section 12-43.3-501 (1), C.R.S."

Page 487, line 11, in the TOTAL column strike "3,392,591,524" and substitute "3,395,752,464", in the GENERAL FUND column strike "713,290,099(M)" and substitute "708,685,388(M)", in the CASH FUNDS column strike "386,588,880^b" and substitute "398,846,348^b", and in the FEDERAL FUNDS column strike "2,010,426,788" and substitute "2,005,934,971".

Page 488, line 1, strike "\$204,477,679" and substitute "\$216,735,147(H)".

Page 501, line 9, in the TOTAL column strike "\$4,884,060,922" and substitute "\$4,887,221,862", in the GENERAL FUND column strike "\$1,097,792,206" and substitute "\$1,093,187,495", in the CASH FUNDS column strike "\$664,996,200" and substitute "\$677,253,668", and in the FEDERAL FUNDS column strike "\$2,827,427,254" and substitute "\$2,822,935,437".

Page 502, line 7, strike "305,325,790" and substitute "293,896,872" and strike "5,015.11" and substitute "4,827.38".

Page 502, line 8, strike "107,354,172" and substitute "121,944,030" and strike "2,282.40" and substitute "2,592.58".

Page 502, line 15, strike "\$3,392,591,524" and substitute "\$3,395,752,464" and strike "\$6,076.57" and substitute "\$6,082.23".

Respectfully submitted,

Senate Committee:	House Committee:
(signed)	(signed)
Mary Hodge, Chairman	Cheri Gerou, Chairman
Pat Steadman	Jon Becker
Kent D. Lambert	Mark Ferrandino

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

SB11-219 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning moneys appropriated in the 2011-12 fiscal year for health clinics, and making an appropriation therefor.

Senator Hodge moved that the Senate conferees on the first conference committee on **SB11-219** be granted permission to go beyond the scope of the differences between the two houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**.

MESSAGE FROM THE GOVERNOR

April 20, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-057 CONCERNING THE DESIGNATION OF WHICH ELIGIBLE ELECTORS
RESIDING IN A METROPOLITAN DISTRICT MUST AUTOMATICALLY RECEIVE
MAIL-IN BALLOTS FROM THE DESIGNATED ELECTION OFFICIAL FOR A
METROPOLITAN DISTRICT MAIL BALLOT ELECTION

Approved April 20, 2011 at 2:31 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

SENATE SERVICES REPORT

Correctly Printed: SB11-244; SJR11-046.
Correctly Engrossed: SB11-004, 047, 105, 177, 185, 192 and 227; SJR11-041.
Correctly Reengrossed: SB11-060 and 203.
Correctly Revised: HB11-1076, 1145, 1146, 1201 and 1218.
Correctly Rerevised: HB11-1026 and 1200.
Correctly Enrolled: SB11-165.

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 21 was laid over until Monday, April 25, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB11-052, HB11-1109, HB11-1268,
HB11-1138, HB11-1267, SB11-182, SB11-051, SB11-125, HB11-1219.
Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024,
SJR11-032, SJR11-036, SJR11-037, SJR11-039, SJR11-042, SJR11-045, SJR11-046,
SR11-005.
Consideration of Memorials: SJM11-002, SJM11-003.
Consideration of House Amendments to Senate Bills: SCR11-001, SB11-213.
Consideration of Conference Committee Reports: HB11-1209, SB11-209, SB11-226.
Conference Committees to Report: SB11-219.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **HB11-1274** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Page 842	Senate Journal-100th Day-April 21, 2011	
Appropriations	After consideration on the merits, the Committee recommends that HB11-1283 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 5
Appropriations	After consideration on the merits, the Committee recommends that HB11-1095 be referred to the Committee of the Whole with favorable recommendation.	6 7 8 9
Appropriations	After consideration on the merits, the Committee recommends that SB11-055 be postponed indefinitely.	10 11 12 13
Appropriations	After consideration on the merits, the Committee recommends that HB11-1163 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	14 15 16 17 18
	Amend reengrossed bill, page 5, after line 12 insert the following:	19 20
	" SECTION 4. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the information technology division, for the fiscal year beginning July 1, 2011, the sum of seven hundred forty dollars (\$740) cash funds, or so much thereof as may be necessary, for the implementation of this act.	21 22 23 24 25 26 27 28
	(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of seven hundred forty dollars (\$740), or so much thereof as may be necessary, for the provision of programming services to the department of revenue related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section."	29 30 31 32 33 34 35 36 37 38
	Renumber succeeding section accordingly.	39 40
	Page 1, line 103, strike " HIGHWAYS. " and substitute " HIGHWAYS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH. ".	41 42 43 44
Appropriations	After consideration on the merits, the Committee recommends that HB11-1115 be referred to the Committee of the Whole with favorable recommendation.	45 46 47 48
Appropriations	After consideration on the merits, the Committee recommends that SB11-207 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	49 50 51 52
	Amend printed bill, page 23, after line 10 insert:	53 54
	" SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the 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 executive director's office, for legal services, for the fiscal year beginning July 1, 2011, the sum of eleven thousand six dollars (\$11,006) cash funds, or so much thereof as may be necessary, for the implementation of this act.	55 56 57 58 59 60 61 62
	(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the 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 personal services and operating expenses, for the fiscal year beginning July 1, 2011, the sum of two hundred seven thousand three hundred eighty-seven dollars	63 64 65 66 67 68 69

(\$207,387) cash funds and 3.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2011, the sum of eleven thousand six dollars (\$11,006), 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 section accordingly.

Page 1, line 103, strike "AGENCIES." and substitute "AGENCIES, AND MAKING AN APPROPRIATION THEREFOR."

Appropriations After consideration on the merits, the Committee recommends that **HB11-1121** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB11-1100** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the Committee recommends that **SB11-186** be referred to the Committee of the Whole with favorable recommendation.

Agriculture, Natural Resources, and Energy After consideration on the merits, the Committee recommends that **HB11-1289** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business, Labor, & Technology The Committee on Business, Labor, and Technology has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE BOARD OF MORTGAGE LOAN ORIGINATORS

for terms expiring August 10, 2012:

Julie I. Piepho of Fort Collins, Colorado, a licensed mortgage loan originator, appointed;

for terms expiring August 10, 2014:

Billy Glenn Bartholomew of Arvada, Colorado, a licensed mortgage loan originator, appointed.

Business, Labor, & Technology The Committee on Business, Labor, and Technology has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE COLORADO BANKING BOARD

for terms expiring July 1, 2015:

Stephen A. Sherlock of Lamar, Colorado, to serve as a representative of bankers, reappointed.

Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB11-005 be postponed indefinitely.	1 2 3 4 5 6
Judiciary	After consideration on the merits, the Committee recommends that HB11-1211 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	7 8 9 10
	Amend reengrossed bill, page 2, line 6, strike " State-chartered " and substitute " Public ".	11 12 13
	Page 2, line 11, strike "STATE-CHARTERED" and substitute "PUBLIC".	14 15
	Page 3, after line 4 insert:	16 17
	"(3) "PUBLIC ENTITY" MEANS ANY POLITICAL SUBDIVISION OF THE STATE OR ANY INSTRUMENTALITY OF THE STATE THAT IS NOT AN AGENCY OF THE STATE AND THAT IS NOT SUBJECT TO ADMINISTRATIVE DIRECTION BY ANY DEPARTMENT, COMMISSION, BUREAU, OR AGENCY OF THE STATE AND INCLUDES, WITHOUT LIMITATION, ANY SERVICE AUTHORITY, SCHOOL DISTRICT, LOCAL IMPROVEMENT DISTRICT, LAW ENFORCEMENT AUTHORITY, SPECIAL PURPOSE AUTHORITY, INSTITUTION OF HIGHER EDUCATION, OR WATER, SANITATION, FIRE PROTECTION, METROPOLITAN, IRRIGATION, DRAINAGE, OR OTHER SPECIAL DISTRICT."	18 19 20 21 22 23 24 25 26 27
	Page 3, line 5, strike "(3)" and substitute "(4)".	28 29
	Page 3, strike lines 7 through 17.	30 31
	Page 3, line 19, strike "STATE-CHARTERED" and substitute "PUBLIC".	32 33
	Page 3, strike lines 22 through 26 and substitute "BUSINESS-RELATED PURPOSES."	34 35 36
	Page 4, line 1, strike " excess. (1) (a) NO" and substitute " excess - exemptions. (1) (a) IN THE ABSENCE OF EXTENUATING CIRCUMSTANCES, NO".	37 38 39 40
	Page 4, line 2, strike "STATE-CHARTERED" and substitute "PUBLIC".	41 42
	Page 4, line 4, strike "TWO" and substitute "ONE AND ONE-HALF".	43 44
	Page 4, line 12, strike "STATE-CHARTERED" and substitute "PUBLIC".	45 46
	Page 4, line 13, strike "TWO" and substitute "ONE AND ONE-HALF".	47 48
	Page 4, line 14, after "DIEM" insert "RATE".	49 50
	Page 4, line 21, strike "STATE-CHARTERED" and substitute "PUBLIC".	51 52
	Page 4, after line 25 insert:	53 54
	"(d) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, "TRAVEL-RELATED EXPENDITURES" SHALL NOT INCLUDE THE ACTUAL COSTS OF TRAVEL UNDERTAKEN BY THE COVERED PERSON FOR BUSINESS-RELATED PURPOSES INCLUDING, WITHOUT LIMITATION, AIRLINE FARES, TAXICAB FARES, AUTOMOBILE RENTALS, OR REIMBURSEMENT FOR AUTOMOBILE MILEAGE EXPENSES."	55 56 57 58 59 60 61
	Page 4, line 26, strike "STATE CHARTERED" and substitute "PUBLIC".	62 63
	Page 5, line 2, strike "STATE-CHARTERED" and substitute "PUBLIC".	64 65
	Page 5, line 5, strike "STATE-CHARTERED" and substitute "PUBLIC".	66 67
	Page 5, line 8, strike "STATE-CHARTERED" and substitute "PUBLIC".	68 69

Page 5, line 11, strike "STATE-CHARTERED" and substitute "PUBLIC".

Page 6, line 5, strike "STATE-CHARTERED" and substitute "PUBLIC".

Page 6, line 6, strike "STATE-CHARTERED" and substitute "PUBLIC".

Judiciary After consideration on the merits, the Committee recommends that **HB11-1049** be postponed indefinitely.

Business, The Committee on Business, Labor, and Technology has had under consideration and has
Labor, & had a hearing on the following appointments and recommends that the appointments be
Technology confirmed:

MEMBER OF THE
PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

for a term expiring on January 12, 2015:

Joshua B. Epel of Greenwood Village, Colorado, a Democrat, appointed.

Appro- After consideration on the merits, the Committee recommends that **HB11-1237** be
priations amended as follows, and as so amended, be referred to the Committee of the Whole with
favorable recommendation.

Amend reengrossed bill, page 2, line 20, strike "BEGINNING IN FISCAL
YEAR 2011-12 AND".

Page 2, strike line 21.

Page 2, line 22, strike "THEREAFTER,".

Education After consideration on the merits, the Committee recommends that **SB11-204** be referred
to the Committee of the Whole with favorable recommendation and with a
recommendation that it be placed on the Consent Calendar.

Education After consideration on the merits, the Committee recommends that **SB11-080** be amended
as follows, and as so amended, be referred to the Committee on Appropriations with
favorable recommendation.

Amend printed bill, strike everything below the enacting clause and
substitute:

"SECTION 1. Legislative declaration. (1) The general
assembly hereby declares that it recognizes the importance of evaluating
the success of strategies used to improve academic performance in
schools that are in need of improvement.

(2) The general assembly further declares that some public
schools of the state are receiving grants for improvement under Title I of
the federal "Elementary and Secondary Education Act of 1965", 20
U.S.C. sec. 6301 et seq.; therefore, the state has an interest in monitoring
the progress of the recipient schools and ensuring that their improvement
plans satisfy the requirements of article 11 of title 22, Colorado Revised
Statutes, in order to align strategies for school improvement.

(3) (a) The general assembly further declares that it recognizes the
importance of assessing the performance of school turnaround plans,
especially for recipients of Title I grants designed to provide interventions
for the persistently lowest performing schools, and the need to look at
leading and lagging indicators.

(b) As used in this subsection (3):

(I) "Leading indicators" means timely benchmarked indicators that

provide early signals of progress toward academic achievement, such as improved school attendance, reduced disciplinary incidents, and increased numbers and percentages of students completing advanced course work.

(II) "Lagging indicators" means indicators that show the results of successful strategies, such as achievement gains, increased course passage rates, and higher graduation rates.

SECTION 2. 22-11-210 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-11-210. Public schools - annual review - plans - supports and interventions - rules. (1) (a.5) IN IMPLEMENTING THE PROVISIONS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1), THE DEPARTMENT SHALL ENSURE THAT SCHOOLS RECEIVING GRANTS UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ., FOR THE PURPOSE OF PROVIDING INTERVENTIONS FOR THE PERSISTENTLY LOWEST PERFORMING SCHOOLS, INCORPORATE INTO THE SCHOOL IMPROVEMENT PLANS ASSOCIATED WITH SUCH GRANTS THE REQUIREMENTS FOR THE PERFORMANCE INDICATORS, TARGETS, AND IMPROVEMENT STRATEGIES REQUIRED PURSUANT TO THIS SECTION. THE DEPARTMENT SHALL ALSO ENSURE THAT WHEN IT PUBLISHES THE SCHOOLS' PLANS ON THE DEPARTMENT'S DATA PORTAL, OR OTHERWISE MAKES THE PLANS AVAILABLE TO MEMBERS OF THE PUBLIC, THE DEPARTMENT CLEARLY INDICATES WHICH SCHOOLS HAVE ALIGNED PLANS.

SECTION 3. The introductory portion to 22-11-210 (4), Colorado Revised Statutes, is amended, and the said 22-11-210 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

22-11-210. Public schools - annual review - plans - supports and interventions - rules. (1.5) THE ADMINISTRATION OF EACH PUBLIC SCHOOL THAT IS RECEIVING A GRANT UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ., FOR THE PURPOSE OF PROVIDING INTERVENTIONS FOR THE PERSISTENTLY LOWEST PERFORMING SCHOOLS, IS ENCOURAGED TO INFORM THE STAFF OF THE SCHOOL OF THE CONTENTS OF THE GRANT, ANY CHANGES TO THE SCHOOL'S IMPROVEMENT STRATEGIES THAT WILL BE MADE AS A RESULT OF THE GRANT, AND ANY REPORTS THAT THE DEPARTMENT IS REQUIRED TO PREPARE AND SUBMIT PURSUANT TO THE GRANT PROCESS.

(4) The commissioner may assign the state review panel to critically evaluate a public school's priority improvement plan and shall assign the state review panel to critically evaluate a public school's turnaround plan. FOR ANY PUBLIC SCHOOL THAT IS RECEIVING A GRANT UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ., FOR THE PURPOSE OF PROVIDING INTERVENTIONS FOR THE PERSISTENTLY LOWEST PERFORMING SCHOOLS, THE COMMISSIONER SHALL ASSIGN THE STATE REVIEW PANEL TO CRITICALLY EVALUATE BOTH THE IMPROVEMENT PLAN REQUIRED BY THE TITLE I GRANT AND THE PUBLIC SCHOOL'S IMPROVEMENT PLAN, PRIORITY IMPROVEMENT PLAN, OR TURNAROUND PLAN REQUIRED BY SECTION 22-11-404, 22-11-405, OR 22-11-406 IN ORDER TO ENSURE THE ALIGNMENT OF BOTH PLANS. Based on its evaluation, the state review panel shall report to the commissioner and the state board recommendations concerning:

(7) (a) THE DEPARTMENT SHALL ENSURE THAT EACH EVALUATION PERFORMED BY THE STATE REVIEW PANEL PURSUANT TO THIS SECTION IS MADE AVAILABLE ON THE DEPARTMENT'S DATA PORTAL AND PROVIDED TO MEMBERS OF THE PUBLIC UPON REQUEST.

(b) THE DEPARTMENT SHALL ENSURE THAT ANY REPORTS PRODUCED TO MONITOR THE PROGRESS OR REPORT THE OUTCOME OF ANY GRANT UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ., FOR THE PURPOSE OF PROVIDING INTERVENTIONS FOR THE PERSISTENTLY LOWEST PERFORMING SCHOOLS, SHALL BE MADE AVAILABLE ON THE DEPARTMENT'S DATA PORTAL AND TO MEMBERS OF THE PUBLIC UPON REQUEST.

SECTION 4. 22-11-405 (1) (b), (2) (b), and (3), Colorado Revised Statutes, are amended to read:

22-11-405. School priority improvement plan - contents. (1) (b) The school accountability committee for the district public school shall advise the local school board concerning preparation of the school priority improvement plan and shall make recommendations to the local

school board concerning the contents of the school priority improvement plan. The local school board shall create and adopt the school priority improvement plan, taking into account the advice and recommendations of the school accountability committee. PRIOR TO ADOPTING THE SCHOOL PRIORITY IMPROVEMENT PLAN, THE LOCAL SCHOOL BOARD SHALL HOLD A PUBLIC HEARING TO REVIEW THE PLAN. THE PUBLIC HEARING SHALL ALLOW MEMBERS OF THE PUBLIC TO PROVIDE INPUT CONCERNING THE CONTENTS OF THE SCHOOL PRIORITY IMPROVEMENT PLAN, INCLUDING ANY PROVISIONS FOR THE USE OF GRANTS UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ., FOR THE PURPOSE OF PROVIDING INTERVENTIONS FOR THE PERSISTENTLY LOWEST PERFORMING SCHOOLS.

(2) (b) The school accountability committee for the institute charter school shall advise the institute concerning preparation of the school priority improvement plan and shall make recommendations to the institute concerning the contents of the school priority improvement plan. The institute shall create and adopt the school priority improvement plan, taking into account the advice and recommendations of the school accountability committee. PRIOR TO ADOPTING THE SCHOOL PRIORITY IMPROVEMENT PLAN, THE INSTITUTE SHALL HOLD A PUBLIC HEARING TO REVIEW THE PLAN, ALLOWING MEMBERS OF THE PUBLIC TO PROVIDE INPUT CONCERNING THE CONTENTS OF THE SCHOOL PRIORITY IMPROVEMENT PLAN, INCLUDING ANY PROVISIONS FOR THE USE OF GRANTS UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ., FOR THE PURPOSE OF PROVIDING INTERVENTIONS FOR THE PERSISTENTLY LOWEST PERFORMING SCHOOLS.

(3) The commissioner, subject to available appropriations, may assign the state review panel to critically evaluate a public school's priority improvement plan and report to the commissioner any recommended modifications to the plan. IF THE COMMISSIONER ASSIGNS THE STATE REVIEW PANEL TO CRITICALLY EVALUATE THE PRIORITY IMPROVEMENT PLAN OF A PUBLIC SCHOOL RECEIVING A GRANT UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ., FOR THE PURPOSE OF PROVIDING INTERVENTIONS FOR THE PERSISTENTLY LOWEST PERFORMING SCHOOLS, THE LOCAL SCHOOL BOARD SHALL MAKE AVAILABLE TO THE STATE REVIEW PANEL A SUMMARY OF THE INPUT RECEIVED AT THE PUBLIC MEETING DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION. The commissioner may recommend to the local school board or the institute modifications to the school priority improvement plan, taking into consideration any recommendations of the state review panel.

SECTION 5. 22-11-406 (1) (b), (1) (c), and (2) (b), Colorado Revised Statutes, are amended to read:

22-11-406. School turnaround plan - contents. (1) (b) The school accountability committee for the district public school shall advise the local school board concerning preparation of the school turnaround plan and shall make recommendations to the local school board concerning the contents of the school turnaround plan. The local school board shall create and adopt the school turnaround plan, taking into account the advice and recommendations of the school accountability committee. PRIOR TO ADOPTING THE SCHOOL TURNAROUND PLAN, THE LOCAL SCHOOL BOARD SHALL HOLD A PUBLIC HEARING TO REVIEW THE PLAN, ALLOWING MEMBERS OF THE PUBLIC TO PROVIDE INPUT CONCERNING THE CONTENTS OF THE SCHOOL TURNAROUND PLAN, INCLUDING ANY PROPOSALS FOR THE USE OF GRANTS UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ., FOR THE PURPOSE OF PROVIDING INTERVENTIONS FOR THE PERSISTENTLY LOWEST PERFORMING SCHOOLS.

(c) Within the time frames specified in state board rule, the local school board shall submit the adopted school turnaround plan to the commissioner for evaluation by the state review panel. IN ADDITION TO THE ADOPTED SCHOOL TURNAROUND PLAN, THE LOCAL SCHOOL BOARD SHALL SUBMIT A SUMMARY OF THE INPUT RECEIVED AT THE PUBLIC HEARING DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1) FOR ANY SCHOOL RECEIVING A GRANT UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ., FOR THE PURPOSE OF PROVIDING INTERVENTIONS FOR THE PERSISTENTLY LOWEST PERFORMING SCHOOLS. The state review panel shall critically evaluate the adopted school turnaround plan and

make recommendations to the commissioner and the state board concerning the issues specified in section 22-11-210 (4). The commissioner shall approve the school turnaround plan or suggest modifications to the plan, taking into consideration any recommendations of the state review panel. The local school board shall revise the school turnaround plan, if necessary, and resubmit the plan for approval within the time frames specified in state board rule. The local school board shall ensure that the final, approved school turnaround plan is in effect for the district public school within the time frames specified in state board rule.

(2) (b) The school accountability committee for the institute charter school shall advise the institute concerning preparation of the school turnaround plan and shall make recommendations to the institute concerning the contents of the school turnaround plan. The institute shall create and adopt the school turnaround plan, taking into account the advice and recommendations of the school accountability committee. PRIOR TO ADOPTING THE SCHOOL TURNAROUND PLAN, THE INSTITUTE SHALL HOLD A PUBLIC HEARING TO REVIEW THE PLAN. THE PUBLIC HEARING SHALL ALLOW MEMBERS OF THE PUBLIC TO PROVIDE INPUT CONCERNING THE CONTENTS OF THE SCHOOL TURNAROUND PLAN, INCLUDING ANY PROPOSALS FOR THE USE OF GRANTS UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ., FOR THE PURPOSE OF PROVIDING INTERVENTIONS FOR THE PERSISTENTLY LOWEST PERFORMING SCHOOLS.

SECTION 6. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor."

Page 1, line 101, after "EXPANDING" insert "THE TRANSPARENCY OF".

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, April 25, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

101st Legislative Day	Friday, April 22, 2011
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SENATE DID NOT CONVENE ON THIS DAY

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

104th Legislative Day	Monday, April 25, 2011
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Prayer	By the chaplain, Father Eustace Sequeira, St. Ignatius Loyola Catholic Church, Denver.
Call to Order	By the President at 10:00 a.m.
Pledge	By Senator Grantham.
Roll Call	Present--35
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Jahn, reading of the Journal of Thursday, April 21, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

April 21, 2011

Mr. President:

The House has adopted and returns herewith SJR11-035, SJR11-043

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

- SCR11-002** by Senator(s) Lambert, Harvey, Lundberg, Cadman, Renfroe, King K., Spence, Scheffel, Brophy, Grantham, King S., Kopp, Mitchell; also Representative(s) Holbert--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution concerning the authority of the secretary of state to request proof of citizenship of any elector whose name appears in the computerized statewide voter registration list who the secretary of state believes is not a citizen of the United States.
State, Veterans & Military Affairs
- SCR11-003** by Senator(s) Lambert, Cadman, Renfroe, Scheffel, King K., Spence, Grantham, Harvey, King S., Kopp, Lundberg; also Representative(s) Joshi--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution concerning a requirement that an elected public officer provide proof of citizenship before entering upon the duties of office.
State, Veterans & Military Affairs
- SCR11-004** by Senator(s) Lambert, Renfroe, Harvey, Cadman, Mitchell, Scheffel, King K., Spence, Grantham, King S., Kopp, Lundberg; also Representative(s) Joshi--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution concerning a requirement that employers verify the work eligibility status of new employees through the federal electronic verification program.
State, Veterans & Military Affairs

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB11-220 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning a reduction in the mileage allowance for the use of a personal motor vehicle for official state business, and making an appropriation therefor.

Laid over until Friday, April 29, retaining its place on the calendar.

Committee of the Whole On motion of Senator Schwartz, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Schwartz was called to the Chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS -- CONSENT CALENDAR

The Committee of the Whole having risen, the Chairman reported that the following bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB11-078 by Senator(s) Morse, Carroll, Roberts, Schwartz; also Representative(s) Gardner B., Labuda, Levy, Murray, Waller--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

Ordered engrossed and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE -- CONSENT CALENDAR

On motion of Senator Schwartz, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-078.

Committee of the Whole On motion of Senator Schwartz, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Schwartz 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:

SB11-200 by Senator(s) Boyd; also Representative(s) Stephens--Concerning a Colorado health benefit exchange, and, in connection therewith, creating a process for the implementation of a health benefit exchange in Colorado.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, April 1, page 633 and placed in members' bill files.)

Amendment No. 2, Legislative Council Committee Amendment.
(Printed in Senate Journal, April 20, page 812 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

HB11-1291 by Representative(s) McNulty; also Senator(s) Morse--Concerning legislative approval of the regional haze element of the state implementation plan, and, in connection therewith, postponing the automatic expiration of the portion of the plan that consists of rules.

Laid over until Tuesday, April 26, retaining its place on the calendar.

SB11-044 by Senator(s) Steadman; also Representative(s) Levy--Concerning the collateral consequences of a conviction.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 20, pages 813-814 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-133 by Senator(s) Hudak and Newell, Foster, Giron, Steadman, Bacon, Jahn, King K.; also Representative(s) Nikkel, Ferrandino, Gardner B., Kagan, Levy, Waller, Solano--Concerning a study of disciplinary actions taken in public schools.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 24, pages 561-563 and placed in members' bill files.)

Amendment No. 2, Legislative Council Committee Amendment.
(Printed in Senate Journal, April 20, pages 812-813 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-051 by Senator(s) Giron; also Representative(s) Swerdfeger--Concerning an intercept of a person's winnings for the purpose of paying an unpaid debt due to the state, and making an appropriation therefor.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, February 4, page 103 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 15, page 772 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB11-200 by Senator(s) Boyd; also Representative(s) Stephens--Concerning a Colorado health benefit exchange, and, in connection therewith, creating a process for the implementation of a health benefit exchange in Colorado.

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the following Mitchell floor amendment, (L.013) to SB 11-200, did pass.

Amend printed bill, page 5, line 7, strike "ON OR".

Page 5, line 8, strike "BEFORE JULY 1, 2011," and substitute "WITHIN THIRTY DAYS AFTER THE DATE OF THE IMPLEMENTATION OF THIS ARTICLE,".

Page 10, line 15, strike "ON".

Page 10, line 16, strike "OR BEFORE AUGUST 1, 2011," and substitute "WITHIN SIXTY DAYS AFTER THE DATE OF THE IMPLEMENTATION OF THIS ARTICLE,".

Page 12, after line 25 insert:

"10-22-109. Implementation of article - waiver from federal act. (1) WITHIN SIXTY DAYS AFER THE EFFECTIVE DATE OF THIS ARTICLE, THE GOVERNOR OF COLORADO SHALL SEEK A WAIVER FROM THE TERMS, RESTRICTIONS, AND REQUIREMENTS OF THE FEDERAL ACT; THE REGULATIONS PROMULGATED PURSUANT TO THE FEDERAL ACT; AND ADMINISTRATIVE GUIDELINES ISSUED PURSUANT TO THE FEDERAL ACT.
(2) THIS ARTICLE SHALL NOT BE IMPLEMENTED UNTIL THE WAIVER REQUESTED PURSUANT TO SUBSECTION (1) OF THIS SECTION IS GRANTED."

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	20	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the following Mitchell floor amendment, (L.014) to SB 11-200, did pass.

Amend printed bill, page 3, strike lines 1 through 10 and substitute "ASSEMBLY DETERMINES AND DECLARES THAT".

Page 3, line 15, strike "EXCHANGE, INCLUDING AN AMERICAN".

Page 3, line 16, strike "HEALTH BENEFIT EXCHANGE," and substitute "EXCHANGE".

Page 8, strike lines 17 through 19 and substitute:

"(c) APPLY FOR, RECEIVE, AND EXPEND GIFTS, GRANTS, AND DONATIONS; EXCEPT THAT THE BOARD SHALL NOT APPLY FOR, RECEIVE, OR EXPEND FEDERAL MONEYS FOR THE IMPLEMENTATION OF THE EXCHANGE. EACH".

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	20	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Schwartz, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-200 as amended, SB11-044 as amended, SB11-133 as amended, SB11-051 as amended.
Laid over until April 26: HB11-1291, SB11-052, HB11-1109, HB11-1268, HB11-1138, HB11-1267, SB11-182, SB11-125, HB11-1219, SB11-050, SB11-111, SB11-232.

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

HB11-1209 by Representative(s) Jones, Looper, Massey; also Senator(s) Heath--Concerning the creation of a small business navigator by the small business assistance center under the office of economic development.

Senator Heath moved for the adoption of the first report of the first conference committee on **HB11-1209**, as printed in Senate journal, April 21, pages 819-820. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	23	NO	12	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

- SJR11-049

by Senator(s) Newell; also Representative(s) Gardner B.--Concerning recognition of October as "Conflict Resolution Month" in Colorado.

Laid over until Tuesday, April 26, retaining its place on the calendar.
- SJR11-050

by Senator(s) King S.; also Representative(s) Scott and Bradford--Concerning the 100th Anniversary of the Colorado National Monument.

Laid over until Tuesday, April 26, retaining its place on the calendar.
- SJR11-051

by Senator(s) Carroll, Guzman, Newell, Spence, Williams S.; also Representative(s) Fields, Acree, Balmer, Conti, Ryden, Swalm, Todd--Concerning the 150th anniversary of Arapahoe County.

Laid over until Tuesday, April 26, retaining its place on the calendar.
- SJR11-052

by Senator(s) Morse and King S.; also Representative(s) Barker--Concerning declaring the week of May 15-21, 2011, as Police Week and May 15, 2011, as Peace Officers' Memorial Day.

Laid over until Tuesday, April 26, retaining its place on the calendar.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

- SB11-259

by Senator(s) King K., Bacon, Hudak, Spence; also Representative(s) Massey, Hamner, Summers, Solano--Concerning the provision of state matching funds for property tax revenues that a school district raises through a specific mill levy override election for the district's general fund.
Education
Local Government
- SB11-260

by Senator(s) Morse; also Representative(s) Lee--Concerning safety procedures related to the towing of vehicles.
Judiciary

MESSAGE FROM THE GOVERNOR

April 19, 2011

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, reappoint and submit to your consideration, the following:

MEMBER OF THE
BOARD OF PARKS AND OUTDOOR RECREATION

for a term expiring June 30, 2012:

Christopher J. Castilian of Denver, Colorado to serve as a representative of the Metro Region and as a Republican, occasioned by the resignation of Laurie Mathews, appointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 4/20/11
Cindi Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, & Energy

Call of the Senate. Call raised.

RECONSIDERATION OF HB11-1209

- HB11-1209

by Representative(s) Jones, Looper, Massey; also Senator(s) Heath--Concerning the creation of a small business navigator by the small business assistance center under the office of economic development.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Consideration of Repassage, on **HB11-1209**.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB11-1209 by Representative(s) Jones, Looper, Massey; also Senator(s) Heath--Concerning the creation of a small business navigator by the small business assistance center under the office of economic development.

Senator Heath moved for the repassage of **HB11-1209**. The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SENATE SERVICES REPORT

Correctly Printed: SB11-245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257 and 258; SJR11-047 and 048.
Correctly Engrossed: SJR11-035, 043 and 044.
Correctly Reengrossed: SB11-004, 047, 066, 105, 177, 185, 192 and 227.
Correctly Rerevised: HB11-1076, 1145, 1146, 1201 and 1218.
Correctly Enrolled: SB11-188.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1004, 1156, 1234, HJR11-1016.

COMMITTEE OF REFERENCE REPORTS

Local Government After consideration on the merits, the Committee recommends that **SB11-239** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local Government After consideration on the merits, the Committee recommends that **SB11-234** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, strike lines 15 through 21.

Reletter succeeding sub-subparagraphs accordingly.

Page 4, line 22, strike "INTEREST," and substitute "PRINCIPAL, INTEREST,".

Page 6, line 23, strike "LOCATED" and substitute "LOCATED, THE COMMON AREAS OF THE COMMUNITY, OR ANY ADJACENT OR CONTIGUOUS REAL PROPERTY".

Page 6, line 27, strike "OR".

Page 7, line 2, strike "TRANSFER".

Page 7, line 3, strike "FEE".

Page 7, line 5, strike "PROPERTY." and substitute "PROPERTY; OR (VII) ANY PROVISION IN A RECORDED DEED, MEMORANDUM, SHORT FORM, OR OTHER RECORDED DOCUMENT REQUIRING PAYMENT OF AN AMOUNT THAT, ONCE PAID, SHALL NOT BIND ANY SUCCESSOR IN TITLE TO THE INTEREST IN RESIDENTIAL REAL PROPERTY AND THAT SHALL IN NO EVENT BE PAYABLE BY A GRANTEE UPON THE CONVEYANCE OF RESIDENTIAL REAL PROPERTY UPON WHICH THERE ARE RESIDENTIAL IMPROVEMENTS.".

Page 8, line 11, after "2011," insert "AND FAILS TO RELEASE SUCH COVENANT AND ANY LIEN PURPORTING TO SECURE THE PAYMENT OF A TRANSFER FEE WITHIN THIRTY DAYS AFTER WRITTEN REQUEST FOR THE RELEASE IS SENT TO THE LAST-KNOWN ADDRESS OF THE PAYEE AS SPECIFIED IN THE TRANSFER FEE COVENANT PERSONALLY OR BY CERTIFIED MAIL, FIRST-CLASS POSTAGE PREPAID, RETURN RECEIPT REQUESTED,".

Page 13, after line 20 insert:

"(8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, SUBSECTIONS (4), (5), AND (6) OF THIS SECTION SHALL NOT APPLY TO A NONPROFIT ORGANIZATION FORMED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 30 OF TITLE 7, C.R.S., ARTICLE 40 OF TITLE 7, C.R.S., OR ARTICLES 121 TO 137 OF TITLE 7, C.R.S., THAT IS A PAYEE UNDER A TRANSFER FEE COVENANT RECORDED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.".

ReNUMBER succeeding subsection accordingly.

Page 13, strike lines 25 through 27.

ReNUMBER succeeding section accordingly.

Agriculture,
Natural
Resources,
and Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
MINED LAND RECLAMATION BOARD

for terms expiring March 1, 2015:

Thomas Earl Brubaker, Parker, Colorado, an individual with substantial experience in the mining industry, appointed;

Ronald Dean Peterson, Lamar, Colorado, an individual with substantial experience in the agriculture industry, appointed;

Barbara J. Green, Denver Colorado, an individual with substantial experience in conservation, reappointed.

Agriculture,
Natural
Resources,
and Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY

for terms expiring October 1, 2014:

Steven C. Harris of Durango, Colorado, to serve as a representative from the San Miguel-Dolores-San Juan drainage basin, and as a representative with experience in the engineering aspects of water projects, reappointed;

Stephen T. LaBonde of Grand Junction, Colorado, to serve as a representative from the Main Colorado drainage basin, and as a representative with experience in public health issues related to drinking water or water quality matters, reappointed;

Gregory J. Higel of Alamosa, Colorado, to serve as a representative of the Rio Grande drainage basin, reappointed.

Agriculture,
Natural
Resources,
and Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
STATE AGRICULTURAL COMMISSION

for terms expiring March 1, 2015:

Thomas K. Cameron of Palisade, Colorado, to serve as a Democrat from the Fourth Agricultural District, reappointed;

Ernest D. Ford of Center, Colorado, to serve as a Democrat from the Third Agricultural District, reappointed;

Alvin Kunugi of Blanca, Colorado, to serve as a Democrat and at-large member, appointed;

Barbara L. Marty of Henderson, Colorado, to serve as a Republican from the First Agricultural District, reappointed.

Education

The Committee on Education has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
BOARD OF GOVERNORS OF THE
COLORADO STATE UNIVERSITY SYSTEM

for terms expiring December 31, 2014:

Dennis E. Flores of Pueblo, Colorado, to serve as a Democrat, and occasioned by the resignation of Bonifacio A. Cosyleon, appointed;

Penfield W. Tate of Denver, Colorado, to serve as a Democrat, and occasioned by the resignation of Leonard W. Gregory, appointed.

Education

The Committee on Education has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
COLLEGEINVEST BOARD OF DIRECTORS

for a term expiring July 31, 2014:

Courtney Cowgill of Centennial, Colorado, appointed.

Education

The Committee on Education has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
BOARD OF TRUSTEES OF METROPOLITAN
STATE COLLEGE OF DENVER

for a term expiring December 31, 2014:

Ellen S. Robinson of Denver, Colorado, a Democrat, reappointed.

Education

The Committee on Education has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF HIGHER EDUCATION AND THE
COLORADO COMMISSION ON HIGHER EDUCATION

for a term expiring at the pleasure of the Governor:

Joseph Garcia, of Colorado Springs, Colorado.

Education

After consideration on the merits, the Committee recommends that **HB11-1254** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 4, strike lines 11 through 14.

Page 9, strike lines 15 through 18.

Page 11, strike lines 15 through 18.

Page 13, strike lines 15 through 17 and substitute "TO COERCE, INTIMIDATE, OR CAUSE ANY PHYSICAL, MENTAL, OR EMOTIONAL HARM TO ANY STUDENT,".

Page 16, line 26, strike "(A)".

Page 17, line 2, strike "(B)" and substitute "(II)".

Page 17, line 6, strike "(C)" and substitute "(III)".

Page 17, strike lines 9 through 12.

Education

After consideration on the merits, the Committee recommends that **SB11-240** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Education

After consideration on the merits, the Committee recommends that **SJM11-004** be referred to the Senate for final action.

Page 862	Senate Journal-104th Day-April 25, 2011	
Finance	After consideration on the merits, the Committee recommends that SB11-109 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	1 2 3 4
Finance	The Committee on <u>Finance</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	5 6 7 8 9
	<p style="text-align: center;">MEMBER OF THE <u>COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY BOARD OF DIRECTORS</u></p>	10 11 12 13
	for a term expiring June 30, 2014:	14
	Patrick M. Brady of Fort Collins, Colorado, a Republican, appointed.	15 16 17 18
Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	19 20 21 22 23
	<p style="text-align: center;">MEMBERS OF THE <u>HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD</u></p>	24 25 26 27
	effective immediately, for a term expiring May 15, 2013:	28 29
	Ellen S. Robinson of Denver, Colorado, a representative of a business that purchases or otherwise provides health insurance for its employees, to fill the vacancy occasioned by the resignation of Bruce K. Alexander of Englewood, Colorado, appointed;	30 31 32 33
	further, effective June 1, 2010, for a term expiring at the pleasure of the Governor:	34 35
	Ellen S. Robinson of Denver, Colorado, to serve as Chairperson of the Hospital Provider Fee Oversight and Advisory Board, appointed.	36 37 38 39
	for a term expiring May 15, 2012:	40 41
	Karl B. Gills of Steamboat Springs, Colorado, an employee of a rural hospital in Colorado, to fill the vacancy occasioned by the resignation of Robert W. Omer of Meeker, Colorado, appointed.	42 43 44 45 46
Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	47 48 49 50 51
	<p style="text-align: center;">MEMBERS OF THE <u>COLORADO TRAUMATIC BRAIN INJURY BOARD</u></p>	52 53 54 55
	effective June 30, 2010 for terms expiring June 30, 2013:	56 57
	Holly Ann Batal of Denver, Colorado, to serve as a family member of an individual with a brain injury, reappointed.;	58 59 60
	Kimberly A. Gorgens of Denver, Colorado, to serve as a psychologist, reappointed.	61 62 63
	for terms expiring June 30, 2013:	64 65
	Rhesia-Maria R. Ochoa of Centennial, Colorado, appointed;	66 67
	Lt. Aaron D. Sanchez of Littleton, Colorado, appointed.	68 69

Health &
Human
Services

The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
WASTE TIRE ADVISORY COMMITTEE

for terms expiring September 9, 2012:

Deputy Sheriff William E. Spalding of Kersey, Colorado, to serve as a representative of law enforcement from jurisdictions that have a waste tire facility, appointed;

for terms expiring September 9, 2011:

Verne A. Stuessy of Pueblo West, Colorado, to serve as a representative of waste tire monofills that are operating in compliance with their certificates of designation, appointed;

Michael "Scott" Skorka of Golden, Colorado, to serve as a tire retailer, appointed;

for terms expiring September 9, 2013:

Richard K. Welle of Centennial, Colorado, to serve as a waste tire processor, appointed.

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
COLORADO COMMISSION ON THE AGING

for terms expiring July 1, 2014:

Karl D. Aguilera of Pueblo, Colorado, to serve as an at-large member from Congressional District 3, reappointed.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB11-1281** be referred to the Committee on Appropriations with favorable recommendation.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB11-205** 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 24, after "carriers" insert "unreasonably".

Page 3, line 26, strike "practicing to the full extent of" and substitute "practicing,".

Page 3, strike line 27.

Page 4, line 1, strike "by the Institute of Medicine,".

Page 4, strike lines 5 and 6 and substitute "this state that health insurance carriers must give advanced practice nurses fair opportunity to apply for participating provider status".

Page 4, line 7, strike "of practice".

Page 4, strike lines 10 and 11 and substitute:

"(a) Required to evaluate an application for participating provider status submitted by an advanced practice nurse using objective and reasonable criteria;".

Page 4, after line 20 insert:

"(3) It is not the intention of the general assembly to limit the ability of a carrier to make reasonable contracting decisions or require a carrier to approve a certain number of a specific type of provider for participation in the carrier's network.".

Page 4, strike lines 25 and 26 and substitute "**and penalties.** (1) (a) In counties of the state that are neither part of a metropolitan statistical area nor a primary statistical area, a carrier".

Page 5, line 2, strike "OR DETERMINING:" and substitute "reimbursement".

Page 5, line 3, strike "(a) Reimbursement".

Page 5, line 4, strike "OR".

Page 5, line 5, strike "PARTICIPATING" and substitute "A CARRIER OFFERING A HEALTH BENEFIT PLAN SHALL NOT DISCRIMINATE BETWEEN A PHYSICIAN AND AN ADVANCED PRACTICE NURSE WHEN DETERMINING PARTICIPATING".

Page 6, after line 13 insert:

"(5) THIS SECTION DOES NOT LIMIT THE ABILITY OF A CARRIER TO MAKE REASONABLE CONTRACTING DECISIONS OR REQUIRE A CARRIER TO APPROVE A CERTAIN NUMBER OF A SPECIFIC TYPE OF PROVIDER FOR PARTICIPATION IN THE CARRIER'S NETWORK.".

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **SB11-238** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 3, after "(D)," insert "(5.4) (b),".

Page 8, strike lines 3 through 16 and substitute:

~~"(B) Notwithstanding any other provision of this paragraph (a) or subsection (5.5) of this section, in the fiscal years commencing July 1, 2006, July 1, 2007, July 1, 2008, July 1, 2009, and July 1, 2010, the executive director of the department of local affairs shall transfer three million two hundred fifty thousand dollars of the moneys in the fund to the state treasurer, who shall credit the moneys to the wildfire preparedness fund created in section 23-31-309 (4), C.R.S."~~

Page 10, after line 7 insert:

"(b) (I) For each quarter commencing during the 2008-09 fiscal year or during any succeeding fiscal year, forty percent of the moneys shall be credited to the local government mineral impact fund. Fifty percent of the moneys so credited shall be distributed by the executive director of the department of local affairs in accordance with the purposes and priorities described in subsection (1) of this section, and in distributing such THE moneys the executive director shall give priority to those communities most directly and substantially impacted by production of energy resources on federal mineral lands and to grant applications that:

(+) (A) Are submitted jointly by multiple local governments; or
(+) (B) Seek funding for a project that is a multi-jurisdictional project or that requires a substantial amount of funding.

(II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IN THE FISCAL YEARS COMMENCING JULY 1, 2012, JULY 1, 2013, JULY 1, 2014, AND JULY 1, 2015, UNLESS ANOTHER SOURCE OF FUNDING BECOMES AVAILABLE, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL

AFFAIRS SHALL TRANSFER, PRIOR TO ANY OTHER DISTRIBUTION SPECIFIED IN THIS PARAGRAPH (b), THREE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS OF THE MONEYS AVAILABLE FOR GRANT APPLICATIONS PURSUANT TO THIS PARAGRAPH (b) TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEYS TO THE WILDFIRE PREPAREDNESS FUND CREATED IN SECTION 23-31-309 (4), C.R.S. THE COLORADO STATE FOREST SERVICE DESIGNATED IN SECTION 23-31-302, C.R.S., SHALL ANNUALLY REPORT ON THE USE OF THE MONIES TRANSFERRED PURSUANT TO THIS SUBPARAGRAPH (II) TO THE DEPARTMENT OF LOCAL AFFAIRS, THE OFFICE OF STATE PLANNING AND BUDGETING, AND THE GENERAL ASSEMBLY. THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2016."

CHANGE IN SPONSORSHIP

Upon announcement of President Shaffer, Senator Bacon replaced Senator Mitchell as the Senate prime sponsor on HB11-1199.

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 25 was laid over until Tuesday, April 26, retaining its place on the calendar.

- Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024, SJR11-032, SJR11-036, SJR11-037, SJR11-039, SJR11-042, SJR11-045, SJR11-046, SJR11-047, SJR11-048, SR11-005.
- Consideration of Memorials: SJM11-002, SJM11-003.
- Consideration of House Amendments to Senate Bills: SCR11-001, SB11-213.
- Consideration of Conference Committee Reports: SB11-226, SB11-209.
- Conference Committees to Report: SB11-219.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

April 25, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1277, amended as printed in House Journal, April 21, pages 1057-1058.

The House has passed on Third Reading and returns herewith SB11-108, 124.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-089, amended as printed in House Journal, April 21, page 1059. SB11-090, amended as printed in House Journal, April 21, page 1059. SB11-092, amended as printed in House Journal, April 21, pages 1059-1060. SB11-173, amended as printed in House Journal, April 21, page 1060. SB11-230, amended as printed in House Journal, April 21, pages 1060-1062 and amended on Third Reading as printed in House Journal, April 25.

The House has adopted the First Report of the First Conference Committee on SB11-209, as printed in House Journal, April 21, pages 1043-1056, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB11-226, as printed in House Journal, April 21, pages 1068-1069, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted and returns herewith SJR11-044.

MESSAGE FROM THE REVISOR OF STATUTES

April 25, 2011

We herewith transmit:

Without comment, as amended, HB11-1277.
Without comment, as amended, SB11-089, 090, 092, 173, and 230.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

SB11-261 by Senator(s) Roberts, Brophy, Carroll, Morse, Schwartz; also Representative(s) Gardner B., Labuda, Levy, Murray, Waller--Concerning the publication of the Colorado Revised Statutes by persons other than the general assembly.
Judiciary

SB11-262 by Senator(s) Scheffel and Tochtrop; also Representative(s) Murray and Williams A.-- Concerning the regulation of telecommunications service by the public utilities commission, and, in connection therewith, eliminating price regulation for all but basic local exchange service and emergency service and phasing out the high-cost support mechanism.
Business, Labor and Technology

MESSAGE FROM THE GOVERNOR

April 22, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-034 CONCERNING REQUIRING AN EDUCATOR WHO PROVIDES SERVICES THROUGH THE WOMEN, INFANTS, AND CHILDREN PROGRAM TO REPORT CHILD ABUSE OR NEGLECT

Approved April 22, 2011 at 8:55 a.m.

SB11-037 CONCERNING THE CREATION OF A WORLD WAR II SPECIAL
LICENSE PLATE, AND MAKING AN APPROPRIATION THEREFOR

Approved April 22, 2011 at 8:55 a.m.

SB11-062 CONCERNING THE ADMINISTRATIVE DUTIES OF THE OFFICE OF
INFORMATION TECHNOLOGY

Approved April 22, 2011 at 8:56 a.m.

SB11-094 CONCERNING THE CONTINUATION OF THE STATE BOARD OF
OPTOMETRIC EXAMINERS, AND, IN CONNECTION THEREWITH, CHANGING
THE NAME OF THE BOARD, IMPLEMENTING THE SUNSET REVIEW
RECOMMENDATIONS OF THE DEPARTMENT OF REGULATORY AGENCIES,
AND MAKING AN APPROPRIATION

Approved April 22, 2011 at 8:56 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, April 26,
2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

105th Legislative Day Tuesday, April 26, 2011

Prayer By the chaplains, Dr. Michael Dent, Trinity United Methodist Church, Denver, and Gary Hayes, Chairman of the Ute Mountain Ute Tribe.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Grantham.

Roll Call Present--33
Absent--1, Brophy.
Excused--1, Mitchell.
Present later--2, Brophy, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Jahn, reading of the Journal of Monday, April 25, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of resolutions.

CONSIDERATION OF RESOLUTIONS

SJR11-049 by Senator(s) Newell; also Representative(s) Gardner B.--Concerning recognition of October as "Conflict Resolution Month" in Colorado.

On motion of Senator Newell, the resolution was read at length and adopted by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

SJR11-042 by Senator(s) Roberts and Williams S.; also Representative(s) Brown and Coram--Concerning the recognition of the Tri-Ute meeting in Colorado, and, in connection therewith, honoring the culture and heritage of the Ute Indian Tribes.

On motion of Senator Williams S., the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop and White.

Senate in recess.
Senate reconvened.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for consideration of Governor's appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Bacon, the following Governor's appointment was confirmed by a roll call vote:

EXECUTIVE DIRECTOR OF THE DEPARTMENT
OF HIGHER EDUCATION AND THE COLORADO
COMMISSION ON HIGHER EDUCATION

for a term expiring at the pleasure of the Governor:

Joseph Garcia, of Colorado Springs, Colorado.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

CONSIDERATION OF RESOLUTIONS

SJR11-039 by Senator(s) Grantham, Giron, Scheffel, King K., Schwartz; also Representative(s) Gerou, Pace, Joshi, Lee, Swerdfeger--Concerning support for the establishment of the Pike National Historic Trail.

On motion of Senator Grantham, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

SJR11-048 by Senator(s) King K. and Johnston; also Representative(s) Massey and Casso--Concerning recognizing April 25 through 29, 2011, as "Colorado Charter Schools Week" in the state of Colorado.

On motion of Senator King K., the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

**THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR**

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB11-078 by Senator(s) Morse, Carroll, Roberts, Schwartz; also Representative(s) Gardner B., Labuda, Levy, Murray, Waller--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

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:

SB11-220 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning a reduction in the mileage allowance for the use of a personal motor vehicle for official state business, and making an appropriation therefor.

Laid over until Friday, May 13.

SB11-200 by Senator(s) Boyd; also Representative(s) Stephens--Concerning a Colorado health benefit exchange, and, in connection therewith, creating a process for the implementation of a health benefit exchange in Colorado.

Laid over until Wednesday, April 27, retaining its place on the calendar.

SB11-044 by Senator(s) Steadman; also Representative(s) Levy--Concerning the collateral consequences of a conviction.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd and Guzman.

SB11-133 by Senator(s) Hudak and Newell, Foster, Giron, Steadman, Bacon, Jahn, King K.; also Representative(s) Nikkel, Ferrandino, Gardner B., Kagan, Levy, Waller, Solano--Concerning a study of disciplinary actions taken in public schools.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	28	NO	7	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Nicholson

NOTICE OF INTENT TO MOVE FOR RECONSIDERATION OF SB11-044

SB11-044 by Senator(s) Steadman; also Representative(s) Levy--Concerning the collateral consequences of a conviction.

Senator Kopp gave notice of intent to reconsider **SB11-044**.

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:

SB11-051 by Senator(s) Giron; also Representative(s) Swerdfeger--Concerning an intercept of a person's winnings for the purpose of paying an unpaid debt due to the state, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Foster, Guzman, Hodge, Morse, Tochtrop and Williams S.

IMMEDIATE RECONSIDERATION OF SB11-051

SB11-051 by Senator(s) Giron; also Representative(s) Swerdfeger--Concerning an intercept of a person's winnings for the purpose of paying an unpaid debt due to the state, and making an appropriation therefor.

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **SB11-051**.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB11-051

by Senator(s) Giron; also Representative(s) Swerdfeger--Concerning an intercept of a person's winnings for the purpose of paying an unpaid debt due to the state, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	20	NO	15	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Aguilar, Boyd, Foster, Guzman, Hodge, Morse, Tochtrop and Williams S.

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

SB11-226

by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the augmentation of the general fund through transfers of certain moneys, and making an appropriation in connection therewith.

Senator Hodge moved for the adoption of the first report of the first conference committee on **SB11-226**, as printed in Senate journal, April 21, page 830. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	23	NO	12	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	N
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB11-209 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--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, 2011, except as otherwise noted.

Senator Hodge moved for the adoption of the first report of the first conference committee on **SB11-209**, as printed in Senate journal, April 21, pages 830-840. The motion was **adopted** by the following roll call vote:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	32	NO	3	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Committee of the Whole On motion of Senator Nicholson, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Nicholson was called to the Chair to act as Chairman.

**GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR**

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:

HB11-1274 by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.

Ordered revised and placed on the calendar for third reading and final passage.

HB11-1283 by Representative(s) Gerou and Riesberg, Massey; also Senator(s) Steadman--Concerning the extension of the bioscience discovery evaluation grant program.

Ordered revised and placed on the calendar for third reading and final passage.

HB11-1100 by Representative(s) Looper, Acree, Baumgardner, Brown, Court, Fields, Holbert, Kerr A., Priola, Ryden, Solano, Soper; also Senator(s) Morse--Concerning the consideration of military experience towards qualification for professional licensure and certification, and making an appropriation therefor.

Ordered revised and placed on the calendar for third reading and final passage.

HB11-1289 by Representative(s) Sonnenberg; also Senator(s) Hodge--Concerning the manner in which the state historical society acts with regard to water supply structures.

Ordered revised and placed on the calendar for third reading and final passage.

SB11-204 by Senator(s) Giron and Morse; also Representative(s) Swerdfeger and Stephens, Barker, Gardner B., Lee--Concerning the role of certain southern Colorado university campuses.

Ordered engrossed and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE -- CONSENT CALENDAR

On motion of Senator Nicholson, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfro	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-204, HB11-1274, HB11-1283, HB11-1100, HB11-1289.

Call of the Senate.

Call raised.

RECONSIDERATION OF SB11-209

SB11-209 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--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, 2011, except as otherwise noted.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Repassage of Bills, on **SB11-209**.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB11-209 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--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, 2011, except as otherwise noted.

Senator Hodge moved for the repassage of **SB11-209**. The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	29	NO	6	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	N	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

NOTICE OF INTENT TO MOVE FOR RECONSIDERATION WITHDRAWN

SB11-044 by Senator(s) Steadman; also Representative(s) Levy--Concerning the collateral consequences of a conviction.

Senator Kopp withdrew his notice of intent to move for reconsideration of **SB11-044**.

Committee of the Whole On motion of Senator Nicholson, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Nicholson 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:

SB11-232 by Senator(s) Jahn; also Representative(s) Gardner B.--Concerning the child abuse investigation surcharge.

Ordered engrossed and placed on the calendar for third reading and final passage.

Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 3:30 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in recess.

Senate in recess.Senate reconvened.

Call of the Senate.Call raised.

REPORT OF CONFERENCE COMMITTEES

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-219

THIS REPORT AMENDS THE
REENGROSSED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB11-219,
concerning moneys appropriated in the 2011-12 fiscal year for health
clinics, and making an appropriation therefor, has met and reports that it
has agreed upon the following:

1. That the House recede from its amendments made to the bill,
as the amendments appear in the rerevised bill and that the following
amendments be substituted therefor:

Amend reengrossed bill, page 2, line 11, strike "TEN" and substitute
"ELEVEN".

Page 4, line 1, strike "EIGHT HUNDRED THIRTEEN THOUSAND FIVE
HUNDRED".

Page 7, strike line 27.

Page 8, strike lines 1 through 8 and substitute:

"(1) Twenty-three million five hundred ten thousand dollars
(\$23,510,000) for allocation to the health care services fund for
community primary care providers pursuant to section 25.5-3-112 (2.8),
Colorado Revised Statutes. Of said sum, eleven million seven hundred
fifty-five thousand dollars (\$11,755,000) shall be cash funds from the
Colorado health care services fund created in section 25.5-3-112 (1),
Colorado Revised Statutes, and eleven million seven hundred fifty-five
thousand dollars (\$11,755,000) shall be from federal funds."

2. That, under the authority granted the committee to consider
matters not at issue between the two houses, the following amendments
be recommended:

Amend reengrossed bill, page 3, line 6, strike "ONE MILLION".

Page 3, strike line 7 and substitute "TWO MILLION ONE HUNDRED THIRTY-
FIVE THOUSAND EIGHT HUNDRED THIRTY".

Page 6, line 16, strike "ONE MILLION".

Page 6, strike line 17 and substitute:

"TWO MILLION ONE HUNDRED THIRTY-FIVE THOUSAND EIGHT HUNDRED THIRTY".

Page 8, strike lines 9 and 10 and substitute:

"(2) Two million one hundred thirty-five thousand eight hundred thirty dollars (\$2,135,830) from the primary care special distribution fund".

Respectfully submitted,

Senate Committee:
(signed)
Mary Hodge, Chairman
Pat Steadman
Kent D. Lambert

House Committee:
(signed)
Cheri Gerou, Chairman
Mark Ferrandino
Jon Becker

MESSAGE FROM THE HOUSE

April 26, 2011

Mr. President:

The House has postponed indefinitely SB11-126. The bill is returned herewith.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1297, amended as printed in House Journal, April 25, page 1085.

The House has passed on Third Reading and returns herewith SB11-179, 169.

The House has adopted the First Report of the First Conference Committee on HB11-1209, as printed in House Journal, April 25, page 1119-1120, and has repassed the bill as amended.

The House has voted to grant the House conferees on the First Conference Committee on SB11-219 to consider matters not at issue between the two houses.

The House has adopted and returns herewith SJR11-049, SJR11-042, SJR11-041, SJR11-039, SJR11-048.

The House has voted to concur in the Senate amendments to HB11-1230, 1196, 1026, 1145, 1146, 1218, and has repassed the bills as so amended.

MESSAGE FROM THE REVISOR OF STATUTES

April 26, 2011

We herewith transmit:

Without comment, as amended, HB11-1297.

CHANGE IN SPONSORSHIP

Upon announcement of President Shaffer, Senator Spence was added as a Senate joint prime sponsor on HB11-1043.

RECALL OF HB11-1080

Senator Morse moved for recall of **HB11-1080** from the House for purpose of reconsideration. A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**. The bill was ordered recalled.

Committee of the Whole reconvened.

GENERAL ORDERS -- SECOND READING OF BILLS - cont'd

SB11-207 by Senator(s) Tochtrop; also Representative(s) Priola--Concerning the regulation of roofers by the division of registrations in the department of regulatory agencies.
Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, April 19, pages 800-801 and placed in members' bill files.)
Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 21, pages 842-843 and placed in members' bill files.)
Amendment No. 3(L.002), by Senator Tochtrop.
Amend printed bill, page 10, after line 9 insert:

"(3) THIS ARTICLE DOES NOT REQUIRE SHEET METAL, ELECTRICAL, PLUMBING, REFRIGERATION, OR MASON CONTRACTORS OR CARPENTERS WHO PERFORM CHIMNEY REPAIRS OR INSTALL SOIL PIPES, ELECTRICAL JACKS, GUTTERS, HEATING AND COOLING VENTS, WOOD ROOF DECKS, OR ANY OTHER KIND OF ROOF DECK OR TELEVISION ANTENNA TO BE REGISTERED UNDER THIS ARTICLE."

As amended, laid over until Wednesday, April 27.

HB11-1291 by Representative(s) McNulty; also Senator(s) Morse--Concerning legislative approval of the regional haze element of the state implementation plan, and, in connection therewith, postponing the automatic expiration of the portion of the plan that consists of rules.
Ordered revised and placed on the calendar for third reading and final passage.

SB11-052 by Senator(s) Heath, Bacon, King K.; also Representative(s) Massey, Ferrandino--Concerning expectations for higher education institutions in Colorado.
Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, March 18, pages 494-508 and placed in members' bill files.)

Laid over until Wednesday, April 27, 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 (SB11-052 as amended, HB11-1109, HB11-1268, HB11-1138, HB11-1267, SB11-182, SB11-125, HB11-1219, SB11-050, SB11-111, HB11-1095, HB11-1163, HB11-1115, HB11-1121, SB11-186, HB11-1211, HB11-1237, SB11-207 as amended) of Tuesday, April 26 was laid over until Wednesday, April 27, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Nicholson, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	N
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

The Committee of the Whole took the following action:
Passed on second reading: SB11-232, HB11-1291.
Laid over until April 27: SB11-052 as amended, HB11-1109, HB11-1268, HB11-1138, HB11-1267, SB11-182, SB11-125, HB11-1219, SB11-050, SB11-111, HB11-1095, HB11-1163, HB11-1115, HB11-1121, SB11-186, HB11-1211, HB11-1237, SB11-207 as amended

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR11-053 by Senator(s) Boyd; also Representative(s) Riesberg--Concerning the declaration of April 30, 2011, as "Colorado Meningitis Awareness Day".

Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

SB11-263 by Senator(s) Tochtrop, Brophy, Jahn; also Representative(s) Becker--Concerning clarification of the state sales tax exemption for sales of medical products.
Finance

SB11-264 by Senator(s) Newell; also Representative(s) Gardner B. and Lee--Concerning a clarification of state law governing the circumstances under which a notice of lis pendens must be recorded in connection with the filing of a debt security instrument as a substitute for the filing of certain liens.
Judiciary

SB11-265 by Senator(s) Johnston and King S., Schwartz; also Representative(s) Duran and Scott--Concerning changing the name of Mesa state college to Colorado Mesa university.
Education

SB11-266 by Senator(s) Bacon and King K.; also Representative(s) Ramirez and Kerr A.--Concerning background checks for employees of entities that contract to perform services for public schools.
Education

SB11-267 by Senator(s) Schwartz, Shaffer B., Bacon, Foster, Giron, Guzman, Heath, Hodge, Jahn, Johnston, King S., Nicholson, Roberts, Tochtrop, White, Williams S.; also Representative(s) Coram and Hamner, Court--Concerning measures to promote forest health, and, in connection therewith, creating the Colorado forest biomass use work group and promoting the creation of sustainable market-based models for active forest management and woody biomass energy development.
Agriculture, Natural Resources, and Energy

HB11-1277 by Representative(s) Massey and Solano; also Senator(s) Bacon--Concerning statutory changes involving K-12 education, and making an appropriation in connection therewith.
Education

MESSAGE FROM THE HOUSE

April 26, 2011

Mr. President:

In response to the request from the Senate, HB11-1080 is returned herewith.

MESSAGE FROM THE GOVERNOR

April 26, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-119 CONCERNING PROCEDURES GOVERNING THE APPEAL OF A VALUATION OF INCOME-PRODUCING COMMERCIAL REAL PROPERTY

Approved April 26, 2011 at 11:51 a.m.

SB11-183 CONCERNING MANDATING REPRESENTATION BY PERSONS WITH DISABILITIES ON CERTAIN STATE BOARDS

Approved April 26, 2011 at 12:03 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

SENATE SERVICES REPORT

Correctly Printed: SB11-259, 260, 261 and 262; SCR11-002, 003 and 004; SJR11-049, 050, 051 and 052.
Correctly Engrossed: SB11-044, 051, 078, 133 and 200.
Correctly Enrolled: SJR11-035 and 043.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1080, 1097, 1216, 1258, SB11-165, 188, 210, 225, 209.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Tuesday, April 26, 2011, at 1:06 p.m.:
SB11-209, 211, 212, 214, 215, 216, 217, 218, 221, 222, 223, 224, 228 and 229.

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the Committee recommends that **HB11-1072** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, after line 1 insert:

"SECTION 1. Legislative declaration. According to decisions of the Colorado supreme court, an address falsely represents a person's residential address when it does not state the complete street number and name, apartment or room number, if applicable, city, and state of the place where a person makes his or her permanent domicile. The codification of the meaning of "false address" in House Bill 11-1072, enacted in 2011, is a clarification of existing law for future designated representatives."

Renumber succeeding sections accordingly.

Page 2, after line 9 insert:

"SECTION 3. 1-40-105 (4), Colorado Revised Statutes, is amended, and the said 1-40-105 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

1-40-105. Filing procedure - review and comment - amendments - filing with secretary of state. (4) After the conference provided in subsections (1) and (2) of this section, a copy of the original typewritten draft submitted to the directors of the legislative council and the office of legislative legal services, a copy of the amended draft with changes highlighted or otherwise indicated, if any amendments were made following the last conference conducted pursuant to subsections (1) and (2) of this section, and an original final draft which gives the final language for printing shall be submitted to the secretary of state without any title, submission clause, or ballot title providing the designation by which the voters shall express their choice for or against the proposed law or constitutional amendment. THE DESIGNATED PROPONENTS SHALL SUBMIT TO THE DIRECTOR OF THE LEGISLATIVE COUNCIL A COPY OF ANY DOCUMENTS SUBMITTED TO THE SECRETARY OF STATE PURSUANT TO THIS SUBSECTION (4).

(5) LEGISLATIVE COUNCIL STAFF SHALL PREPARE A FISCAL NOTE FOR EACH INITIATIVE PETITION SUBMITTED TO THE SECRETARY OF STATE BY A DESIGNATED REPRESENTATIVE PURSUANT TO SUBSECTION (4) OF THIS SECTION. THE FISCAL NOTE SHALL INCLUDE THE SAME ANALYSIS AS IS REQUIRED FOR A LEGISLATIVE MEASURE PURSUANT TO SECTION 2-2-322, C.R.S., AND ANY RULES ADOPTED BY THE GENERAL ASSEMBLY. THE FISCAL NOTE SHALL BE BASED ON THE AMENDED DRAFT, IF ANY, AND ON THE ORIGINAL DRAFT IN ALL OTHER CASES."

Renumber succeeding sections accordingly.

Page 3, line 2, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,".

Page 4, line 17, strike "ARTICLE" and substitute "ARTICLE, INCLUDING BUT NOT LIMITED TO THE PROHIBITION ON CIRCULATORS' USE OF FALSE ADDRESSES IN COMPLETING CIRCULATOR AFFIDAVITS,".

Page 5, after line 8 insert:

"(5) (a) THE TITLE BOARD SHALL INCLUDE IN THE TITLE THE FOLLOWING INFORMATION RELATED TO THE PROPOSED MEASURE, IF APPLICABLE:

(I) THE AMOUNT OF THE STATE'S ADMINISTRATIVE COSTS OR SAVINGS; AND

(II) THE AMOUNT OF THE INCREASE OR DECREASE IN STATE REVENUE.

(b) THE INFORMATION REQUIRED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL BE BASED ON THE FISCAL NOTE PREPARED BY LEGISLATIVE COUNCIL STAFF PURSUANT TO SECTION 1-40-105 (5) FOR EACH YEAR THAT THE INFORMATION IS INCLUDED IN THE FISCAL NOTE."

Page 7, after line 22 insert:

"(b) "FALSE ADDRESS" MEANS THE STREET ADDRESS, POST OFFICE BOX, CITY, STATE, OR ANY OTHER DESIGNATION OF PLACE USED IN A CIRCULATOR'S AFFIDAVIT THAT DOES NOT REPRESENT THE CIRCULATOR'S

	CORRECT ADDRESS OF PERMANENT DOMICILE AT THE TIME HE OR SHE CIRCULATED PETITIONS. "FALSE ADDRESS" DOES NOT INCLUDE AN ADDRESS THAT MERELY OMITTS THE DESIGNATION OF "STREET," "AVENUE," "BOULEVARD," OR ANY COMPARABLE TERM."	1 2 3 4 5
	Reletter succeeding paragraph accordingly.	6 7
	Page 8, line 5, strike the first "AND" and strike "HOURS;" and substitute "HOURS, AND ANY ADDRESSES USED BY CIRCULATORS ON THEIR AFFIDAVITS THAT THE DESIGNATED REPRESENTATIVES OR THEIR AGENTS HAVE DETERMINED, PRIOR TO PETITION FILING, TO BE FALSE ADDRESSES;"	8 9 10 11 12
Judiciary	After consideration on the merits, the Committee recommends that HB11-1278 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	13 14 15 16
	Amend reengrossed bill, page 4, strike lines 12 through 16.	17 18
	Renumber succeeding sections accordingly.	19 20 21
	Page 9, strike lines 7 through 14 and substitute "EXCEED SEVENTY-FIVE DOLLARS FOR THE INITIAL REGISTRATION WITH THE LOCAL LAW ENFORCEMENT AGENCY AND TWENTY-FIVE DOLLARS FOR ANY SUBSEQUENT ANNUAL OR QUARTERLY REGISTRATION.	22 23 24 25
	(b) THE LOCAL LAW ENFORCEMENT AGENCY MAY WAIVE THE FEE FOR AN INDIGENT PERSON. FOR ALL OTHER PERSONS, THE LOCAL LAW ENFORCEMENT AGENCY MAY PURSUE PAYMENT OF THE FEE THROUGH A CIVIL COLLECTION PROCESS OR ANY OTHER LAWFUL MEANS IF THE PERSON IS UNABLE TO PAY AT THE TIME OF REGISTRATION. A LOCAL LAW ENFORCEMENT AGENCY SHALL ACCEPT A TIMELY REGISTRATION IN ALL CIRCUMSTANCES EVEN IF THE PERSON IS UNABLE TO PAY THE FEE AT THE TIME OF REGISTRATION."	26 27 28 29 30 31 32 33 34
	Page 9, line 15, strike "(b)" and substitute "(c)".	35 36 37
Judiciary	After consideration on the merits, the Committee recommends that HB11-1105 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	38 39 40 41
	Amend reengrossed bill, page 2, line 9, after "section," insert "THERE SHALL BE A REBUTTABLE PRESUMPTION THAT".	42 43 44
	Page 2, line 15, after the period add "AT ANY TIME AFTER SENTENCING AND PRIOR TO THE DISCHARGE OF THE DEFENDANT'S SENTENCE, THE VICTIM MAY REQUEST THAT THE DEFENDANT PARTICIPATE IN RESTORATIVE JUSTICE PRACTICES WITH THE VICTIM. IF THE DEFENDANT ACCEPTS RESPONSIBILITY FOR AND EXPRESSES REMORSE FOR HIS OR HER ACTIONS AND IS WILLING TO REPAIR THE HARM CAUSED BY HIS OR HER ACTIONS, AN INDIVIDUAL RESPONSIBLE FOR THE DEFENDANT'S SUPERVISION SHALL MAKE THE NECESSARY ARRANGEMENTS FOR THE RESTORATIVE JUSTICE PRACTICES REQUESTED BY THE VICTIM."	45 46 47 48 49 50 51 52 53 54
Judiciary	After consideration on the merits, the Committee recommends that HB11-1195 be amended as follows, and as so amended, be referred to the Committee on <u>Finance</u> with favorable recommendation.	55 56 57 58 59
	Amend reengrossed bill, page 3, line 19, strike "DIVISION." and substitute "DIVISION OR THE DIRECTOR'S DESIGNEE."	60 61 62
	Page 4, line 10, strike "DETERMINE" and substitute "THE DETERMINATION OF".	63 64 65
	Page 6, strike lines 20 through 27.	66 67
	Page 7, strike line 1.	68 69

Reletter succeeding paragraphs accordingly.

Page 7, line 11, after "THE" insert "ETHICS AND".

Page 7, strike lines 12 and 13 and substitute "IN THIS STATE."

Page 9, line 3, strike "FELONY; EXCEPT THAT" and substitute "FELONY, TO AN OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT TO INVOLVE UNLAWFUL SEXUAL BEHAVIOR, DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S., OR STALKING, AS DEFINED IN SECTION 18-3-602, C.R.S.; OR TO VIOLATION OF A PROTECTION ORDER, AS DEFINED IN SECTION 18-6-803.5, C.R.S. IN CONSIDERING THE DISCIPLINARY ACTION,".

Page 9, strike lines 11 through 23 and substitute:

"(2) THE DIRECTOR MAY ADOPT RULES ESTABLISHING FINES THAT HE OR SHE MAY IMPOSE ON A LICENSEE, WHICH RULES MUST INCLUDE A GRADUATED FINE STRUCTURE, WITH A MAXIMUM ALLOWABLE FINE OF NOT MORE THAN THREE THOUSAND DOLLARS PER VIOLATION. THE DIRECTOR SHALL TRANSMIT ANY FINES HE OR SHE COLLECTS FROM A LICENSEE TO THE STATE TREASURER FOR DEPOSIT IN THE GENERAL FUND.

(3) THE DIRECTOR NEED NOT FIND THAT THE ACTIONS THAT ARE GROUNDS FOR DISCIPLINE WERE WILLFUL BUT MAY CONSIDER WHETHER THE ACTIONS WERE WILLFUL WHEN DETERMINING THE NATURE OF DISCIPLINARY SANCTIONS TO BE IMPOSED.

(4) (a) THE DIRECTOR MAY COMMENCE A PROCEEDING TO DISCIPLINE A LICENSEE WHEN THE DIRECTOR HAS REASONABLE GROUNDS TO BELIEVE THAT THE LICENSEE HAS COMMITTED AN ACT ENUMERATED IN THIS SECTION.

(b) IN ANY PROCEEDING HELD UNDER THIS SECTION, THE DIRECTOR MAY ACCEPT AS EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION ANY DISCIPLINARY ACTION TAKEN AGAINST A LICENSEE IN ANOTHER JURISDICTION IF THE VIOLATION THAT PROMPTED THE DISCIPLINARY ACTION IN THE OTHER JURISDICTION WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS ARTICLE.

(5) THE DIRECTOR SHALL CONDUCT DISCIPLINARY PROCEEDINGS IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE APPOINTED BY THE DIRECTOR PURSUANT TO PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION SHALL CONDUCT THE HEARING AND OPPORTUNITY FOR REVIEW PURSUANT TO THAT ARTICLE. THE DIRECTOR HAS THE AUTHORITY TO EXERCISE ALL POWERS AND DUTIES CONFERRED BY THIS ARTICLE DURING THE DISCIPLINARY PROCEEDINGS.

(6) (a) THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL TO SEEK AN INJUNCTION, IN ANY COURT OF COMPETENT JURISDICTION, TO ENJOIN A PERSON FROM COMMITTING AN ACT PROHIBITED BY THIS ARTICLE. WHEN SEEKING AN INJUNCTION UNDER THIS PARAGRAPH (a), THE ATTORNEY GENERAL IS NOT REQUIRED TO ALLEGE OR PROVE THE INADEQUACY OF ANY REMEDY AT LAW OR THAT SUBSTANTIAL OR IRREPARABLE DAMAGE IS LIKELY TO RESULT FROM A CONTINUED VIOLATION OF THIS ARTICLE.

(b) (I) THE DIRECTOR MAY INVESTIGATE, HOLD HEARINGS, AND GATHER EVIDENCE IN ALL MATTERS RELATED TO THE EXERCISE AND PERFORMANCE OF THE POWERS AND DUTIES OF THE DIRECTOR.

(II) IN ORDER TO AID THE DIRECTOR IN ANY HEARING OR INVESTIGATION INSTITUTED PURSUANT TO THIS SECTION, THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (6) MAY ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS COMPELLING THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT RECORDS, PAPERS, BOOKS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER BEFORE THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE.

(III) UPON FAILURE OF ANY WITNESS OR LICENSEE TO COMPLY WITH A SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THE PERSON OR LICENSEE TO APPEAR

BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. IF THE PERSON OR LICENSEE FAILS TO OBEY THE ORDER OF THE COURT, THE COURT MAY HOLD THE PERSON OR LICENSEE IN CONTEMPT OF COURT.

(c) THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO CONDUCT HEARINGS, TAKE EVIDENCE, MAKE FINDINGS, AND REPORT SUCH FINDINGS TO THE DIRECTOR.

(7) (a) THE DIRECTOR, THE DIRECTOR'S STAFF, A PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, A WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, OR A PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE IS IMMUNE FROM LIABILITY IN A CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF THE INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS.

(b) A PERSON PARTICIPATING IN GOOD FAITH IN MAKING A COMPLAINT OR REPORT OR IN AN INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS SECTION IS IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT OTHERWISE MIGHT RESULT BY REASON OF THE PARTICIPATION.

(8) A FINAL ACTION OF THE DIRECTOR IS SUBJECT TO JUDICIAL REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11), C.R.S. THE DIRECTOR MAY INSTITUTE A JUDICIAL PROCEEDING IN ACCORDANCE WITH SECTION 24-4-106, C.R.S., TO ENFORCE AN ORDER OF THE DIRECTOR.

(9) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, WARRANTS FORMAL ACTION, THE DIRECTOR SHALL NOT RESOLVE THE COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

(10) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS HOLDING HIMSELF OR HERSELF OUT AS OR IS USING THE TITLE "LICENSED PRIVATE INVESTIGATOR" WITHOUT HAVING OBTAINED A LICENSE, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST THE ACTIVITY. THE DIRECTOR SHALL SET FORTH IN THE ORDER THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNREGISTERED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (10), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE, AS APPLICABLE, SHALL CONDUCT THE HEARING PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(11) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ISSUE TO THE PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNREGISTERED PRACTICE.

(b) THE DIRECTOR SHALL PROMPTLY NOTIFY THE PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11) OF THE ISSUANCE OF THE ORDER AND SHALL INCLUDE IN THE NOTICE A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A HEARING ON THE ORDER. THE DIRECTOR MAY SERVE THE NOTICE ON THE PERSON AGAINST WHOM THE ORDER HAS BEEN ISSUED BY PERSONAL

SERVICE, BY FIRST-CLASS, POSTAGE-PREPAID UNITED STATES MAIL, OR IN ANOTHER MANNER AS MAY BE PRACTICABLE. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS PARAGRAPH (b) CONSTITUTES NOTICE OF THE ORDER TO THE PERSON.

(c) (I) THE DIRECTOR SHALL HOLD THE HEARING ON AN ORDER TO SHOW CAUSE NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (11). THE DIRECTOR MAY CONTINUE THE HEARING BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE DIRECTOR HOLD THE HEARING LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11) DOES NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED ON THE PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (11) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER BECOMES FINAL AS TO THAT PERSON BY OPERATION OF LAW. THE HEARING MUST BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED REGISTRATION, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, THE DIRECTOR MAY ISSUE A FINAL CEASE-AND-DESIST ORDER DIRECTING THE PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR PRACTICES.

(IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (11), OF THE FINAL CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) IS EFFECTIVE WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(12) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED OR IS ABOUT TO ENGAGE IN AN ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, A RULE PROMULGATED PURSUANT TO THIS ARTICLE, OR AN ORDER ISSUED PURSUANT TO THIS ARTICLE; OR AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ENTER INTO A STIPULATION WITH THE PERSON.

(13) IF A PERSON FAILS TO COMPLY WITH A FINAL CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED THE ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(14) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION OR OF THE DIRECTOR'S FINAL ORDER AS PROVIDED IN SUBSECTION (8) OF THIS SECTION."

Renumber succeeding subsections accordingly.

Page 10, strike lines 22 through 27.

Page 11, strike lines 1 through 15 and substitute:

"12-58.5-108. Revocation. A PERSON WHOSE LICENSE IS REVOKED IS INELIGIBLE TO APPLY FOR A LICENSE UNDER THIS ARTICLE FOR AT LEAST TWO YEARS AFTER THE DATE OF REVOCATION OF THE LICENSE.

	THE DIRECTOR SHALL TREAT A SUBSEQUENT APPLICATION FOR LICENSURE FROM A PERSON WHOSE LICENSE WAS REVOKED AS AN APPLICATION FOR A NEW LICENSE UNDER THIS ARTICLE."	1
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Business, Labor, & Technology	The Committee on <u>Business, Labor, and Technology</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	6
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		10
	MEMBERS OF THE	11
	<u>COLORADO TOURISM OFFICE BOARD OF DIRECTORS</u>	12
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	for terms expiring June 1, 2014:	15
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	Jeanne C. Mackowski of Carbondale, Colorado, a representative of the ski industry, appointed;	17
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	Richard W. Scharf, Jr. of Littleton, Colorado, a representative of the destination marketing industry, reappointed;	20
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	Ian Steyn of Larkspur, Colorado, a representative of other outdoor recreation industries, appointed.	23
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State, Veterans, & Military Affairs	The Committee on <u>State, Veterans, and Military Affairs</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	27
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	MEMBER OF THE	33
	<u>COLORADO CIVIL RIGHTS COMMISSION</u>	34
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	for a term expiring March 13, 2015:	37
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	Susie Velasquez of Greeley, Colorado, to serve as a representative for local (or state) government entities, and as a Democrat, reappointed.	39
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-236 be postponed indefinitely.	43
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-237 be postponed indefinitely.	49
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Judiciary	After consideration on the merits, the Committee recommends that SB11-244 be referred to the Committee of the Whole with favorable recommendation.	55
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Judiciary	After consideration on the merits, the Committee recommends that SB11-176 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	59
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	Amend printed bill, strike everything below the enacting clause and substitute:	63
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	"SECTION 1. Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:	66
		67
		68
	17-1-113.9. Use of administrative segregation for state inmates	69

- reporting. (1) ON OR BEFORE JANUARY 1, 2012, AND EACH JANUARY 1 THEREAFTER, THE EXECUTIVE DIRECTOR SHALL PROVIDE A WRITTEN REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, CONCERNING THE STATUS OF ADMINISTRATIVE SEGREGATION; RECLASSIFICATION EFFORTS FOR OFFENDERS WITH MENTAL ILLNESSES OR DEVELOPMENTAL DISABILITIES, INCLUDING DURATION OF STAY, REASON FOR PLACEMENT, AND NUMBER AND PERCENTAGE DISCHARGED; AND ANY INTERNAL REFORM EFFORTS SINCE JULY 1, 2011.

(2) ANY COST SAVINGS ACHIEVED AS A RESULT OF THE IMPLEMENTATION OF SECTION 17-1-109 (2) SHALL BE APPROPRIATED AND REDIRECTED TO THE DEPARTMENT TO SUPPORT BEHAVIOR-MODIFICATION PROGRAMS, INCENTIVE PROGRAMS, MENTAL HEALTH SERVICES OR PROGRAMS, OR SIMILAR EFFORTS DESIGNED AS VIABLE ALTERNATIVES TO ADMINISTRATIVE SEGREGATION.

SECTION 2. 17-1-109 (2), Colorado Revised Statutes, is amended to read:

17-1-109. Duties and functions of the warden. (2) (a) The warden of each correctional facility should, wherever possible, take such measures as are reasonably necessary to restrict the confinement of any person ~~with known past or current affiliations or associations with any security-threat group~~ WHO ACTIVELY PARTICIPATES IN DISRUPTIVE SECURITY-THREAT GROUP BEHAVIOR, as defined in paragraph (b) of this subsection (2), so as to prevent contact with other inmates at such facility. The warden should, wherever possible, also take such measures as are reasonably necessary to prevent recruitment of new security-threat group members from among the general inmate population. ASSOCIATION WITH AN INMATE GANG OR SECURITY-THREAT GROUP ALONE SHALL NOT BE SUFFICIENT TO MEET THE REQUIREMENTS OF THIS PARAGRAPH (a).

(b) For the purposes of this subsection (2), unless the context otherwise requires, "security-threat group" means a group of three or more individuals ~~with a common interest, bond, or activity characterized by criminal or delinquent conduct engaged in either collectively or individually~~ ACTING IN CONCERT OR INDIVIDUALLY IN AN ACTIVITY THAT IS CHARACTERIZED BY CRIMINAL CONDUCT OR CONDUCT THAT VIOLATES THE DEPARTMENT'S CODE OF PENAL DISCIPLINE FOR THE PURPOSE OF DISRUPTING PRISON OPERATIONS, RECRUITING NEW MEMBERS, DAMAGING PROPERTY, OR INFLECTING OR THREATENING TO INFLECT HARM TO EMPLOYEES, CONTRACT WORKERS, VOLUNTEERS, OR OTHER STATE INMATES.

SECTION 3. 17-22.5-302, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

17-22.5-302. Earned time. (1.3) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, AFTER HIS OR HER FIRST NINETY DAYS IN ADMINISTRATIVE SEGREGATION, A STATE INMATE IN ADMINISTRATIVE SEGREGATION SHALL BE ELIGIBLE TO RECEIVE EARNED TIME IF HE OR SHE MEETS THE CRITERIA REQUIRED BY THIS SECTION OR ANY MODIFIED CRITERIA DEVELOPED BY THE DEPARTMENT TO ALLOW A STATE INMATE TO RECEIVE THE MAXIMUM AMOUNT OF EARNED TIME ALLOWABLE FOR GOOD BEHAVIOR AND PARTICIPATION IN ANY PROGRAMS AVAILABLE TO THE STATE INMATE IN ADMINISTRATIVE SEGREGATION.

SECTION 4. 17-22.5-405, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

17-22.5-405. Earned time - earned release time. (8) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, AFTER HIS OR HER FIRST NINETY DAYS IN ADMINISTRATIVE SEGREGATION, A STATE INMATE IN ADMINISTRATIVE SEGREGATION SHALL BE ELIGIBLE TO RECEIVE EARNED TIME IF HE OR SHE MEETS THE CRITERIA REQUIRED BY THIS SECTION OR ANY MODIFIED CRITERIA DEVELOPED BY THE DEPARTMENT TO ALLOW A STATE INMATE TO RECEIVE THE MAXIMUM AMOUNT OF EARNED TIME ALLOWABLE FOR GOOD BEHAVIOR AND PARTICIPATION IN ANY PROGRAMS AVAILABLE TO THE STATE INMATE IN ADMINISTRATIVE SEGREGATION.

SECTION 5. Effective date - applicability. This act shall take effect July 1, 2011, and shall apply to an offender placed in administrative segregation on or after July 1, 2011, or an offender who is housed in administrative segregation at the time this act takes effect.

SECTION 6. Safety clause. The general assembly hereby finds,

	determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.".	1 2 3 4
Local Government	After consideration on the merits, the Committee recommends that SB11-255 be postponed indefinitely.	5 6 7 8
Local Government	After consideration on the merits, the Committee recommends that SB11-202 be postponed indefinitely.	9 10 11 12
Finance	After consideration on the merits, the Committee recommends that HB11-1296 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	13 14 15 16
Finance	The Committee on <u>Finance</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	17 18 19 20
<p>MEMBERS OF THE ADVISORY COMMITTEE ON GOVERNMENTAL ACCOUNTING</p>		21 22 23 24 25
for terms expiring May 18, 2015:		26 27
Kevin F. Collins of Franktown, Colorado, to serve as a representative of special services districts, appointed;		28 29 30
John A. Carlson of Louisville, Colorado, to serve as a representative of city and county government, reappointed;		31 32 33
Donald J. McMahan of Avon, Colorado, to serve as a certified public accountant, reappointed.		34 35 36 37
<hr/>		38 39
On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, April 26 was laid over until Wednesday, April 27, retaining its place on the calendar.		40 41 42 43
Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024, SJR11-032, SJR11-036, SJR11-037, SJR11-045, SJR11-046, SJR11-047, SJR11-050, SJR11-051, SJR11-052, SR11-005.		44 45 46
Consideration of Memorials: SJM11-002, SJM11-003.		47
Consideration of House Amendments to Senate Bills: SCR11-001, SB11-213, SB11-089, SB11-090, SB11-092, SB11-173, SB11-230.		48 49
Consideration of Governor's Appointments:		50
Members of the Board of Mortgage Loan Originators		51
Member of the Colorado Banking Board		52
Member of the Public Utilities Commission of the State of Colorado		53 54 55 56 57 58 59

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, April 27, 2011.	1
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Approved:	4
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	7
Brandon C. Shaffer	8
President of the Senate	9
	10
Attest:	11
	12
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	14
Cindi L. Markwell	15
Secretary of the Senate	16

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

106th Legislative DayWednesday, April 27, 2011

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Grantham.

Roll Call Present--34
Excused--1, Renfroe.
Present later--1, Renfroe.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Jahn, reading of the Journal of Tuesday, April 26, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of resolutions.

CONSIDERATION OF RESOLUTIONS

SJR11-037 by Senator(s) Scheffel; also Representative(s) Hamner--Concerning designating the month of April as Historic Leadville Month.

On motion of Senator Scheffel, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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:

HB11-1274 by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Guzman, King S., Kopp, Nicholson and White.

HB11-1283 by Representative(s) Gerou and Riesberg, Massey; also Senator(s) Steadman--Concerning the extension of the bioscience discovery evaluation grant program.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Boyd, Heath, Hodge, Jahn, Morse, Newell, Nicholson, Schwartz and Williams S.

HB11-1100 by Representative(s) Looper, Acree, Baumgardner, Brown, Court, Fields, Holbert, Kerr A., Priola, Ryden, Solano, Soper; also Senator(s) Morse--Concerning the consideration of military experience towards qualification for professional licensure and certification, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Aguilar, Boyd, Cadman, Foster, Grantham, Heath, Hodge, Hudak, Jahn, King K., King S., Lambert, Lundberg, Newell, Scheffel, Schwartz, Steadman, Tochtrop and White.

HB11-1289 by Representative(s) Sonnenberg; also Senator(s) Hodge--Concerning the manner in which the state historical society acts with regard to water supply structures.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Guzman, King S., Roberts and White.

SB11-204 by Senator(s) Giron and Morse; also Representative(s) Swerdfeger and Stephens, Barker, Gardner B., Lee--Concerning the role of certain southern Colorado university campuses.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: King K. and Lambert.

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:

SB11-200 by Senator(s) Boyd; also Representative(s) Stephens--Concerning a Colorado health benefit exchange, and, in connection therewith, creating a process for the implementation of a health benefit exchange in Colorado.

A majority of those elected to the Senate having voted in the affirmative, Senator King K. was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.015), by Senators Brophy, Cadman, Grantham, Harvey, King S., Kopp, Lambert, Lundberg, Mitchell, Renfroe, Roberts, Scheffel, White.

Amend engrossed bill, page 13, after line 8 insert:

"10-22-109. Repeal. IF THE FEDERAL ACT IS REPEALED OR THE FEDERAL COURTS RULE IN FINAL, UNAPPEALABLE FORM THAT ALL OR ANY PART OF THE FEDERAL ACT IS UNCONSTITUTIONAL, INCLUDING THE ESTABLISHMENT OF THE HEALTH BENEFIT EXCHANGES AND THE INDIVIDUAL MANDATE TO PURCHASE HEALTH INSURANCE, THE GOVERNOR, AFTER CONSULTATION WITH THE ATTORNEY GENERAL, SHALL REPORT THIS FACT IN WRITING TO THE REVISOR OF STATUTES. UPON RECEIPT BY THE REVISOR OF STATUTES OF THIS WRITTEN REPORT, THIS ARTICLE IS REPEALED."

The amendment was **lost** on the following roll call vote:

YES	15	NO	20	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	20	NO	15	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Morse, Newell, Nicholson, Schwartz, Shaffer B., Steadman, Tochtrop and Williams S.

SB11-232 by Senator(s) Jahn; also Representative(s) Gardner B.--Concerning the child abuse investigation surcharge.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Carroll, Giron, Guzman, Heath, Hudak, King S., Newell, Tochtrop and Williams S.

HB11-1291 by Representative(s) McNulty; also Senator(s) Morse--Concerning legislative approval of the regional haze element of the state implementation plan, and, in connection therewith, postponing the automatic expiration of the portion of the plan that consists of rules.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	25	NO	10	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	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, Guzman, Heath, Hudak, Jahn, Newell, Nicholson, Schwartz, Shaffer B. and Williams S.

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 Governor's appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Tochtrop, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF MORTGAGE LOAN ORIGINATORS

for terms expiring August 10, 2012:

Julie I. Piepho of Fort Collins, Colorado, a licensed mortgage loan originator, appointed;

for terms expiring August 10, 2014:

Billy Glenn Bartholomew of Arvada, Colorado, a licensed mortgage loan originator, appointed.

YES	34	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	*	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senator Harvey.

On motion of Senator Tochtrop, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
COLORADO BANKING BOARD

for terms expiring July 1, 2015:

Stephen A. Sherlock of Lamar, Colorado, to serve as a representative of bankers, reappointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Tochtrop, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

for a term expiring on January 12, 2015:

Joshua B. Epel of Greenwood Village, Colorado, a Democrat, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Schwartz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
MINED LAND RECLAMATION BOARD

for terms expiring March 1, 2015:

Thomas Earl Brubaker, Parker, Colorado, an individual with substantial experience in the mining industry, appointed;

Ronald Dean Peterson, Lamar, Colorado, an individual with substantial experience in the agriculture industry, appointed;

Barbara J. Green, Denver Colorado, an individual with substantial experience in conservation, reappointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Schwartz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY

for terms expiring October 1, 2014:

Steven C. Harris of Durango, Colorado, to serve as a representative from the San Miguel-Dolores-San Juan drainage basin, and as a representative with experience in the engineering aspects of water projects, reappointed;

Stephen T. LaBonde of Grand Junction, Colorado, to serve as a representative from the Main Colorado drainage basin, and as a representative with experience in public health issues related to drinking water or water quality matters, reappointed;

Gregory J. Higel of Alamosa, Colorado, to serve as a representative of the Rio Grande drainage basin, reappointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Schwartz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
STATE AGRICULTURAL COMMISSION

for terms expiring March 1, 2015:

Thomas K. Cameron of Palisade, Colorado, to serve as a Democrat from the Fourth Agricultural District, reappointed;

Ernest D. Ford of Center, Colorado, to serve as a Democrat from the Third Agricultural District, reappointed;

Alvin Kunugi of Blanca, Colorado, to serve as a Democrat and at-large member, appointed;

Barbara L. Marty of Henderson, Colorado, to serve as a Republican from the First Agricultural District, reappointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF GOVERNORS OF THE
COLORADO STATE UNIVERSITY SYSTEM

for terms expiring December 31, 2014:

Dennis E. Flores of Pueblo, Colorado, to serve as a Democrat, and occasioned by the resignation of Bonifacio A. Cosyleon, appointed;

Penfield W. Tate of Denver, Colorado, to serve as a Democrat, and occasioned by the resignation of Leonard W. Gregory, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Bacon, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
COLLEGEINVEST BOARD OF DIRECTORS

for a term expiring July 31, 2014:

Courtney Cowgill of Centennial, Colorado, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Bacon, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
BOARD OF TRUSTEES OF METROPOLITAN
STATE COLLEGE OF DENVER

for a term expiring December 31, 2014:

Ellen S. Robinson of Denver, Colorado, a Democrat, reappointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Morse, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
COLORADO EDUCATIONAL AND CULTURAL
FACILITIES AUTHORITY BOARD OF DIRECTORS

for a term expiring June 30, 2014:

Patrick M. Brady of Fort Collins, Colorado, a Republican, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Boyd, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD

effective immediately, for a term expiring May 15, 2013:

Ellen S. Robinson of Denver, Colorado, a representative of a business that purchases or otherwise provides health insurance for its employees, to fill the vacancy occasioned by the resignation of Bruce K. Alexander of Englewood, Colorado, appointed;

further, effective June 1, 2010, for a term expiring at the pleasure of the Governor:

Ellen S. Robinson of Denver, Colorado, to serve as Chairperson of the Hospital Provider Fee Oversight and Advisory Board, appointed.

for a term expiring May 15, 2012:

Karl B. Gills of Steamboat Springs, Colorado, an employee of a rural hospital in Colorado, to fill the vacancy occasioned by the resignation of Robert W. Omer of Meeker, Colorado, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Boyd, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO TRAUMATIC BRAIN INJURY BOARD

effective June 30, 2010 for terms expiring June 30, 2013:

Kimberly A. Gorgens of Denver, Colorado, to serve as a psychologist, reappointed.

Holly Ann Batal of Denver, Colorado, to serve as a family member of an individual with a brain injury, reappointed;

for terms expiring June 30, 2013:

Rhesia-Maria R. Ochoa of Centennial, Colorado, appointed;

Lt. Aaron D. Sanchez of Littleton, Colorado, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Boyd, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
WASTE TIRE ADVISORY COMMITTEE

for terms expiring September 9, 2012:

Deputy Sheriff William E. Spalding of Kersey, Colorado, to serve as a representative of law enforcement from jurisdictions that have a waste tire facility, appointed;

for terms expiring September 9, 2011:

Verne A. Stuessy of Pueblo West, Colorado, to serve as a representative of waste tire monofills that are operating in compliance with their certificates of designation, appointed;

Michael "Scott" Skorka of Golden, Colorado, to serve as a tire retailer, appointed;

for terms expiring September 9, 2013:

Richard K. Welle of Centennial, Colorado, to serve as a waste tire processor, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Boyd, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
COLORADO COMMISSION ON THE AGING

for terms expiring July 1, 2014:

Karl D. Aguilera of Pueblo, Colorado, to serve as an at-large member from Congressional District 3, reappointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

RECONSIDERATION OF SB11-200

SB11-200 by Senator(s) Boyd; also Representative(s) Stephens--Concerning a Colorado health benefit exchange, and, in connection therewith, creating a process for the implementation of a health benefit exchange in Colorado.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB11-200.

Less than a majority of all members elected to the Senate having voted in the affirmative, the motion for reconsideration was **lost** on the following roll call vote:

YES	16	NO	19	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	Y	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

RECONSIDERATION OF HB11-1291

HB11-1291 by Representative(s) McNulty; also Senator(s) Morse--Concerning legislative approval of the regional haze element of the state implementation plan, and, in connection therewith, postponing the automatic expiration of the portion of the plan that consists of rules.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB11-1291.

Less than a majority of all members elected to the Senate having voted in the affirmative, the motion for reconsideration was **lost** on the following roll call vote:

YES	14	NO	21	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	N	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	Y	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	N		

Committee of the Whole On motion of Senator Guzman, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Guzman was called to the Chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS --
 CONSENT CALENDAR

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:

SB11-239 by Senator(s) Newell; also Representative(s) Swerdfeger--Concerning the repeal of a requirement that the division of local government annually report about information related to incorporated municipalities to the clerk of each incorporated municipality.

Ordered engrossed and placed on the calendar for third reading and final passage.

SB11-240 by Senator(s) Hudak, Bacon, Schwartz; also Representative(s) Murray--Concerning the implementation of sunset review of the regulation of private occupational schools, and, in connection therewith, requiring the department of regulatory agencies to review the functions of the private occupational school division and the private occupational school board and scheduling a future repeal of the laws related to regulation of private occupational schools.

Ordered engrossed and placed on the calendar for third reading and final passage.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

On motion of Senator Guzman, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-239, SB11-240.

Committee of the Whole On motion of Senator Guzman, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Guzman 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:

SB11-052 by Senator(s) Heath, Bacon, King K.; also Representative(s) Massey, Ferrandino--Concerning expectations for higher education institutions in Colorado.

Amendment No. 1, General Orders Amendment.
(Printed in Senate Journal, April 26, page 880 and placed in members' bill files.)

Amendment No. 2(L.022), by Senator Heath.

Strike the Education Committee Report, dated March 17, 2011.

Amend printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. Legislative declaration. (1) The general assembly finds that:
(a) The statewide system of higher education must focus on:
(I) Interpreting the changes in state demographics and workforce needs and responding to those changing needs by efficiently providing to the state a well-educated and highly skilled workforce that aligns with and is prepared to meet the employment needs of the businesses and industries that drive the state's economy;

(II) Ensuring that all adult citizens of the state, regardless of race, ethnicity, income, age, or geographic location, have access to and are successful in completing the postsecondary education opportunities and services they need to enable them to meet their personal academic and career goals and maximize their contribution to the state's economy and society; and

(III) Supporting the state's economic strength and diversity by providing teaching and research in areas of highest priority to the state and educating a workforce that aligns with the needs of employers for highly skilled workers;

(b) Each public institution of higher education should demonstrate its successes in serving the people of the state in these focus areas, demonstrate the level of efficiency and productivity with which it provides these services, and publicly communicate these successes; and

(c) Each public institution should be rewarded for its successes in these focus areas with state funding that will assist the institution in building on its successes and continuing to raise its level of service to the state and its citizens.

(2) Therefore, it is the intent of the general assembly that:

(a) The Colorado commission on higher education, in cooperation with the department of higher education, shall collect and review data collected from research and analysis of measures and programs implemented at public institutions of higher education in this state and throughout the country;

(b) The commission shall apply the findings and conclusions derived from the collected data and research to craft the statewide master plan for the state system of higher education and to establish, in collaboration with the governing boards of the institutions of higher education, appropriate and achievable goals for the statewide system of higher education and for individual institutions;

(c) The commission and the governing boards shall negotiate performance contracts for the public institutions of higher education that articulate the expectations and goals of each institution in helping to achieve the overall goals for the state system of higher education;

(d) The commission and the department of higher education shall collect from the public institutions of higher education such data as is necessary to accurately measure each institution's performance in meeting the goals and expectations specified in its performance contract; and

(e) Following creation of the state and institutional goals and identification and collection of the necessary data and restoration of state general fund moneys to the state system of higher education, but in no event sooner than the 2016-17 fiscal year, the state shall implement a system for appropriating state general fund moneys for the state system of higher education that allocates a portion of the state funding for each governing board based on the success in meeting goals and expectations demonstrated by the institutions under the governing board's control.

SECTION 2. The introductory portion to 23-1-108 (1) and 23-1-108 (1.5) and (9), Colorado Revised Statutes, are amended, and the said 23-1-108 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

23-1-108. Duties and powers of the commission with regard to systemwide planning. (1) ~~The commission shall develop and submit to the governor and the general assembly a master plan for Colorado postsecondary education. In developing the master plan, the commission shall examine the statewide expectations and goals specified in section 23-13-104 and recommend that the general assembly amend the statewide expectations and goals if necessary. Following amendment of the statewide expectations and goals, the commission shall design the master plan to assure achievement of the statewide expectations and goals in the most timely, efficient, and effective manner. This plan shall recognize the importance of private and proprietary institutions and the role and relationship of elementary and secondary education in the state, though their inclusion in the plan in no way implies control or state authority over their operations. The commission, after consultation with the governing boards of institutions and as a part of the master planning process, shall have the authority to:~~

(1.5) (a) On or before ~~December 15, 2010~~ SEPTEMBER 1, 2012, the commission shall develop and submit to the governor and the general assembly a new master plan for Colorado postsecondary education. The commission shall collaborate with the governing boards and chief executive officers of the state institutions of higher education in developing the master plan. In addition, the commission shall take into

account the final report of the higher education strategic planning steering committee appointed by the governor. IN DRAFTING THE MASTER PLAN, ADDRESSING THE ISSUES SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (1.5), AND ESTABLISHING THE GOALS AS DESCRIBED IN PARAGRAPH (c) OF THIS SUBSECTION (1.5) FOR THE STATE SYSTEM OF HIGHER EDUCATION, THE COMMISSION SHALL ALSO TAKE INTO CONSIDERATION THE DATA COLLECTED PURSUANT TO SUBSECTION (1.7) OF THIS SECTION.

(b) At a minimum, the commission shall address the following issues in developing the master plan:

(I) The needs of the state with regard to the system of higher education and the top priorities for the state system of higher education in meeting those needs;

(II) Alignment of the state system of higher education with the system of elementary and secondary education and increasing the rate at which students who graduate from Colorado high schools enroll in and complete postsecondary and career and technical education;

(III) Accessibility and affordability of the state system of higher education, including consideration of methods to reduce the student debt load and increase need-based financial aid funding;

(IV) Funding for the state system of higher education and strategies for stabilizing and sustaining an adequate funding level;

(V) The role and mission of the state institutions of higher education and the governance structure of the state system of higher education; and

(VI) The role of two-year and four-year junior colleges and area vocational schools in helping to address the workforce and economic development needs of the state within the system of higher education; AND

(VII) THE IMPORTANCE OF PRIVATE AND PROPRIETARY INSTITUTIONS WITH REGARD TO HIGHER EDUCATION IN THE STATE, ALTHOUGH CONSIDERATION OF SAID INSTITUTIONS IN THE PLAN IN NO WAY IMPLIES CONTROL OR STATE AUTHORITY OVER THEIR OPERATIONS.

~~(b)~~ (c) The commission shall design the master plan to achieve, at a minimum, the following goals:

(I) INCREASING THE OVERALL NUMBER OF BACCALAUREATE DEGREES, ASSOCIATE DEGREES, AND CAREER AND TECHNICAL EDUCATION CERTIFICATES ISSUED BY THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE, WHILE MAINTAINING ACCESSIBILITY TO THE INSTITUTIONS, TO PROVIDE SUPPORT FOR ECONOMIC DEVELOPMENT AND A WELL-EDUCATED WORKFORCE FOR THE BUSINESS COMMUNITY IN THE STATE;

~~(f)~~ (II) Implementing systemic approaches that strengthen the continuity of public education from elementary and secondary through postsecondary education for traditional and nontraditional students;

~~(ff)~~ (III) Ensuring the long term fiscal stability and affordability of the state system of higher education and ensuring the efficient allocation of available state resources to support institutions of higher education while protecting the unique mission of each institution. The allocation shall take into consideration, but need not be limited to, tuition capacity, tuition rates relative to competitive institutions, the state resources available to institutions, funding for high-cost programs, the student and family incomes of students enrolled at institutions, enrollment levels, geographic access to educational opportunities throughout the state, and other issues deemed relevant by the commission.

~~(HH)~~ (IV) Reducing the educational attainment gap between majority and underrepresented populations throughout the state;

~~(fV)~~ (V) Reducing the geographic disparities in access to and opportunity to complete a broad array of quality higher education and career and technical education programs;

~~(fV)~~ (VI) Implementing strategies that strengthen the link between higher education and economic development and innovation in the state; and

~~(fVf)~~ (VII) Improving and sustaining excellence in career and technical education and undergraduate and graduate degree programs.

~~(e)~~ (d) (I) The commission shall ensure that the master plan prepared pursuant to this subsection (1.5) specifically addresses providing programs that support and help ensure the success of students who graduate from Colorado high schools and are enrolling as first-time freshmen students and meet one or more of the following criteria:

(A) The student's family is low-income and the student is likely to incur significant student debt in attending an institution of higher education;

(B) The student's parents did not attend postsecondary education and may not have graduated from high school;

(C) The student is a member of an underrepresented population;

or

(D) The student has limited access to technologies to support learning.

(II) Programs that may be addressed in the master plan include but need not be limited to:

(A) Providing student support services including counseling or tutoring;

(B) Implementing measures to reduce student debt by making effective use of financial assistance and assisting in fee payments and textbook costs; and

(C) Providing assistance in obtaining access to technology.

~~(d)~~ (e) Prior to submitting the master plan to the governor and the general assembly, the commission shall distribute a draft of the plan to the governing boards for comment. Each governing board shall submit to the commission its comments and any suggested revisions within ~~fourteen~~ THIRTY days after receiving the draft plan. THE COMMISSION SHALL DISCUSS AND CONSIDER ANY REVISIONS SUGGESTED BY THE GOVERNING BOARDS TO THE DRAFT MASTER PLAN.

~~(e)~~ (f) ~~Beginning in the 2011-12 academic year~~ The commission shall ensure that the master plan is implemented through the performance contracts authorized pursuant to section 23-5-129 BY NEGOTIATING WITH THE GOVERNING BOARDS INDIVIDUALIZED GOALS AND EXPECTATIONS FOR THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION, WHICH GOALS AND EXPECTATIONS SUPPORT ACHIEVEMENT OF THE STATEWIDE GOALS IDENTIFIED IN PARAGRAPH (c) OF THIS SUBSECTION (1.5) AND IN THE MASTER PLAN. THE COMMISSION AND THE GOVERNING BOARDS SHALL ENSURE THAT THE INSTITUTIONS' RENEGOTIATED PERFORMANCE CONTRACTS ARE FINALIZED NO LATER THAN DECEMBER 1, 2012.

(1.7) THE COMMISSION, WORKING WITH THE DEPARTMENT, THE GOVERNING BOARDS, AND THE INSTITUTIONS OF HIGHER EDUCATION, SHALL COLLECT DATA, INCLUDING BUT NOT LIMITED TO RESEARCH CONDUCTED BY NATIONAL POLICY ORGANIZATIONS AND AGENCIES OR INSTITUTIONS OF HIGHER EDUCATION IN OTHER STATES, AS NECESSARY TO SUPPORT DEVELOPMENT AND IMPLEMENTATION OF THE MASTER PLAN PURSUANT TO SUBSECTION (1.5) OF THIS SECTION AND TO USE IN NEGOTIATING THE PERFORMANCE CONTRACTS PURSUANT TO SECTION 23-5-129. THE COMMISSION SHALL TAKE INTO CONSIDERATION THE COSTS TO THE GOVERNING BOARDS OF COLLECTING AND REPORTING ANY DATA THE COMMISSION MAY REQUEST FROM THE GOVERNING BOARDS OR THE INSTITUTIONS OF HIGHER EDUCATION PURSUANT TO THIS SUBSECTION (1.7).

(1.9) (a) (I) ON OR BEFORE DECEMBER 1, 2013, THE COMMISSION SHALL CREATE A PERFORMANCE-BASED FUNDING PLAN TO APPROPRIATE TO EACH GOVERNING BOARD, INCLUDING THE GOVERNING BOARDS FOR THE JUNIOR COLLEGES AND AREA VOCATIONAL SCHOOLS, A PORTION OF THE PERFORMANCE FUNDING AMOUNT FOR THE APPLICABLE STATE FISCAL YEAR BASED ON THE SUCCESS DEMONSTRATED BY THE INSTITUTIONS UNDER EACH GOVERNING BOARD'S CONTROL IN MEETING THE GOALS AND EXPECTATIONS SPECIFIED IN THE INSTITUTIONS' RESPECTIVE PERFORMANCE CONTRACTS.

(II) THE COMMISSION'S PERFORMANCE-BASED FUNDING PLAN SHALL SPECIFICALLY ADDRESS THE MANNER IN WHICH THE APPROPRIATION OF PERFORMANCE-BASED FUNDING WILL AFFECT THE COLLEGE OPPORTUNITY FUND STIPENDS AUTHORIZED IN SECTION 23-18-202 AND THE FEE-FOR-SERVICE CONTRACTS AUTHORIZED IN SECTIONS 23-1-109.7 AND 23-5-130.

(III) THE COMMISSION SHALL ENSURE THAT THE PERFORMANCE-BASED FUNDING PLAN DISTRIBUTES THE PERFORMANCE FUNDING AMOUNT ON THE BASIS OF AN INSTITUTION'S PERFORMANCE IN MEETING THE NEGOTIATED GOALS AND EXPECTATIONS SPECIFIED IN ITS PERFORMANCE CONTRACT. THE DISTRIBUTION OF THE PERFORMANCE FUNDING AMOUNT SHALL NOT TAKE INTO ACCOUNT ADDITIONAL REVENUES THAT MAY BE AVAILABLE TO THE INSTITUTION, INCLUDING BUT NOT LIMITED TO LOCAL PROPERTY TAX REVENUES RECEIVED BY THE JUNIOR COLLEGES AND AREA VOCATIONAL SCHOOLS.

(IV) THE COMMISSION SHALL RECOMMEND TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, THE STATUTORY CHANGES NECESSARY TO IMPLEMENT THE PERFORMANCE-BASED FUNDING PLAN SPECIFIED IN THE

MASTER PLAN.

(b) AFTER THE 2015-16 STATE FISCAL YEAR, IN EACH STATE FISCAL YEAR IN WHICH THE GENERAL ASSEMBLY APPROPRIATES THE RESTORED LEVEL OF GENERAL FUND APPROPRIATIONS FOR THE STATE SYSTEM OF HIGHER EDUCATION, THE COMMISSION, BASED ON THE PERFORMANCE-BASED FUNDING PLAN ADOPTED IN THE MASTER PLAN, SHALL RECOMMEND TO THE JOINT BUDGET COMMITTEE THE PORTION OF THE PERFORMANCE FUNDING AMOUNT TO BE APPROPRIATED TO EACH GOVERNING BOARD, INCLUDING THE GOVERNING BOARDS FOR THE JUNIOR COLLEGES AND THE AREA VOCATIONAL SCHOOLS, BASED ON THE DEMONSTRATED PERFORMANCE OF THE INSTITUTIONS THAT ARE UNDER THE GOVERNING BOARD'S CONTROL IN MEETING THE INSTITUTIONS' GOALS AND EXPECTATIONS SPECIFIED IN THE INSTITUTIONS' RESPECTIVE PERFORMANCE CONTRACTS.

(c) FOR PURPOSES OF THIS SUBSECTION (1.9):

(I) "PERFORMANCE FUNDING AMOUNT" MEANS TWENTY-FIVE PERCENT OF THE AMOUNT BY WHICH THE GENERAL FUND APPROPRIATION FOR THE STATE SYSTEM OF HIGHER EDUCATION, EXCLUDING ANY AMOUNT APPROPRIATED FOR STUDENT FINANCIAL AID, EXCEEDS SIX HUNDRED FIFTY MILLION DOLLARS.

(II) "RESTORED LEVEL OF GENERAL FUND APPROPRIATIONS" MEANS AN AMOUNT OF GENERAL FUND APPROPRIATIONS FOR THE STATE SYSTEM OF HIGHER EDUCATION, EXCLUDING ANY AMOUNT APPROPRIATED FOR STUDENT FINANCIAL AID, THAT EQUALS OR EXCEEDS SEVEN HUNDRED SIX MILLION DOLLARS.

(III) "STUDENT FINANCIAL AID" MEANS THE STATE PROGRAM OF FINANCIAL ASSISTANCE ESTABLISHED BY THE COMMISSION PURSUANT TO SECTION 23-3.3-102.

(9) The state-supported institutions of higher education shall provide the commission with such data as the commission deems necessary upon its formal request, INCLUDING BUT NOT LIMITED TO ANY DATA REQUESTED PURSUANT TO SUBSECTION (1.7) OF THIS SECTION. Data for individual students or personnel shall not be divulged or made known in any way by the director of the commission or by any commission employee, except in accordance with judicial order or as otherwise provided by law. Any person who violates this subsection (9) commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S. Such person shall, in addition thereto, be subject to removal or dismissal from public service on grounds of malfeasance in office.

SECTION 3. 23-5-129 (1) (b), (2) (a), (2) (f), (5) (a), and (9), Colorado Revised Statutes, are amended, and the said 23-5-129 (5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

23-5-129. Governing boards - performance contract - authorization - operations. (1) As used in this section, unless the context otherwise requires:

(b) "State institution of higher education" shall have the same meaning as provided in section 23-18-102 (10); EXCEPT THAT "STATE INSTITUTION OF HIGHER EDUCATION" SHALL INCLUDE EACH JUNIOR COLLEGE THAT IS PART OF A JUNIOR COLLEGE DISTRICT ORGANIZED PURSUANT TO ARTICLE 71 OF THIS TITLE AND THE AREA VOCATIONAL SCHOOLS, AS DEFINED IN SECTION 23-60-103.

(2) (a) Beginning July 1, 2004, each governing board of a state institution of higher education shall negotiate a performance contract with the department of higher education that shall specify the performance goals the institution shall achieve during the period that it operates under the performance contract. A state institution of higher education's compliance with the goals specified in the performance contract may be in lieu of the requirements of article 1 of this title ~~and the "Higher Education Quality Assurance Act", article 13 of this title~~, for the period of the performance contract.

(f) Notwithstanding any provision of this subsection (2) to the contrary, the provisions of this subsection (2) shall not apply to the performance contract with the Colorado school of mines, authorized by section 23-41-104.6, that is in place on July 1, 2004, until the department of higher education renegotiates the performance contract with the school of mines, to take effect ~~July 1, 2011~~ NO LATER THAN DECEMBER 1, 2012.

(5) (a) Beginning January 2006, and each January thereafter, the department of higher education shall report to the members of the education committees of the senate and the house of representatives and the members of the joint budget committee of the general assembly the

financial effect of the provisions of each performance contract with regard to funding for the affected governing board of a state institution of higher education and overall funding for the statewide system of higher education ~~any exemptions granted pursuant to subsection (4) of this section~~, and a review of each state or private institution's operations under the institution's performance contract. The term of a performance contract may be up to ten years. The department of higher education may renew a performance contract at its discretion, with the agreement of the governing board.

(a.5) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (5) TO THE CONTRARY, THE PERFORMANCE CONTRACTS IN EFFECT AS OF JULY 1, 2010, SHALL REMAIN IN EFFECT UNTIL RENEGOTIATED AS PROVIDED IN SECTION 23-1-108 (1.5) NO LATER THAN DECEMBER 1, 2012.

(9) ~~The Colorado school of mines, while operating under a performance contract pursuant to section 23-41-104.6, may negotiate with the Colorado commission on higher education for exemptions consistent with the provisions of subsection (4) of this section.~~

SECTION 4. 23-5-129, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

23-5-129. Governing boards - performance contract - authorization - operations. (11) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE PROVISIONS OF SUBSECTIONS (6), (7), (8), AND (10) OF THIS SECTION DO NOT APPLY TO THE LOCAL DISTRICT JUNIOR COLLEGES OR THE AREA VOCATIONAL SCHOOLS.

SECTION 5. Repeal. Article 13 of title 23 and 23-1-105 (3.7), Colorado Revised Statutes, are repealed.

SECTION 6. 22-60.5-116.5 (1) (b) and (2), Colorado Revised Statutes, are amended to read:

22-60.5-116.5. Education committees - evaluation of teacher preparation programs - biennial joint meeting. (1) (b) At the meeting, the committees shall consider the reports on the review of approved teacher preparation programs received from the Colorado commission on higher education pursuant to section 23-1-121 (6), C.R.S. The committees shall take testimony from representatives of the institutions of higher education that provide the teacher preparation programs, the state board of education, the Colorado commission on higher education, and from any other interested persons. Based on the review of said reports and any testimony received, the committees shall assess whether the approved teacher preparation programs are adequately preparing teacher candidates to meet the performance-based teacher licensure standards adopted by rule of the state board of education pursuant to section 22-2-109 (3). ~~In addition, the committees shall assess whether each approved teacher preparation program is being implemented in accordance with the requirements of the "Higher Education Quality Assurance Act", article 13 of title 23, C.R.S.~~

(2) If the committees, based on the reports received from the Colorado commission on higher education and the state board of education, determine that an approved educator preparation program is not adequately preparing licensure candidates, ~~or is not being implemented in accordance with the requirements of the "Higher Education Quality Assurance Act", article 13 of title 23, C.R.S.,~~ the committees shall instruct the Colorado commission on higher education to reduce the funding received by the institution of higher education that provides the approved educator preparation program during the next fiscal year. The commission shall notify the committees of the amount of said reduction prior to introduction of the annual general appropriation bill.

SECTION 7. 23-1-107 (1) (b) and (3), Colorado Revised Statutes, are amended to read:

23-1-107. Duties and powers of the commission with respect to program approval, review, reduction, and discontinuance.

(1) (b) An institution of higher education shall submit a proposal for a new program to the department. Within a reasonable time after receipt of a proposal for a new program, the department shall review and, consistent with the institutional role and mission and the statewide ~~expectations and~~ goals specified in section ~~23-13-104~~ 23-1-108 AND FURTHER ARTICULATED IN THE MASTER PLAN ADOPTED PURSUANT TO SECTION 23-1-108, make recommendations to the commission for appropriate action on a proposal for a new program.

(3) Each governing board of the state-supported institutions of higher education shall submit to the department a plan describing the

procedures and schedule for periodic program reviews and evaluation of each academic program at each institution consistent with the statewide ~~expectations and goals specified in section 23-13-104~~ 23-1-108 AND FURTHER ARTICULATED IN THE MASTER PLAN ADOPTED PURSUANT TO SECTION 23-1-108 and the role and mission of each institution. The information to be provided to the department shall include, but shall not be limited to, the procedures for using internal and external evaluators, the sequence of such reviews, and the anticipated use of the evaluations.

SECTION 8. 23-1-121 (1) (a) and (4) (b), Colorado Revised Statutes, are amended to read:

23-1-121. Commission directive - approval of teacher preparation programs. (1) As used in this section, unless the context otherwise requires:

(a) "Approved teacher preparation program" means a teacher preparation program that has been reviewed pursuant to the provisions of this section and has been determined by the commission to meet the performance-based standards established by the commission pursuant to this section and the requirements of section 23-1-108. ~~and to be designed and implemented in accordance with the requirements of the "Higher Education Quality Assurance Act", article 13 of this title.~~

(4) (b) Each program review conducted pursuant to paragraph (a) of this subsection (4) shall ensure that the program meets the minimum requirements adopted pursuant to subsections (2) and (3) of this section and the requirements of section 23-1-108 and any policies adopted pursuant thereto. ~~In addition, the department shall ensure that the program is designed and implemented in accordance with the requirements of the "Higher Education Quality Assurance Act", article 13 of this title, for institutions of higher education that are subject to said act. In determining whether to initially approve or continue the approval of a teacher preparation program, the commission shall consider any recommendations made by the state board of education pursuant to section 22-2-109 (5), C.R.S., concerning the effectiveness of the program content. If the state board of education recommends that a program not be approved, the commission shall follow the recommendation by refusing initial approval of the program or placing the program on probation.~~

SECTION 9. The introductory portion to 23-41-104.6 (3), Colorado Revised Statutes, is amended to read:

23-41-104.6. Performance contract - authorization - operations. (3) Beginning July 1, 2001, for the contract in effect through ~~June 30, 2011~~ JUNE 30, 2013, and beginning ~~July 1, 2010~~ JULY 1, 2013, for the contract in effect through ~~June 30, 2021~~ JUNE 30, 2023, the board of trustees of the Colorado school of mines shall negotiate a performance contract with the Colorado commission on higher education that shall specify the performance goals that the institution shall achieve during the period that it operates under the performance contract. ~~Compliance with the goals specified in the performance contract shall be in lieu of compliance with the requirements of the "Higher Education Quality Assurance Act", article 13 of this title, and the Colorado school of mines shall therefore be exempt from the requirements of said act while operating pursuant to the performance contract. The specified goals shall be measurable and specific to the Colorado school of mines' role and mission and shall include, at a minimum, the following issues:~~

SECTION 10. Appropriation - adjustments in 2011 long bill.

(1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the department of higher education, shall be adjusted as follows:

(a) The appropriation for the Colorado commission on higher education, for administration, is increased by two hundred fifty-one thousand seven hundred sixty-nine dollars (\$251,769) and 2.0 FTE. Said sum shall be reappropriated funds from statewide indirect cost recoveries.

(b) The appropriation for the Colorado commission on higher education financial aid, for need-based grants, is decreased by two hundred fifty-one thousand seven hundred sixty-nine dollars (\$251,769). Said sum shall be reappropriated funds from statewide indirect cost recoveries.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Page 1 of the printed bill, line 102, strike "COLORADO." and substitute "COLORADO, AND MAKING AN APPROPRIATION IN CONNECTION

THEREWITH."

Amendment No. 3(L.024), by Senator Schwartz.

Amend the Jahn floor amendment (SB052_L.022), page 4, line 7, strike "approaches" and substitute "approaches, INCLUDING COORDINATED AND PROVEN TRANSITIONAL PROGRAMS,".

Page 4, line 31, after "providing" insert "COORDINATED AND PROVEN".

Amendment No. 4(L.023), by Senator Heath.

Amend the Jahn floor amendment (SB052_L.022), page 5, line 20, strike "section 23-5-129" and substitute "section 23-5-129 SECTIONS 23-5-129 AND 23-41-104.6".

Page 5, line 35, strike "SECTION" and substitute "SECTIONS 23-5-129 AND 23-41-104.6".

Page 5, line 36, strike "23-5-129".

Page 11, strike lines 3 through 19 and substitute:

"**SECTION 9.** 23-41-104.6 (2), the introductory portion to 23-41-104.6 (3), and 23-41-104.6 (4) (b) and (4) (c), Colorado Revised Statutes, are amended to read:

23-41-104.6. Performance contract - authorization - operations. (2) For the reasons specified in subsection (1) of this section, the general assembly hereby authorizes the Colorado school of mines to operate pursuant to a performance contract, as described in this section, with THE DEPARTMENT OF HIGHER EDUCATION AND the Colorado commission on higher education. The Colorado school of mines shall operate pursuant to a performance contract for the period specified in subsection (4) of this section.

(3) Beginning July 1, 2001, for the contract in effect through ~~June 30, 2011~~ NOVEMBER 30, 2012, and beginning ~~July 1, 2010~~ DECEMBER 1, 2012, for the contract in effect through ~~June 30, 2021~~ NOVEMBER 30, 2022, the board of trustees of the Colorado school of mines shall negotiate a performance contract with the DEPARTMENT OF HIGHER EDUCATION, SUBJECT TO APPROVAL BY THE Colorado commission on higher education, that shall specify the performance goals that the institution shall achieve during the period that it operates under the performance contract. ~~Compliance with the goals specified in the performance contract shall be in lieu of compliance with the requirements of the "Higher Education Quality Assurance Act", article 13 of this title, and the Colorado school of mines shall therefore be exempt from the requirements of said act while operating pursuant to the performance contract.~~ The specified goals shall be measurable and specific to the Colorado school of mines' role and mission and shall include, at a minimum, THE GOALS NEGOTIATED FOR THE INSTITUTION PURSUANT TO SECTIONS 23-1-108 (1.5) (f) AND 23-5-129 AND the following issues:

(4) (b) As early as possible during the 2002 regular session and as early as possible during the ~~2011 regular session~~ 2012 REGULAR SESSION, the Colorado commission on higher education shall present the finalized performance contract for the applicable contract period at a joint session of the education committees of the senate and the house of representatives, or any successor committees, and the joint budget committee of the general assembly. The members of the education committees and the members of the joint budget committee shall review the financial effect of the provisions of the contract with regard to funding for the Colorado school of mines or funding for the statewide system of higher education and may recommend changes to the terms of the performance contract or renegotiation of the performance contract. If a majority of the members of the education committees and the members of the joint budget committee approve the terms of the performance contract, the chairmen of the education committees, in cooperation with the joint budget committee, shall sponsor a joint resolution to recognize and approve the performance contract. The performance contract shall be deemed approved upon final passage of said joint resolution.

(c) The school of mines shall operate pursuant to the performance

contract that is approved by joint resolution passed during the 2002 regular session beginning on the date the performance contract is approved and continuing through ~~June 30, 2011~~ NOVEMBER 30, 2012. The school of mines shall operate pursuant to the performance contract that is approved by joint resolution passed during the ~~2011 regular session~~ 2012 REGULAR SESSION beginning on the date the performance contract is approved DECEMBER 1, 2012, and continuing through ~~June 30, 2021~~ NOVEMBER 30, 2022."

Amendment No. 5(L.026), by Senator Heath.

Amend the Jahn and Heath floor amendment (SB052_L.022), page 8, line 41, strike "(8)".

Amendment No. 6(L.025), by Senator Hudak.

Amend the Jahn and Heath floor amendment (SB052_L.022), page 4, after line 24, insert:

"(VI) ADDRESSING OPPORTUNITIES FOR STUDENTS WITH DISABILITIES, INCLUDING INTELLECTUAL DISABILITIES, TO PARTICIPATE IN POSTSECONDARY EDUCATION;"

Page 4, line 25, strike "(VI)" and substitute "(VII)".

Page 4, line 28, strike "(VII)" and substitute "(VIII)".

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was referred to the Committee on Appropriations.

SB11-125 by Senator(s) White, Guzman, Jahn, Tochtrop; also Representative(s) Sonnenberg, Pace-- Concerning medicaid nursing facility provider fees, and, in connection therewith, increasing the cap on the medicaid nursing facility provider fee and changing the priority of uses for supplemental payments from the medicaid nursing facility cash fund.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 15, page 774 and placed in members' bill files.)

Amendment No. 2(L.001), by Senator White.

Amend the Appropriations Committee Report, dated April 15, 2011, page 2, strike line 2 and substitute:

"APPROPRIATION.".

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-050 by Senator(s) Roberts; also Representative(s) Gerou--Concerning a requirement that a condemning authority pay fair market value for land subject to a conservation easement.

Amendment No. 1, General Orders Amendment.
(Printed in Senate Journal, March 14, pages 446-448 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-111 by Senator(s) King K., Heath, Johnston, Nicholson, Renfroe, Spence; also Representative(s) Massey--Concerning creation of a task force to address the provision of educational services to support students' academic success.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 18, pages 241-242 and placed in members' bill files.)

Amendment No. 2, Legislative Council Committee Amendment.
(Printed in Senate Journal, April 20, page 812 and placed in members' bill files.)

Amendment No. 3(L.007), by Senator King K.

Amend the Education Committee Report, dated February 16, 2011, page 1, line 8, strike "A PERSON FROM THE" and substitute "PERSONS WHO SPECIALIZE".

Page 1, line 9, strike "DEPARTMENT OF EDUCATION WHO SPECIALIZES".

Page 1, line 13, after "PROGRAMS;" insert "REPRESENTATIVES FROM CAREER AND TECHNICAL EDUCATION PROGRAMS;".

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-207 by Senator(s) Tochtrop; also Representative(s) Priola--Concerning the regulation of roofers by the division of registrations in the department of regulatory agencies.

Amendment No. 1, General Orders Amendment.
(Printed in Senate Journal, April 26, page 880 and placed in members' bill files.)

Amendment No. 2(L.006), by Senator Lundberg.

Amend printed bill, page 5, line 24, strike "INCLUDE" and substitute "INCLUDE:".

Page 5, line 25, strike "ROOFING" and substitute:

"(I) ROOFING".

Page 5, line 26, strike "CONTRACT." and substitute "CONTRACT; OR".

Page 5, after line 26 insert:

"(II) PAINTING A ROOF ON A RESIDENTIAL OR COMMERCIAL PROPERTY.".

Amendment No. 3(L.004), by Senator Harvey.

Amend printed bill, page 22, after line 20 insert:

"12-61.5-116. Required participation in e-verify program. ALL REGISTERED ROOFERS AND ROOFING CONTRACTORS SHALL PARTICIPATE IN THE E-VERIFY PROGRAM, AS DEFINED IN SECTION 8-2-124 (1), C.R.S., FOR PURPOSES OF VERIFYING THE WORK ELIGIBILITY STATUS OF THEIR EMPLOYEES.".

Renumber succeeding C.R.S. section accordingly.

As amended, **lost** on second reading.

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 (HB11-1109, HB11-1268, HB11-1138, HB11-1267, SB11-182, HB11-1219, HB11-1095, HB11-1163, HB11-1115, HB11-1121, SB11-186, HB11-1211, HB11-1237, SB11-237, SB11-205) of Wednesday, April 27, was laid over until Thursday, April 28, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Guzman, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-125 as amended, SB11-050 as amended, SB11-111 as amended.

Lost on second reading: SB11-207 as amended.

Laid over until April 28: HB11-1109, HB11-1268, HB11-1138, HB11-1267, SB11-182, HB11-1219, HB11-1095, HB11-1163, HB11-1115, HB11-1121, SB11-186, HB11-1211, HB11-1237, SB11-234, SB11-205.

Referred to Committee on Appropriations: SB11-052 as amended

MESSAGE FROM THE HOUSE

April 27, 2011

Mr. President:

The House has adopted and returns herewith SJR11-037.

SENATE SERVICES REPORT

Correctly Printed: SB11-263, 264, 265, 266 and 267; SJR11-053.

Correctly Engrossed: SB11-204 and 232; SJR11-039, 042, 048 and 049.

Correctly Reengrossed: SB11-044, 051, 078 and 133.

Correctly Revised: HB11-1100, 1274, 1283, 1289 and 1291.

Correctly Enrolled: SB11-209.

COMMITTEE OF REFERENCE REPORTS

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB11-1271** be postponed indefinitely.

Trans-
portation

After consideration on the merits, the Committee recommends that **HB11-1275** 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 18, strike "COMMERCIAL DIESEL" and substitute "COVERED".

	Page 5, line 5, strike "REST AREA," and substitute "SAFETY REST AREA AS DEFINED UNDER 23 CFR 752.3,".	1
		2
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	Page 5, strike line 12 and substitute "FACILITY, A HOSPITAL, A SENIOR CITIZEN CENTER, OR A MEDICAL OUTPATIENT FACILITY PROVIDING PRIMARY, SPECIALTY, OR RESPIRATORY CARE; OR".	4
		5
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	Page 5, strike lines 14 and 15 and substitute "FAHRENHEIT.".	8
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Trans- portation	After consideration on the merits, the Committee recommends that HB11-1166 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	11
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	Amend reengrossed bill, page 2, strike lines 18 through 21 and substitute:	15
		16
	"(b) THE JUVENILE DIABETES RESEARCH FOUNDATION MAY DESIGN THE SPECIAL LICENSE PLATE. THE DESIGN FOR THE SPECIAL LICENSE PLATE MUST CONFORM WITH STANDARDS ESTABLISHED BY THE DEPARTMENT AND IS SUBJECT TO THE DEPARTMENT'S APPROVAL.".	17
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Trans- portation	After consideration on the merits, the Committee recommends that HB11-1279 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	23
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	On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, April 27 was laid over until Thursday, April 28, retaining its place on the calendar.	29
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	Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024, SJR11-032, SJR11-036, SJR11-045, SJR11-046, SJR11-047, SJR11-050, SJR11-051, SJR11-052, SJR11-053, SR11-005.	33
		34
		35
	Consideration of Memorials: SJM11-002, SJM11-003, SJM11-004.	36
	Consideration of House Amendments to Senate Bills: SCR11-001, SB11-213, SB11-089, SB11-090, SB11-092, SB11-173, SB11-230.	37
		38
	Consideration of Conference Committee Reports: SB11-219.	39
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	TRIBUTES	44
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	Coach Caryn Jarocki & the Highlands Ranch Girls Basketball Team -- by Senator Harvey.	48
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	Megan A. Buehler - Girl Scout Gold Award - by Senator Kopp.	50
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	Joseph Maxwell -- by Senator Hodge.	52
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	Laura Hershey -- by Senator Aguilar.	54
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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, April 28, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

107th Legislative Day Thursday, April 28, 2011

Prayer By Senator Newell.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Grantham.

Roll Call Present--33
Excused--2, Kopp, Spence.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Jahn, reading of the Journal of Wednesday, April 27, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Reconsideration of HB11-1080.

RECONSIDERATION OF HB11-1080

HB11-1080 by Representative(s) Todd; also Senator(s) King S.--Concerning the address confidentiality program, and making an appropriation therefor.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB11-1080. The roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

HB11-1080
by Representative(s) Todd; also Senator(s) King S.--Concerning the address confidentiality program, and making an appropriation therefor.

A majority of those elected to the Senate having voted in the affirmative, Senator King S. was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.011), by Senator King S.

Amend rerevised bill, page 29, line 2, strike "not otherwise appropriated".

Page 29, line 4, after "Statutes," insert "not otherwise appropriated, to the department of personnel and administration, for allocation to the executive director's office, statewide special purpose, for the address confidentiality program,".

The amendment was **passed** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

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:

SB11-239
by Senator(s) Newell; also Representative(s) Swerdfeger--Concerning the repeal of a requirement that the division of local government annually report about information related to incorporated municipalities to the clerk of each incorporated municipality.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Steadman

SB11-240 by Senator(s) Hudak, Bacon, Schwartz; also Representative(s) Murray--Concerning the implementation of sunset review of the regulation of private occupational schools, and, in connection therewith, requiring the department of regulatory agencies to review the functions of the private occupational school division and the private occupational school board and scheduling a future repeal of the laws related to regulation of private occupational schools.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

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:

SB11-125 by Senator(s) White, Guzman, Jahn, Tochtrop; also Representative(s) Sonnenberg, Pace--Concerning medicaid nursing facility provider fees, and, in connection therewith, increasing the cap on the medicaid nursing facility provider fee, changing the priority of uses for supplemental payments from the medicaid nursing facility cash fund, and making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	23	NO	10	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	E
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Giron, Nicholson and Williams S.

SB11-050 by Senator(s) Roberts; also Representative(s) Gerou--Concerning a requirement that a condemning authority pay fair market value for land subject to a conservation easement.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Guzman, Jahn, King S., Newell, Steadman, Tochtrop and White.

SB11-111 by Senator(s) King K., Heath, Johnston, Nicholson, Renfroe, Spence; also Representative(s) Massey--Concerning creation of a task force to address the provision of educational services to support students' academic success.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	1	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Jahn, Lambert, Schwartz, White and Williams S.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

HB11-1297 by Representative(s) Murray; also Senator(s) Cadman--Concerning the statewide internet portal authority.
State, Veterans & Military Affairs

Committee of the Whole On motion of Senator Hodge, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Hodge was called to the chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB11-234 by Senator(s) Jahn, Boyd, Cadman, Grantham, Hodge, King S., Kopp, Lundberg, Morse, Nicholson, Scheffel, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; also Representative(s) Massey, Kerr J., Liston, Pace, Schafer S., Scott, Swerdfeger, Todd--Concerning residential real property transfer fee covenants.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, April 25, pages 858-859 and placed in members' bill files.)

Amendment No. 2(L.012), by Senator Jahn.

Amend the Local Government Committee Report, dated April 21, 2011, page 1, after line 3 insert:

"Page 6, line 11, strike "JULY 1," and substitute "THE EFFECTIVE DATE OF THIS SECTION".

Page 6, line 12, strike "2011,".

Page 1 of the Committee Report, after line 17 insert:

"Page 8, strike line 2 and substitute "THE EFFECTIVE DATE OF THIS SECTION, OR ANY LIEN RECORDED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, TO THE".

Page 2 of the Committee Report, strike line 1 and substitute:

"Page 8, line 11, strike "JULY 1, 2011," and substitute "THE EFFECTIVE DATE OF THIS SECTION AND FAILS TO RELEASE SUCH".

Page 2 of the Committee Report, after line 6 insert:

"Page 9, line 2, strike "JULY 1, 2011," and substitute "THE EFFECTIVE DATE OF THIS SECTION,".

Page 2 of the Committee Report, line 11, after "SECTION" insert "THAT IS EITHER DESCRIBED IN SECTIONS 501 (c) (3), 501 (c) (4), OR 501 (c) (7) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, OR THAT IS ORGANIZED".

Page 2 of the Committee Report, line 13, before "THAT" insert "AND".

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-205	by Senator(s) Tochtrop; also Representative(s) Miklosi--Concerning parity in status between health care providers under health benefit plans, and, in connection therewith, specifying the conditions under which health insurance carriers must grant participating provider status to advanced practice nurses under the carriers' health benefit plans.	1 2 3 4 5
	<u>Amendment No. 1, Health & Human Services Committee Amendment.</u> (Printed in Senate Journal, April 25, pages 863-864 and placed in members' bill files.)	6 7 8
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	9 10 11 12
HB11-1138	by Representative(s) Gardner B., Barker, Casso, Waller; also Senator(s) Morse, Bacon, Boyd, Jahn, King S.--Concerning the sex offender management board, and making an appropriation therefor.	13 14 15 16
	<u>Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.</u> (Printed in Senate Journal, March 24, page 568 and placed in members' bill files.)	17 18 19
	<u>Amendment No. 2(L.021), by Senators Morse, Steadman, Boyd, Cadman, King K., and Lundberg.</u>	20 21 22
	Amend reengrossed bill, page 9, line 9, before "REPETITIVE" insert "OFTEN".	23 24 25 26
	<u>Amendment No. 3(L.022), by Senators Morse, Steadman, Boyd, Cadman, King K., and Lundberg.</u>	27 28 29
	Amend reengrossed bill, page 14, line 24, strike "IF SUFFICIENT" and substitute "IF THE DEPARTMENT OF PUBLIC SAFETY ACQUIRES SUFFICIENT FUNDING, THE BOARD MAY REQUEST THAT INDIVIDUALS OR ENTITIES PROVIDING SEX-OFFENDER-SPECIFIC EVALUATION, TREATMENT, OR POLYGRAPH SERVICES THAT CONFORM WITH STANDARDS DEVELOPED BY THE BOARD PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4) SUBMIT TO THE BOARD DATA AND INFORMATION AS DETERMINED BY THE BOARD AT THE TIME THAT FUNDING BECOMES AVAILABLE. THIS DATA AND INFORMATION MAY BE USED BY THE BOARD TO EVALUATE THE EFFECTIVENESS OF THE GUIDELINES AND STANDARDS DEVELOPED PURSUANT TO THIS ARTICLE TO EVALUATE THE EFFECTIVENESS OF INDIVIDUALS OR ENTITIES PROVIDING SEX-OFFENDER-SPECIFIC EVALUATION, TREATMENT, OR POLYGRAPH SERVICES, OR FOR ANY OTHER PURPOSES CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE."	30 31 32 33 34 35 36 37 38 39 40 41 42 43 44
	Page 14, strike lines 25 through 27.	45 46
	Page 15, strike lines 1 and 2.	47 48 49
	As amended, ordered revised and placed on the calendar for third reading and final passage.	50 51 52 53
HB11-1219	by Representative(s) Levy and Lee; also Senator(s) Newell--Concerning the "Uniform Military and Overseas Voters Act".	54 55 56
	<u>Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.</u> (Printed in Senate Journal, April 19, page 801 and placed in members' bill files.)	57 58 59
	<u>Amendment No. 2(L.012), by Senator Newell.</u>	60 61
	Amend reengrossed bill, page 2, strike lines 17 and 18.	62 63
	Renumber succeeding sections accordingly.	64 65
	Page 3, line 9, strike "(c) OR (d)" and substitute "(b) OR (c)".	66 67
	Page 7, line 19, strike "(e)," and substitute "(d),".	68 69
	Page 10, line 18, strike "ELECTRONIC TRANSMISSION." and substitute "OTHER ELECTRONIC MEANS."	70 71 72

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1163 by Representative(s) Vaad; also Senator(s) Tochtrop--Concerning the issuance by the department of transportation of permits for the movement of super loads on the highways, and making an appropriation in connection therewith.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, April 13, page 745 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 21, page 842 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1115 by Representative(s) Priola and Soper, Brown, Casso, Gardner B., Kerr A., Liston, Looper, Peniston, Ramirez, Riesberg, Scott, Solano, Swalm, Swerdfeger, Szabo, Wilson; also Senator(s) Tochtrop, Cadman, Jahn, Kopp, Renfroe--Concerning the payment of retainage in construction contracts involving public entities.

Amendment No. 1, Business, Labor & Technology Committee Amendment.

(Printed in Senate Journal, February 24, pages 296-297 and placed in members' bill files.)

Amendment No. 2, Finance Committee Amendment.

(Printed in Senate Journal, March 25, page 582 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1211 by Representative(s) Pace; also Senator(s) Tochtrop, Carroll--Concerning restrictions on travel-related expenditures by state-chartered entities on behalf of persons affiliated with such entities.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, April 21, pages 844-845 and placed in members' bill files.)

Amendment No. 2(L.012), by Senator Tochtrop.

Amend the Judiciary Committee Report, dated April 20, 2011, page 2, strike lines 8 and 9 and substitute:

"Page 4, strike lines 13 through 16 and substitute:

"(I) LODGING EXPENDITURES THAT ARE ABOVE ONE AND ONE-HALF TIMES THE FEDERAL PER DIEM RATE FOR TRAVEL-RELATED EXPENDITURES IN CONNECTION WITH AN EDUCATIONAL CONFERENCE WHERE AN ENTITY OTHER THAN THE PUBLIC ENTITY IS HOSTING THE CONFERENCE AND THE PERSON OR ENTITY ORGANIZING THE CONFERENCE SELECTED THE CONFERENCE HOTEL OR HOTELS; OR".

Amendment No. 3(L.013), by Senator Roberts.

Amend the Judiciary Committee Report, dated April 20, 2011, page 1, strike lines 5 through 13 and substitute:

""(3) "PUBLIC ENTITY" MEANS ANY INSTRUMENTALITY OF THE STATE THAT IS NOT AN AGENCY OF THE STATE AND THAT IS NOT SUBJECT TO ADMINISTRATIVE DIRECTION BY ANY DEPARTMENT, COMMISSION, BUREAU, OR AGENCY OF THE STATE AND INCLUDES ANY SERVICE AUTHORITY, LAW ENFORCEMENT AUTHORITY, SPECIAL PURPOSE AUTHORITY, OR INSTITUTION OF HIGHER EDUCATION. "PUBLIC ENTITY" SHALL NOT INCLUDE ANY COUNTY, MUNICIPALITY, SCHOOL DISTRICT, OR ANY SPECIAL DISTRICT FORMED PURSUANT TO TITLE 32, C.R.S.".

As amended, ordered revised 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 (HB11-1237, HB11-1278) of Thursday, April 28 was laid over until Friday, April 29, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hodge, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-234 as amended, SB11-205 as amended, HB11-1138 as amended, HB11-1219 as amended, HB11-1163 as amended, HB11-1115 as amended, HB11-1211 as amended.
Laid over until April 29: HB11-1237, HB11-1278, HB11-1109, HB11-1268, HB11-1267, SB11-182, HB11-1095, HB11-1121, SB11-186, HB11-1105, SB11-244.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of House Amendments to Senate Bills Calendar (SCR11-001, SB11-213, SB11-089, SB11-090, SB11-092, SB11-173, SB11-230) of Thursday, April 28 was laid over until Friday, April 29, 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 Consideration of Governor's Appointments Calendar (Members of the Colorado Tourism Office Board of Directors, Members of the Colorado Civil Rights Commission, Members of the Advisory Committee on Governmental Accounting) of Thursday, April 28 was laid over until Friday, April 29, retaining its place on the calendar.

SENATE SERVICES REPORT

Correctly Engrossed: SB11-050, 111, 125, 239 and 240; SJR11-037.
Correctly Reengrossed: SB11-200, 204 and 232.
Correctly Rerevised: HB11-1100, 1274, 1283, 1289 and 1291.
Correctly Enrolled: SJR11-037, 039, 041, 042, 044, 048 and 049.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1160, 1200, 1201, 1251, 1286, 1042.

COMMITTEE OF REFERENCE REPORTS

Health & Human Services	After consideration on the merits, the Committee recommends that SB11-248 be referred to the Committee of the Whole with favorable recommendation.
Health & Human Services	After consideration on the merits, the Committee recommends that SB11-247 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation. Amend printed bill, page 2, strike lines 8 through 27. Page 3, strike lines 1 through 11. Renumber succeeding sections accordingly.
Judiciary	After consideration on the merits, the Committee recommends that SB11-260 be referred to the Committee of the Whole with favorable recommendation.
Judiciary	After consideration on the merits, the Committee recommends that SB11-253 be referred to the Committee of the Whole with favorable recommendation.
Judiciary	After consideration on the merits, the Committee recommends that SB11-254 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 printed bill, page 2, line 14, strike "ACTIVELY SEEKING EMPLOYMENT OR". Page 3, line 15, strike " shall MAY" and substitute "shall". Page 4, line 22, strike "LOW" and substitute "MINIMUM". Page 5, strike lines 16 through 21 and substitute: "(VI) THE FACT THAT THE DEFENDANT OWES RESTITUTION, COSTS, FEES, FINES, OR SURCHARGES SHALL NOT PROHIBIT THE COURT FROM GRANTING THE MOTION FOR EARLY TERMINATION IF THE COURT FINDS THE MOTION OTHERWISE APPROPRIATE.".
Judiciary	After consideration on the merits, the Committee recommends that HB11-1064 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.

Judiciary	After consideration on the merits, the Committee recommends that SB11-243 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
Judiciary	After consideration on the merits, the Committee recommends that SB11-256 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	5 6 7 8 9
Judiciary	After consideration on the merits, the Committee recommends that SB11-241 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	10 11 12 13
	Amend printed bill, page 2, line 10, after "PROVIDER" insert "WHO IS EMPLOYED BY OR UNDER CONTRACT WITH THE DEPARTMENT".	14 15 16
	Page 3, line 6, strike "PROVIDER," and substitute "PROVIDER WHO IS EMPLOYED BY OR UNDER CONTRACT WITH THE DEPARTMENT,".	17 18 19
	Page 3, line 20, strike "PRISON." and substitute "A DEPARTMENT OF CORRECTIONS FACILITY FOR THE OFFENSE; OR".	20 21 22
	Page 3, line 22, after "or" insert "WAS CONVICTED OF A CLASS 2 FELONY CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, C.R.S., AND THE OFFENDER HAS SERVED FEWER THAN TEN YEARS IN A DEPARTMENT OF CORRECTIONS FACILITY FOR THE OFFENSE.".	23 24 25 26 27
	Page 4, line 1, strike "(1) (a)" and substitute "(1) (a) (I)".	28 29
	Page 5, after line 8 insert:	30 31
	"(II) EACH MEMBER OF THE PAROLE BOARD WHO IS A MEMBER OF THE BOARD ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II) MAY REAPPLY FOR APPOINTMENT TO THE BOARD AT THE END OF HIS OR HER TERM AND THE GOVERNOR MAY REAPPOINT THE MEMBER REGARDLESS OF WHETHER THE MEMBER MEETS THE QUALIFICATIONS OF THIS PARAGRAPH (a).".	32 33 34 35 36 37
	Page 5, line 19, after the period add "THE SOLE REMEDY FOR FAILURE TO COMPLY WITH EDUCATION, TRAINING, AND DATA COLLECTION REQUIREMENTS SHALL BE REMOVAL OF THE BOARD MEMBER BY THE GOVERNOR, AND THE FAILURE TO COMPLY WITH EDUCATION, TRAINING, AND DATA COLLECTION REQUIREMENTS SHALL NOT CREATE ANY RIGHT FOR ANY OFFENDER.".	38 39 40 41 42 43 44
	Page 6, line 10, strike "BOARD." and substitute "BOARD BY DECEMBER 31, 2012.".	45 46 47
	Page 9, after line 24 insert:	48 49
	"(d) THE SOLE REMEDY FOR FAILURE TO COMPLY WITH EDUCATION, TRAINING, AND DATA COLLECTION REQUIREMENTS SHALL BE TERMINATION OF THE EMPLOYEE, AND THE FAILURE TO COMPLY WITH EDUCATION, TRAINING, AND DATA COLLECTION REQUIREMENTS SHALL NOT CREATE ANY RIGHT FOR ANY OFFENDER.".	50 51 52 53 54 55
	Page 10, after line 14 insert:	56 57
	"(d) THE SOLE REMEDY FOR FAILURE TO COMPLY WITH EDUCATION, TRAINING, AND DATA COLLECTION REQUIREMENTS SHALL BE TERMINATION OF THE EMPLOYEE, AND THE FAILURE TO COMPLY WITH EDUCATION, TRAINING, AND DATA COLLECTION REQUIREMENTS SHALL NOT CREATE ANY RIGHT FOR ANY OFFENDER.".	58 59 60 61 62 63
	Page 12, line 3, strike "STATEMENT," and substitute "STATEMENT OR RESPONSE FROM THE DISTRICT ATTORNEY THAT PROSECUTED THE OFFENDER,".	64 65 66 67
	Page 12, line 5, strike "(c)" and substitute "(c) (I)".	68 69

Page 12, after line 9 insert:

"(II) AT THE SAME TIME THAT THE DEPARTMENT COMPLETES THE NOTIFICATION REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), THE DEPARTMENT SHALL NOTIFY THE DISTRICT ATTORNEY THAT PROSECUTED THE OFFENDER IF THE OFFENDER IS SERVING A SENTENCE FOR A CONVICTION OF A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, C.R.S., OR A SEX OFFENSE AS LISTED IN SECTION 18-1.3-1004 (4), C.R.S. A DISTRICT ATTORNEY SHALL HAVE THIRTY DAYS AFTER RECEIVING NOTIFICATION TO SUBMIT A RESPONSE TO THE DEPARTMENT. THE DEPARTMENT SHALL INCLUDE ANY DISTRICT ATTORNEY RESPONSE IN THE REFERRAL TO THE STATE BOARD OF PAROLE."

Page 13, strike line 12 and substitute:

"(6) THE".

Page 13, line 14, strike "THE INMATE" and substitute "ANY OFFENDER".

Page 14, line 3, strike "PRESUMPTION" and substitute "PRESUMPTION, SUBJECT TO THE FINAL DISCRETION OF THE PAROLE BOARD,".

Page 14, line 11, after "18-12-109, C.R.S.;" insert "SECTION 18-17-104, C.R.S., OR SECTION 18-18-407, C.R.S.;".

Page 14, after line 14 insert:

"(2) IN DETERMINING WHETHER TO GRANT PAROLE PURSUANT TO PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL CONSIDER THE COST OF INCARCERATION TO THE STATE OF COLORADO IN RELATION TO THE NEEDS OF FURTHER CONFINEMENT OF THE INMATE TO ACHIEVE THE PURPOSE OF THE INMATE'S SENTENCE."

Renumber succeeding subsections accordingly.

Page 15, line 8, strike "FOR AN INMATE WHO MEETS THE CRITERIA LISTED IN".

Page 15, strike lines 9 and 10.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HJR11-1017** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB11-116** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SR11-004** be postponed indefinitely.

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **SB11-235** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike lines 5 through 14.

Page 3, strike lines 1 through 19 and substitute:

"(16) (a) IF THE DIVISION EXPERIENCES A BACKLOG IN PROCESSING AIR QUALITY PERMIT APPLICATIONS CAUSED BY AN OCCASIONAL NEED

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THAT IS SEASONAL, IRREGULAR, OR FLUCTUATING IN NATURE, AND THE DEPARTMENT DETERMINES OR REASONABLY EXPECTS THAT, AS A RESULT, PERMITS WOULD NOT BE ISSUED WITHIN STATUTORY TIME FRAMES, THE DIVISION SHALL MAKE AVAILABLE TO SOURCES THAT ARE NOT SUBJECT TO PERMITTING UNDER PART C OF THE FEDERAL ACT THE OPTION TO HAVE THE AIR QUALITY MODELING THAT IS SUBMITTED WITH THE APPLICANT'S AIR PERMIT APPLICATION REVIEWED FOR ACCEPTANCE AS DEMONSTRATING COMPLIANCE BY A CONTRACT CONSULTANT SELECTED BY THE DIVISION IN LIEU OF THE REVIEW BEING CONDUCTED BY DIVISION STAFF.

(b) THE DIVISION SHALL SELECT AND CONTRACT WITH NONGOVERNMENTAL AIR QUALITY MODELING ENGINEERS TO PERFORM AIR QUALITY MODELING REVIEWS OF APPLICANTS WHO CHOOSE CONTRACT CONSULTANT REVIEW OF THEIR AIR QUALITY PERMIT MODELING. THE DIVISION IS NOT SUBJECT TO THE REQUIREMENTS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., IN SELECTING AND CONTRACTING WITH THE CONSULTANTS. THE DIVISION SHALL REVIEW AND EXCLUDE FROM CONSIDERATION AS A CONTRACT AIR QUALITY MODELING CONSULTANT ANY CONTRACTORS WITH A CONFLICT OF INTEREST REGARDING AIR QUALITY PERMIT APPLICATIONS. APPLICANTS THAT CHOOSE CONSULTANT REVIEW OF THEIR AIR QUALITY MODELING ARE RESPONSIBLE FOR BOTH THE CONSULTANT'S COSTS ASSOCIATED WITH THE AIR MODELING REVIEW AS WELL AS THE DIVISION'S COSTS ASSOCIATED WITH THE REVIEW AND DETERMINATION OF THE AIR PERMIT APPLICATION, TO BE PAID TO THE DIVISION.

(c) THE DIVISION SHALL USE THE RESULTS OF THE MODELING CONDUCTED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (16) FOR PURPOSES OF THE DIVISION'S PERMIT APPLICATION ANALYSIS."

Page 1, strike lines 105 and 106 and substitute "APPROVALS."

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 28 was laid over until Friday, April 29, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024, SJR11-032, SJR11-036, SJR11-045, SJR11-046, SJR11-047, SJR11-050, SJR11-051, SJR11-052, SJR11-053, SR11-005.
Consideration of Memorials: SJM11-002, SJM11-003, SJM11-004.
Consideration of Conference Committee Reports: SB11-219.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

The Speaker has appointed Representative Coram to replace Representative Nikkel as prime sponsor on SB11-177.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

SB11-268 by Senator(s) Heath, Carroll, Schwartz; also Representative(s) Pabon and Vigil--Concerning the congressional redistricting of Colorado.
State, Veterans & Military Affairs

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-128, HB11-1145, 1196.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Thursday, April 28, 2011, at 10:20 a.m.:
SB11-128.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, April 29, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

108th Legislative Day Friday, April 29, 2011

Prayer By the chaplain, Dr. Gene Selander, Crystal Clear Ministries, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Grantham.

Roll Call Present--33
Excused--2, Kopp, Spence

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Jahn, reading of the Journal of Thursday, April 28, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

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:

SB11-234 by Senator(s) Jahn, Boyd, Cadman, Grantham, Hodge, King S., Kopp, Lundberg, Morse, Nicholson, Scheffel, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; also Representative(s) Massey, Kerr J., Liston, Pace, Schafer S., Scott, Swerdfeger, Todd-- Concerning residential real property transfer fee covenants.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	31	NO	2	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsor added: Foster

SB11-205 by Senator(s) Tochtrop; also Representative(s) Miklosi--Concerning parity in status between health care providers under health benefit plans, and, in connection therewith, specifying the conditions under which health insurance carriers must grant participating provider status to advanced practice nurses under the carriers' health benefit plans.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	24	NO	9	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	N	Hodge	Y	Mitchell	N	Steadman	N
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Foster, Newell, Nicholson, Roberts, White and Williams S.

HB11-1138 by Representative(s) Gardner B., Barker, Casso, Waller; also Senator(s) Morse, Bacon, Boyd, Jahn, King S.--Concerning the sex offender management board, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Foster, Giron, Guzman, Nicholson, Steadman and Tochtrop.

HB11-1219 by Representative(s) Levy and Lee; also Senator(s) Newell--Concerning the "Uniform Military and Overseas Voters Act".

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Boyd, Cadman, Giron, Grantham, Heath, Jahn, King S., Lambert, Morse, Nicholson, Shaffer B., Tochtrop, White and Williams S.

HB11-1163 by Representative(s) Vaad; also Senator(s) Tochtrop--Concerning the issuance by the department of transportation of permits for the movement of super loads on the highways, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Williams S.

HB11-1115 by Representative(s) Priola and Soper, Brown, Casso, Gardner B., Kerr A., Liston, Looper, Peniston, Ramirez, Riesberg, Scott, Solano, Swalm, Swerdfeger, Szabo, Wilson; also Senator(s) Tochtrop, Cadman, Jahn, Kopp, Renfroe--Concerning the payment of retainage in construction contracts involving public entities.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Guzman, Johnston, Newell and Williams S.

HB11-1211 by Representative(s) Pace; also Senator(s) Tochtrop, Carroll--Concerning restrictions on travel-related expenditures by state-chartered entities on behalf of persons affiliated with such entities.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	29	NO	4	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	E
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar and Giron.

RECONSIDERATION OF HB11-1115

HB11-1115 by Representative(s) Priola and Soper, Brown, Casso, Gardner B., Kerr A., Liston, Looper, Peniston, Ramirez, Riesberg, Scott, Solano, Swalm, Swerdfeger, Szabo, Wilson; also Senator(s) Tochtrop, Cadman, Jahn, Kopp, Renfroe--Concerning the payment of retainage in construction contracts involving public entities.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB11-1115.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

HB11-1115 by Representative(s) Priola and Soper, Brown, Casso, Gardner B., Kerr A., Liston, Looper, Peniston, Ramirez, Riesberg, Scott, Solano, Swalm, Swerdfeger, Szabo, Wilson; also Senator(s) Tochtrop, Cadman, Jahn, Kopp, Renfroe--Concerning the payment of retainage in construction contracts involving public entities.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	31	NO	2	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Guzman, Heath, Johnston, Newell, Nicholson and Williams S.

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

SJR11-023 by Senator(s) Bacon, Shaffer B.; also Representative(s) Murray and Levy--Concerning the declaration of May 1 through May 7, 2011, as "Holocaust Awareness Week".

On motion of Senator Bacon, the resolution was read at length.

Amendment No. 1(L.001), by Senator Aguilar.

Amend printed joint resolution, page 2, line 4, before the first "and" insert "children and adults with disabilities,".

The amendment was **passed** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Amendment No. 2(L.002), by Senator Bacon.

Amend printed joint resolution, page 3, line 13, strike "*Sixty-seventh*" and substitute "*Sixty-eighth*".

The amendment was **passed** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Bacon, the resolution, as amended, was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Steadman, Tochtrop, White and Williams S.

SJR11-053 by Senator(s) Boyd; also Representative(s) Riesberg--Concerning the declaration of April 30, 2011, as "Colorado Meningitis Awareness Day".

On motion of Senator Boyd, the resolution was read at length.

Amendment No. 1(L.001). by Senator Boyd.

Amend printed joint resolution, page 1, line 9, after "disabilities," insert "limb amputations,".

Page 2, line 5, strike "five" and substitute "six".

Page 3, line 4, strike "the National Meningitis Association," and substitute "the Colorado Department of Public Health and Environment, the Colorado Medical Society,"; after "Angels," insert "Jen and J.P. Stanton of Castle Rock,"; and strike "John" and substitute "Jon".

The amendment was **passed** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Boyd, the resolution, as amended, was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Steadman, Tochtrop, White and Williams S.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-089 by Senator(s) Jahn, Brophy, Giron, Guzman, Johnston, King K., Scheffel; also Representative(s) Beezley--Concerning the continuation of the authority of the executive director of the department of revenue to issue written responses upon the request of a taxpayer.

Senator Jahn moved that the Senate concur in House amendments to **SB11-089**, as printed in House journal, April 21, page 1059. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB11-090 by Senator(s) Schwartz, Giron, Guzman; also Representative(s) Baumgardner--Concerning the continuation of the issuance of permits for weather modification operations, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies.

Senator Schwartz moved that the Senate concur in House amendments to **SB11-090**, as printed in House journal, April 21, page 1059. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	24	NO	9	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	E
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB11-092

by Senator(s) Giron, Schwartz; also Representative(s) Hamner--Concerning the continuation of vessel regulation by the division of parks and outdoor recreation, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies.

Senator Giron moved that the Senate concur in House amendments to **SB11-092**, as printed in House journal, April 21, pages 1059-1060. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	23	NO	10	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	E
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB11-173

by Senator(s) King S., King K., Morse, Shaffer B., Cadman, Carroll, Giron, Kopp, Roberts, Spence; also Representative(s) Gardner B. and Fields--Concerning interoperable communications in schools.

Senator King S. moved that the Senate concur in House amendments to **SB11-173**, as printed in House journal, April 21, page 1060. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsor added: Steadman

SB11-230 by Senator(s) Bacon; also Representative(s) Massey--Concerning the financing of public schools, and making an appropriation therefor.

Senator Bacon moved that the Senate concur in House amendments to **SB11-230**, as printed in House journal, April 21, pages 1060-1062. The motion was **adopted** by the following roll call vote:

YES	32	NO	1	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	31	NO	2	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	N	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsor added: Aguilar

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Tochtrop, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO TOURISM OFFICE BOARD OF DIRECTORS

for terms expiring June 1, 2014:

Jeanne C. Mackowski of Carbondale, Colorado, a representative of the ski industry, appointed;

Richard W. Scharf, Jr. of Littleton, Colorado, a representative of the destination marketing industry, reappointed;

Ian Steyn of Larkspur, Colorado, a representative of other outdoor recreation industries, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Heath, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
COLORADO CIVIL RIGHTS COMMISSION

for a term expiring March 13, 2015:

Susie Velasquez of Greeley, Colorado, to serve as a representative for local (or state) government entities, and as a Democrat, reappointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Johnston, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
ADVISORY COMMITTEE ON
GOVERNMENTAL ACCOUNTING

for terms expiring May 18, 2015:

Kevin F. Collins of Franktown, Colorado, to serve as a representative of special services districts, appointed;

John A. Carlson of Louisville, Colorado, to serve as a representative of city and county government, reappointed;

Donald J. McMahan of Avon, Colorado, to serve as a certified public accountant, reappointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

COMMITTEE OF REFERENCE REPORTS

Education After consideration on the merits, the Committee recommends that **SB11-265** be referred to the Committee of the Whole with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **SB11-245** be referred to the Committee of the Whole with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **SB11-259** be postponed indefinitely.

Finance The Committee on Finance has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBER OF THE
ADVISORY COMMITTEE TO THE PROPERTY
TAX ADMINISTRATOR

for a term expiring September 1, 2015:

Tim Canterbury of Howard, Colorado, to serve as a non-assessor from a county with a population less than seventy-five thousand and as a Republican, appointed.

Finance After consideration on the merits, the Committee recommends that **HB11-1293** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB11-1265** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB11-1195** be referred to the Committee on Appropriations with favorable recommendation.

Health & Human Services The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
AIR QUALITY CONTROL COMMISSION

Ashley Lee Campsie of Littleton, Colorado to serve as a member with industrial experience and as an Unaffiliated, reappointed;

John H. Loewy of Denver, Colorado to serve as a member with legal experience and as a Democrat, reappointed.

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Health & Human Services	After consideration on the merits, the Committee recommends that SB11-242 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.	2
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	Amend printed bill, page 2, line 16, strike "LICENSE".	7
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Health & Human Services	After consideration on the merits, the Committee recommends that SB11-250 be referred to the Committee of the Whole with favorable recommendation.	9
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Health & Human Services	After consideration on the merits, the Committee recommends that HB11-1242 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	14
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Appropriations	After consideration on the merits, the Committee recommends that SB11-052 be referred to the Committee of the Whole with favorable recommendation.	19
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Appropriations	After consideration on the merits, the Committee recommends that SB11-109 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	23
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	Amend printed bill, page 5, after line 4 insert:	28
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	" SECTION 2. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the public education fund created in section 39-22-3903 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2011, the sum of sixty thousand six hundred fifty-six dollars (\$60,656) cash funds, or so much thereof as may be necessary, for the implementation of this act.	30
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	(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of thirty-seven thousand dollars (\$37,000), or so much thereof as may be necessary, for the provision of programming services to the department of revenue related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section."	36
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	Renumber succeeding section accordingly.	46
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	Page 1, line 103 strike " FORMS. " and substitute " FORMS, AND MAKING AN APPROPRIATION THEREFOR. ".	48
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Appropriations	After consideration on the merits, the Committee recommends that SB11-080 be referred to the Committee of the Whole with favorable recommendation.	52
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Appropriations	After consideration on the merits, the Committee recommends that SB11-241 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	56
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	Amend printed bill, page 15, after line 16 insert:	61
		62
	" SECTION 9. Appropriation. (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 corrections, for allocation to the parole board, contract services, for training and contract administrative and release hearing officers, for the fiscal year beginning July 1, 2011, the sum of forty-three thousand eight hundred dollars (\$43,800), or so much thereof as may be necessary, for the implementation of this act.	63
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(2) It is the intent of the general assembly that the general fund appropriation in subsection (1) of this section shall be derived from savings generated from the implementation of the provisions of House Bill 11-1064, as enacted during the first regular session of the sixty-eighth general assembly.

SECTION 10. Effective date. (1) This act shall only take effect if:

(a) House Bill 11-1064 is enacted at the first regular session of the sixty-eighth general assembly and becomes law; and

(b) The final fiscal estimate for House Bill 11-1064, as determined from the appropriations enacted in said bill, shows a net reduction in the amount of general fund revenues appropriated for the state fiscal year 2011-12, that is equal to or greater than the amount of the general fund appropriation made for the implementation of this act for the state fiscal year 2011-12, as reflected in section 9 of this act; and

(c) The staff director of the joint budget committee files written notice with the revisor of statutes no later than July 15, 2011, that the requirement set forth in paragraph (b) of this subsection (1) has been met."

Renumber succeeding section accordingly.

Page 1, line 102, strike "BOARD." and substitute "BOARD, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

Appropriations

After consideration on the merits, the Committee recommends that **HB11-1296** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB11-187** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 92, after line 3 insert:

"SECTION 73. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the 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 executive director's office, for the fiscal year beginning July 1, 2011, the sum of two hundred fifty-six thousand eighty-eight dollars (\$256,088) cash funds, or so much thereof as may be necessary, to be allocated as follows:

(a) \$176,088 for legal services; and

(b) \$80,000 for information technology asset maintenance.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the 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 personal services and operating expenses, for the fiscal year beginning July 1, 2011, the sum of two hundred twenty-eight thousand two hundred forty-one dollars (\$228,241) cash funds and 4.3 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2011, the sum of one hundred seventy-six thousand eighty-eight dollars (\$176,088) and 1.4 FTE, 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 107, strike "AND".

	Page 1, line 110, strike "PROFESSIONALS." and substitute "PROFESSIONALS, AND MAKING AN APPROPRIATION."	1
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Appropriations	After consideration on the merits, the Committee recommends that SB11-235 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.	5
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	Amend the Agriculture, Natural Resources, and Energy Committee Report, dated April 27, 2011, page 2, line 6, after the period add "THE DIVISION SHALL TRANSFER THE MONEY TO THE STATE TREASURER, WHO SHALL CREDIT IT TO THE STATIONARY SOURCES CONTROL FUND CREATED IN SECTION 25-7-114.7 (2) (b) (I).".	9
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	Page 2 of the report, after line 9 insert:	15
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	"Page 3, after line 19 insert:	17
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	"SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the stationary sources control fund created in section 25-7-114.7 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for allocation to the air pollution control division, for the fiscal year beginning July 1, 2011, the sum of one hundred ninety-four thousand three hundred seventy-seven dollars (\$194,377) cash funds and 0.2 FTE, or so much thereof as may be necessary, for the implementation of this act."	19
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	Renumber succeeding section accordingly."	29
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	Page 2 of the report, line 10, strike ""APPROVALS."" and substitute ""APPROVALS AND MAKING AN APPROPRIATION.""	31
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Appropriations	After consideration on the merits, the Committee recommends that SB11-176 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.	35
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	Amend the Judiciary Committee Report, dated April 26, 2011, page 1, line 17, strike "SECTION 17-1-109 (2)" and substitute "SECTIONS 17-22.5-302 (1.3) AND 17-22.5-405 (8)".	39
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	Page 3 of the report, after line 6 insert:	43
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	"SECTION 5. Appropriation. (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 corrections, for allocation to the management, executive director's office subprogram, planning and analysis contracts, for contract services related to the completion of an annual report concerning the status of administrative segregation, for the fiscal year beginning July 1, 2011, the sum of twenty-six thousand two hundred fifty dollars (\$26,250), or so much thereof as may be necessary, for the implementation of this act.	45
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	(2) 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 corrections, for allocation to the institutions, mental health subprogram, mental health services, for behavior-modification programs, incentive programs, mental health services or programs, or similar efforts designed as viable alternatives to administrative segregation, for the fiscal year beginning July 1, 2011, the sum of forty-nine thousand nine hundred thirty-three dollars (\$49,933), or so much thereof as may be necessary, for the implementation of this act.	54
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	(3) 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 corrections, for allocation to the support services, information systems subprogram, purchase of services from computer center, for computer system programming modifications and ongoing maintenance related to changes to earned time accrual	64
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eligibility for inmates in administrative segregation, for the fiscal year beginning July 1, 2011, the sum of one hundred twenty-two thousand six hundred thirteen dollars (\$122,613), or so much thereof as may be necessary, for the implementation of this act.

(4) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of one hundred twenty-two thousand six hundred thirteen dollars (\$122,613) and 2.0 FTE, or so much thereof as may be necessary, for the provision of programming services to the department of corrections related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of corrections out of the appropriation made in subsection (3) of this section.

SECTION 6. Appropriation - adjustments in 2011 long bill.

For the implementation of this act, the general fund appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the department of corrections, management, external capacity subprogram, for payments to house state prisoners, is decreased by one hundred ninety-eight thousand seven hundred ninety-six dollars (\$198,796).".

Renumber succeeding sections accordingly.

Page 3 of the report, after line 13 insert:

"Page 1 of the bill, line 101 strike "CONFINEMENT." and substitute "CONFINEMENT, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."."

Appropriations

After consideration on the merits, the Committee recommends that **SB11-247** 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 printed bill, page 6, after line 26 insert:

"SECTION 13. Appropriation - adjustments in 2010 long bill.

For the implementation of this act, the reappropriated funds appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2010, to the governor - lieutenant governor - state planning and budgeting, office of the lieutenant governor, for administration, is decreased by twenty-seven thousand five hundred thirty-eight dollars (\$27,538). Said sum shall be from funds received from the department of human services, division of child care, out of the appropriation for early childhood councils.

SECTION 14. Appropriation - adjustments in 2011 long bill.

For the implementation of this act, the reappropriated funds appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the governor - lieutenant governor - state planning and budgeting, office of the lieutenant governor, for administration, is decreased by seventy-seven thousand five hundred thirty-eight dollars (\$77,538) and 1.0 FTE. Said sum shall be from funds received from the department of human services, division of child care, out of the appropriation for early childhood councils." .

Renumber succeeding section accordingly.

Page 1, line 102, strike "TEAM." and substitute "TEAM, AND MAKING AN APPROPRIATION THEREFOR.".

Appropriations

After consideration on the merits, the Committee recommends that **SB11-238** 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 the Agriculture, Natural Resources, and Energy Committee Report, dated April 21, 2011, page 2, line 5, after "2012," insert "AND" and strike everything after "2013,".

	Page 2, line 6, strike "2014, AND JULY 1, 2015,".	1
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Appropriations	After consideration on the merits, the Committee recommends that HB11-1064 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	4
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	Amend reengrossed bill, page 4, line 6, strike "(1) In addition to any other appropriation, there is hereby".	8
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	Page 4, strike lines 7 through 12.	11
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	Page 4, line 13, strike "(2)".	13
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Appropriations	After consideration on the merits, the Committee recommends that HB11-1281 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	16
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Appropriations	After consideration on the merits, the Committee recommends that HB11-1002 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	21
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Appropriations	After consideration on the merits, the Committee recommends that HB11-1241 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	27
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Appropriations	After consideration on the merits, the Committee recommends that HB11-1279 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	32
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Appropriations	After consideration on the merits, the Committee recommends that HB11-1120 be postponed indefinitely.	37
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Appropriations	After consideration on the merits, the Committee recommends that HB11-1254 be referred to the Committee of the Whole with favorable recommendation.	41
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Appropriations	After consideration on the merits, the Committee recommends that HB11-1166 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	45
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	Amend reengrossed bill, page 5, strike line 4 and substitute "seventeen thousand seven hundred sixty dollars (\$17,760) cash funds, or so much".	49
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Appropriations	After consideration on the merits, the Committee recommends that HB11-1199 be referred to the Committee of the Whole with favorable recommendation.	53
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Education	After consideration on the merits, the Committee recommends that SB11-266 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	57
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	Amend printed bill, page 2, line 5, after "(1.5)" insert "(a)".	61
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	Page 2, line 6, strike "SCHOOL" and substitute "SCHOOL,".	63
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	Page 2, strike lines 7 through 11 and substitute "THE CONTRACT SHALL INCLUDE A PROVISION REQUIRING A CRIMINAL BACKGROUND CHECK FOR ANY PERSON PROVIDING SERVICES UNDER THE CONTRACT, INCLUDING ANY SUBCONTRACTOR OR OTHER AGENT OF THE CONTRACTING ENTITY, IF THE PERSON PROVIDES DIRECT SERVICES TO STUDENTS, INCLUDING BUT NOT	65
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LIMITED TO TRANSPORTATION, INSTRUCTION, OR FOOD SERVICES."

Page 2, line 12, strike "OF THE BID, COMPLETED A" and substitute "THE" and strike "THAT," and substitute "SHALL,".

Page 2, line 13, strike "MEETS" and substitute "MEET".

Page 2, after line 20 insert:

"(b) THE BACKGROUND CHECK DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1.5) SHALL BE REQUIRED ONLY FOR THOSE PERSONS WHO HAVE REGULAR, BUT NOT INCIDENTAL, CONTACT WITH STUDENTS AT LEAST ONCE A MONTH.

(c) THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1.5) SHALL NOT APPLY TO A FACULTY MEMBER FROM AN INSTITUTION OF HIGHER EDUCATION WHO CONTRACTS TO TEACH FOR THE SCHOOL DISTRICT AND WHO HAS UNDERGONE A BACKGROUND CHECK THAT MEETS THE REQUIREMENTS OF SECTION 22-32-109.7 AND ANY OTHER REQUIREMENTS OF THE SCHOOL DISTRICT IN WHICH THE FACULTY MEMBER WILL BE TEACHING."

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB11-196** be postponed indefinitely.

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **SB11-267** be amended as follows, and as so amended, be referred to the Committee on Legislative Council with favorable recommendation.

Amend printed bill, page 6, line 13, strike "BIOMASS;" and substitute "SLASH OR BRUSH;".

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **SB11-251** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 5, strike "(F)" and substitute "(I)".

Page 2, strike lines 9 through 12.

Page 3, strike lines 1 and 2 and substitute "article; except that the fee for a:

(A) Retailer of fireworks license shall not exceed ~~twenty-five~~ FIFTY dollars;

(B) Display retailer of fireworks license, a wholesaler of fireworks license, or an exporter of fireworks license shall not exceed ~~seven hundred fifty~~ ONE THOUSAND FIVE HUNDRED dollars; and".

Page 3, line 3, strike "(H)" and substitute "(II)".

Page 3, line 12, strike "24-33.5-1213.3," and substitute "24-33.5-1203.5,".

Page 3, line 22, strike "24-33.5-1213.3," and substitute "24-33.5-1203.5,".

Page 8, line 24, strike "ANY PERSON," and substitute "ANY PERSON SEEKING CERTIFICATION UNDER THIS PART 12,".

Page 9, line 14, strike "(b)," and substitute "(b) and (2) (b),".

Page 9, line 15, strike "is" and substitute "are".

Page 9, after line 23 insert:

	"(2) In order to carry out the purposes and provisions of this part 12 and section 25-17-206, C.R.S., the director of the division shall promulgate rules in accordance with article 4 of this title:	1
	(b) Adopting nationally recognized standards that the director of the division reasonably finds necessary to carry out the purposes and provisions of this part 12 and section SECTIONS 12-28-108, 12-47.1-516, AND 25-17-206, C.R.S."	2
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	Page 13, line 18, strike "advisory".	4
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	Page 13, line 19, strike "board" and substitute " advisory board DIRECTOR".	6
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Agriculture, Natural Resources, and Energy	After consideration on the merits, the Committee recommends that SJR11-040 be referred to the Senate for final action.	15
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Agriculture, Natural Resources, and Energy	The Committee on <u>Agriculture, Natural Resources, and Energy</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	21
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	<u>MEMBER OF THE BOARD OF PARKS AND OUTDOOR RECREATION</u>	27
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	for a term expiring June 30, 2012:	30
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	Christopher J. Castilian of Denver, Colorado to serve as a representative of the Metro Region and as a Republican, occasioned by the resignation of Laurie Mathews, appointed.	32
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	On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB11-254, SB11-256, SB11-176, SB11-247, SB11-235, and SB11-238 were made Special Orders at 10:21 a.m.	38
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Committee of the Whole	The hour of 10:21 a.m. having arrived, Senator Steadman moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills -- Consent Calendar, and Senator Steadman was called to the Chair to act as Chairman.	44
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	SPECIAL ORDERS -- SECOND READING OF BILLS --	49
	CONSENT CALENDAR	50
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	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:	52
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SB11-254	by Senator(s) Steadman, Carroll; also Representative(s) Pace--Concerning statutory changes to improve practices for persons under community supervision.	57
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	<u>Amendment No. 1, Judiciary Committee Amendment.</u>	60
	(Printed in Senate Journal, April 28, page 927 and placed in members' bill files.)	61
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	63
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SB11-256	by Senator(s) Guzman and King S.; also Representative(s) Kerr J. and Ferrandino--Concerning graffiti.	67
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Ordered engrossed and placed on the calendar for third reading and final passage.

SB11-176 by Senator(s) Carroll; also Representative(s) Levy--Concerning appropriate use of restrictive confinement, and making an appropriation in connection therewith.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 26, pages 888-890 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 29, pages 946-947 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-247 by Senator(s) Hudak; also Representative(s) Kerr J.--Concerning the repeal of the Colorado early childhood council advisory team, and making an appropriation therefor.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, April 27, page 927 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 29, page 947 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-235 by Senator(s) Giron; also Representative(s) Pace and Swerdfeger--Concerning methods to reduce the air quality permit application backlog, and, in connection therewith, authorizing the use of nongovernmental air quality modeling engineers for purposes of permit application approvals and making an appropriation.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, April 28, pages 929-930 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 29, page 946 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-238 by Senator(s) Nicholson, Aguilar, Bacon, Boyd, Brophy, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Morse, Newell, Roberts, Schwartz, Spence, Steadman, Tochtrop, White, Williams S.; also Representative(s) Coram and Wilson--Concerning the extension of the annual transfers of federal mineral lease revenues to the wildfire preparedness fund.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, April 25, pages 864-865 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 29, pages 947-948 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

On motion of Senator Steadman, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-254 as amended, SB11-256, SB11-176 as amended, SB11-247 as amended, SB11-235 as amended, SB11-238 as amended.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB11-109, SB11-080, SB11-052, SB11-241, SB11-260, SB11-253, SB11-243, SB11-265, SB11-245, SB11-242, SB11-250, SB11-182, SB11-244, SB11-187, HB11-1281, and HB11-1296 were made Special Orders at 10:30 a.m.

Committee of the Whole

The hour of 10:30 a.m. having arrived, Senator Steadman moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Steadman was called to the Chair to act as Chairman.

SPECIAL 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:

SB11-109

by Senator(s) Shaffer B.; also Representative(s) Solano--Concerning the creation of a voluntary contribution designation benefiting the public education fund to appear on the state individual income tax return forms, and making an appropriation therefor.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 14, page 755 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 29, page 944 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-080

by Senator(s) Hudak, Bacon, Giron, Guzman, Morse, Newell, Nicholson, Steadman; also Representative(s) Todd, Lee--Concerning expanding the transparency of strategies for school turnaround plans.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 21, pages 845-848 and placed in members' bill files.)

Amendment No. 2(L.012), by Senator Hudak.

Amend the Senate Education Committee Report, dated April 20, 2011, page 3, strike line 31 and substitute "PUBLIC HEARING TO REVIEW THE PLAN, ALLOWING".

Page 3, line 32, strike "ALLOW".

Page 3, line 37, after "SCHOOLS." add "EACH LOCAL SCHOOL BOARD IS ENCOURAGED TO HOLD THE PUBLIC HEARING AT THE DISTRICT PUBLIC SCHOOL THAT IS ADOPTING THE PRIORITY IMPROVEMENT PLAN AND TO HAVE THE SCHOOL ACCOUNTABILITY COMMITTEE OF THE SCHOOL HOST THE PUBLIC HEARING.".

Page 4, line 10, after "SCHOOLS." add "THE INSTITUTE IS ENCOURAGED TO HOLD THE PUBLIC HEARING AT THE INSTITUTE CHARTER SCHOOL THAT IS ADOPTING THE PRIORITY IMPROVEMENT PLAN AND TO HAVE THE SCHOOL ACCOUNTABILITY COMMITTEE OF THE SCHOOL HOST THE PUBLIC HEARING.".

Page 4, line 42, after "SCHOOLS." add "EACH LOCAL SCHOOL BOARD IS ENCOURAGED TO HOLD THE PUBLIC HEARING AT THE DISTRICT PUBLIC SCHOOL THAT IS ADOPTING THE TURNAROUND PLAN AND TO HAVE THE SCHOOL ACCOUNTABILITY COMMITTEE OF THE SCHOOL HOST THE PUBLIC HEARING.".

Page 5, strike line 28 and substitute "SHALL HOLD A PUBLIC HEARING TO REVIEW THE PLAN, ALLOWING".

Page 5, line 29, strike "HEARING SHALL ALLOW".

Page 5, line 34, after "SCHOOLS." add "THE INSTITUTE IS ENCOURAGED TO HOLD THE PUBLIC HEARING AT THE INSTITUTE CHARTER SCHOOL THAT IS ADOPTING THE TURNAROUND PLAN AND TO HAVE THE SCHOOL ACCOUNTABILITY COMMITTEE OF THE SCHOOL HOST THE PUBLIC HEARING.".

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-052 by Senator(s) Heath, Bacon, King K.; also Representative(s) Massey, Ferrandino-- Concerning expectations for higher education institutions in Colorado.

Amendment No. 1, General Orders Amendment.
(Printed in Senate Journal, April 26, page 880 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-241 by Senator(s) King S. and Carroll; also Representative(s) Gardner B. and Kagan-- Concerning changes related to the operation of the parole board, and making an appropriation in connection therewith.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 27, pages 928-929 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 29, pages 944-945 and placed in members' bill files.)

Amendment No. 3(L.010), by Senator Carroll.

Amend printed bill, page 4, line 19, strike "FIELDS" and substitute "RELEVANT FIELDS.".

Page 4, strike lines 20 and 21.

Page 4, line 22, strike "CRIMINAL JUSTICE POLICY, OR RESEARCH.".

Page 4, line 23, strike "A BACHELOR'S DEGREE FROM AN".

Page 4, line 24, strike "ACCREDITED INSTITUTION,".

Page 9, line 25, strike "MUST HAVE A BACHELOR'S" and substitute "SHALL HAVE".

	Page 9, line 26, strike "DEGREE AND".	1
		2
	Amend the Judiciary Committee Report, dated April 27, 2011, page 1, strike lines 11 through 18.	3
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	Page 2 of the report, line 2, strike "EDUCATION, TRAINING," and substitute "TRAINING".	6
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	Page 2 of the report, line 4, strike "EDUCATION, TRAINING," and substitute "TRAINING".	9
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		11
	Page 2 of the report, line 10, strike "EDUCATION,".	12
		13
	Page 2 of the report, line 11, strike "TRAINING," and substitute "TRAINING".	14
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		16
	Page 2 of the report, line 12, strike "EDUCATION,".	17
		18
	Page 2 of the report, line 13, strike "TRAINING," and substitute "TRAINING".	19
		20
		21
	Page 2 of the report, line 16, strike "EDUCATION,".	22
		23
	Page 2 of the report, line 17, strike "TRAINING," and substitute "TRAINING".	24
		25
		26
	Page 2 of the report, line 18, strike "EDUCATION,".	27
		28
	Page 2 of the report, line 19, strike "TRAINING," and substitute "TRAINING".	29
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	33
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SB11-260	by Senator(s) Morse; also Representative(s) Lee--Concerning safety procedures related to the towing of vehicles.	37
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	<u>Amendment No. 1(L.002), by Senator Morse.</u>	40
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	Amend printed bill, page 2, line 18, strike "VEHICLE." and substitute "VEHICLE BEFORE THE TOW IS COMPLETED.".	42
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	<u>Amendment No. 2(L.003), by Senator Morse.</u>	46
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	Amend printed bill, page 2, after line 22 insert:	48
		49
	"(c) A TOWING CARRIER MAY PERMIT AN OWNER OF THE VEHICLE TO BE TOWED TO RETRIEVE ANY PERSONAL ITEMS FROM THE VEHICLE BEFORE THE VEHICLE IS TOWED.".	50
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	54
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SB11-253	by Senator(s) Carroll, Newell; also Representative(s) Williams A.--Concerning clarification of the requirements for registration of a unit owners' association under the "Colorado Common Interest Ownership Act".	58
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	Ordered engrossed and placed on the calendar for third reading and final passage.	62
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		64
SB11-243	by Senator(s) Guzman; also Representative(s) Pabon--Concerning the repeal of the civil penalty for document fraud.	65
		66
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	Ordered engrossed and placed on the calendar for third reading and final passage.	68
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- SB11-265** by Senator(s) Johnston and King S., Schwartz; also Representative(s) Duran and Scott--
Concerning changing the name of Mesa state college to Colorado Mesa university.
- Amendment No. 1(L.001), by Senator King S.
- Amend printed bill, page 13, strike lines 8 and 9 and substitute "mission of ~~Mesa state college~~ COLORADO MESA UNIVERSITY, currently referred to as western Colorado community college division of ~~Mesa state college~~ COLORADO MESA".
- As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-245** by Senator(s) Bacon; also Representative(s) Murray--Concerning educator preparation programs at institutions of higher education.
- Ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-242** by Senator(s) Aguilar; also Representative(s) Miklosi--Concerning retired volunteer nurse licensure.
- Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, April 29, page 944 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-250** by Senator(s) Boyd; also Representative(s) Ferrandino and Summers--Concerning changing the eligibility for certain pregnant women from the children's basic health plan to medicaid.)
- Ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-182** by Senator(s) Carroll, Cadman, Giron, Guzman, Spence; also Representative(s) Liston, Barker, Court, Massey, Pabon, Pace--Concerning the establishment of an insurable interest requirement for life insurance policies.
- Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, April 14, pages 755-757 and placed in members' bill files.)
- Amendment No. 2(L.010), by Senator Carroll.
- Amend the Business, Labor, and Technology Committee Report, dated April 13, 2011, page 1, strike lines 1 through 7.
- Page 1 of the report, line 8, strike "Page" and substitute "Amend printed bill, page".
- Page 1 of the report, line 9, strike ""(6)" and substitute ""(5)" and strike "A PRACTICE" and substitute "AN ACT, PRACTICE, OR ARRANGEMENT".
- Page 1 of the report, line 10, strike "OR PLAN".
- Page 2 of the report, line 3, strike "LIFE." and insert "LIFE. "STRANGER ORIGINATED LIFE INSURANCE" DOES NOT INCLUDE LAWFUL VIATICAL SETTLEMENT CONTRACTS AS PERMITTED BY PART 6 OF ARTICLE 7 OF TITLE 10, PROVIDED THAT SUCH CONTRACTS ARE NOT FOR THE PURPOSE OF EVADING REGULATION UNDER THIS ARTICLE.".
- Page 2 of the report, after line 16 insert:
- "Page 3 of the bill, line 16, strike "ENTITY, AND, IF APPLICABLE, A TRUST" and substitute "ENTITY".
- Page 3 of the bill, line 17, strike everything before "HAS".

	Page 2 of the report, strike lines 17 through 20 and substitute:	1
		2
	"Page 3 of the bill, strike lines 21 through 27 and substitute:	3
		4
	"(d) A TRUSTEE OF A TRUST HAS AN INSURABLE INTEREST IN THE	5
	LIFE OF AN INSURED UNDER A LIFE INSURANCE POLICY AS PROVIDED IN	6
	SECTION 15-16-501, C.R.S.;"	7
		8
	Page 4 of the bill, strike lines 1 through 17."	9
		10
	Page 2 of the report, line 28, strike "OR OF AN AFFILIATE OF THE	11
	BORROWER," and substitute "OR ANY OF THE FOREGOING OF AN AFFILIATE	12
	OR A GUARANTOR OF THE BORROWER,"	13
		14
	Page 2 of the report, line 29, strike "NOT".	15
		16
	Page 3 of the report, after line 1 insert:	17
		18
	"Page 6 of the bill, line 8, after "CHARGES." add "THE PROCEEDS PAYABLE	19
	UPON THE DEATH OF AN INSURED IN EXCESS OF THE TOTAL OUTSTANDING	20
	DEBT OWED SHALL BE PAID TO THE ESTATE OF THE INDIVIDUAL	21
	INSURED."."	22
		23
	Page 3 of the report, line 2, strike "AT THE" and substitute "AND, UNLESS	24
	THE INDIVIDUAL ELECTS AN IRREVOCABLE BENEFICIARY DESIGNATION,"	25
		26
	Page 3 of the report, strike line 3.	27
		28
	Page 3 of the report, line 4, strike "IRREVOCABLE,"	29
		30
	Page 3 of the report, line 17, strike "NOTHING IN" and substitute "EXCEPT	31
	WHERE A LIFE INSURANCE POLICY IS PROCURED OR EFFECTED IN VIOLATION	32
	OF SECTION 10-7-708, NOTHING IN".	33
		34
	Page 3 of the report, strike line 19 and substitute:	35
		36
	"(a) AN OWNER OF A POLICY, WHETHER OR NOT THE OWNER OF THE	37
	POLICY IS".	38
		39
	Page 3 of the report, line 21, strike "LEGITIMATE".	40
		41
	Page 3 of the report, line 23, strike "LEGITIMATE" and after "CONTRACT;"	42
	add "OR".	43
		44
	Page 3 of the report, strike lines 24 through 26 and substitute:	45
		46
	"(c) AN OWNER OR BENEFICIARY FROM ENFORCING THE PAYMENT	47
	OF ALL BENEFITS AND PROCEEDS OF THE POLICY OBTAINED UNDER A	48
	VIATICAL SETTLEMENT CONTRACT.".	49
		50
	Page 3 of the report, strike lines 27 through 31.	51
		52
	Page 4 of the report, strike line 1.	53
		54
		55
	As amended, ordered engrossed and placed on the calendar for third reading and final	56
	passage.	57
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SB11-244	by Senator(s) Steadman; also Representative(s) Kagan--Concerning the repeal of certain	60
	crimes that include marital status as an element of the crime.	61
		62
	Ordered engrossed and placed on the calendar for third reading and final passage.	63
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		65
HB11-1281	by Representative(s) Joshi; also Senator(s) Boyd--Concerning health care professional loan	66
	forgiveness programs administered by the primary care office in the department of public	67
	health and environment, and making an appropriation therefor.	68
		69

Ordered revised and placed on the calendar for third reading and final passage.

HB11-1296 by Representative(s) Kagan, Court, Ferrandino, Fischer, Labuda, Miklosi, Tyler, Wilson; also Senator(s) Steadman, Nicholson--Concerning the temporary continuation of the state sales and use tax on cigarettes.

Ordered revised and placed on the calendar for third reading and final passage.

SB11-187 by Senator(s) Newell; also Representative(s) Fields, Summers--Concerning the continuation of the regulation of mental health professionals, and, in connection therewith, continuing the state boards of psychologist examiners, social work examiners, marriage and family therapist examiners, and licensed professional counselor examiners and the state grievance board, creating the state board of addiction counselor examiners, and implementing the recommendations contained in the sunset review and report of state-regulated mental health professionals.

Amendment No. 1, Health & Human Services Committee Amendment.

(Printed in Senate Journal, March 24, pages 564-568 and placed in members' bill files.)

Amendment No. 2, Finance Committee Amendment.

(Printed in Senate Journal, April 20, pages 814-816 and placed in members' bill files.)

Amendment No. 3, Appropriations Committee Amendment.

(Printed in Senate Journal, April 29, pages 945-946 and placed in members' bill files.)

Amendment No. 4(L.009), by Senator Newell.

Amend the Health and Human Services Committee Report, dated March 23, 2011, page 1, strike lines 8 through 20.

Page 2 of the Health and Human Services Committee Report, strike lines 1 through 20.

Page 3 of the Health and Human Services Committee Report, line 7, strike "TO THE".

Page 3 of the Health and Human Services Committee Report, line 8, strike "APPROPRIATE BOARD," and substitute "A FEE,".

Page 3 of the Health and Human Services Committee Report, line 9, strike "BOARD" and substitute "DIRECTOR" and after "(1)," insert "IN".

Page 3 of the Health and Human Services Committee Report, line 11, strike "CERTIFICATION, WHICH" and substitute "CERTIFICATION. THE DIRECTOR MAY ADJUST THE".

Page 3 of the Health and Human Services Committee Report, line 12, before "AMOUNT" insert "FEE" and strike "MAY BE ADJUSTED".

Page 3 of the Health and Human Services Committee Report, line 13, strike "BY THE APPROPRIATE BOARD".

Page 3 of the Health and Human Services Committee Report, line 17, strike "APPROPRIATE BOARD" and substitute "FEE" and strike "FORWARD THE FEE" and substitute "BE FORWARDED".

Page 3 of the Health and Human Services Committee Report, line 19, strike "BY THE BOARD".

Page 3 of the Health and Human Services Committee Report, line 24, strike "APPLICABLE BOARD" and substitute "DIRECTOR, IN CONSULTATION WITH THE BOARDS,".

Page 3 of the Health and Human Services Committee Report, line 26, strike "DESIGNATION BY THE BOARD," and substitute "DESIGNATION,".

Page 4 of the Health and Human Services Committee Report, line 6, strike "BOARD" and substitute "DIRECTOR".

Page 4 of the Health and Human Services Committee Report, line 17, strike "APPLICABLE" and substitute "DIVISION,".

Page 4 of the Health and Human Services Committee Report, line 18, strike "BOARD,".

Page 4 of the Health and Human Services Committee Report, line 19, strike "BOARD;" and substitute "DIRECTOR;".

Page 4 of the Health and Human Services Committee Report, line 20, strike "BOARD" and substitute "DIVISION".

Page 4 of the Health and Human Services Committee Report, line 24, strike "BOARD" and substitute "DIRECTOR".

Page 4 of the Health and Human Services Committee Report, line 29, strike "APPLICABLE BOARD" and substitute "DIVISION".

Page 4 of the Health and Human Services Committee Report, line 33, strike "TO THE BOARD".

Page 5 of the Health and Human Services Committee Report, line 29, strike "BOARD" and substitute "DIRECTOR, DIVISION," and strike "THE ACTIONS OF THE" and substitute "THEIR ACTIONS".

Page 5 of the Health and Human Services Committee Report, line 30, strike "BOARD".

Page 5 of the Health and Human Services Committee Report, line 31, strike "BOARD" and substitute "BOARD, DIRECTOR, DIVISION,".

Page 6 of the Health and Human Services Committee Report, line 3, after "SECTION." add "THE BOARDS AND THE DIRECTOR SHALL SEEK AND OBTAIN INPUT FROM REPRESENTATIVES OF EACH TYPE OF MENTAL HEALTH PROFESSIONAL REGULATED UNDER THIS ARTICLE IN THE DEVELOPMENT OF THE PEER HEALTH ASSISTANCE PROGRAM AND RELATED RULES.".

Page 6 of the Health and Human Services Committee Report, line 7, strike "OR PSYCHOTHERAPIST" and substitute "PSYCHOTHERAPIST, OR ADDICTION COUNSELOR".

Amend the Finance Committee Report, dated April 19, 2011, page 4, line 17, strike "BOARDS" and substitute "DIRECTOR".

Amend printed bill, page 8, line 12, strike "UNTIL THEN, THE" and substitute "THE".

Page 8 of the bill, line 13, strike "COUNSELORS," and substitute "COUNSELORS FOR THREE MONTHS AFTER THE DATE ON WHICH ALL MEMBERS OF THE BOARD HAVE BEEN APPOINTED,".

Page 12 of the bill, after line 15 insert:

"(1.8) "DIVISION" MEANS THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES."

Page 12, line 16, after "worker," insert "CLINICAL SOCIAL WORKER,".

Page 13 of the bill, line 10, after "(9.1)" insert "(a)".

Page 13 of the bill, line 11, strike "(a)" and substitute "(I)".

Page 13 of the bill, line 14, strike "(b)" and substitute "(II)".

Page 13 of the bill, after line 15 insert:

"(b) "REGISTERED PSYCHOTHERAPIST" ALSO INCLUDES A PERSON WHO:

(I) IS A LICENSED SCHOOL PSYCHOLOGIST LICENSED PURSUANT TO

SECTION 22-60.5-210 (1) (b), C.R.S.;

(II) IS PRACTICING OUTSIDE OF A SCHOOL SETTING; AND

(III) IS REGISTERED WITH THE GRIEVANCE BOARD PURSUANT TO SECTION 12-43-702.5."

Page 14 of the bill, line 13, strike "APPROVED" and substitute "REQUIRED".

Page 14 of the bill, line 21, strike "written, COMPUTER-BASED OR mail-in" and substitute "~~written, mail-in~~".

Page 14 of the bill, line 22, strike "department of regulatory agencies." and substitute "~~department of regulatory agencies~~ DIVISION."

Page 16 of the bill, line 4, strike "APPROVED" and substitute "REQUIRED".

Page 16 of the bill, line 14, strike "written, COMPUTER-BASED OR mail-in" and substitute "~~written, mail-in~~".

Page 16 of the bill, line 15, strike "department of regulatory agencies." and substitute "~~department of regulatory agencies~~ DIVISION."

Page 20 of the bill, line 3, strike "written, COMPUTER-BASED OR mail-in" and substitute "~~written, mail-in~~".

Page 20 of the bill, line 4, strike "department of"

Page 20 of the bill, line 5, strike "regulatory agencies." and substitute "~~department of regulatory agencies~~ DIVISION."

Page 20 of the bill, line 18, strike "APPROVED" and substitute "REQUIRED".

Page 20 of the bill, line 26, strike "written, COMPUTER-BASED OR mail-in" and substitute "~~written, mail-in~~".

Page 20 of the bill, line 27, strike "department of regulatory agencies." and substitute "~~department of regulatory agencies~~ DIVISION."

Page 22 of the bill, line 3, strike "(2) (d)" and substitute "(2) (c), (2) (d),".

Page 22 of the bill, line 8, strike "APPROVED" and substitute "REQUIRED".

Page 22 of the bill, after line 21 insert:

"(c) Has practiced social work for at least two years under the supervision of a licensed clinical social worker, WHICH PRACTICE INCLUDES TRAINING AND WORK EXPERIENCE IN THE AREA OF CLINICAL SOCIAL WORK PRACTICE; and".

Page 22 of the bill, line 24, strike "written, COMPUTER-BASED OR mail-in" and substitute "~~written, mail-in~~".

Page 22 of the bill, line 25, strike "department of regulatory agencies." and substitute "~~department of regulatory agencies~~ DIVISION."

Page 24 of the bill, line 26, strike "of such" and substitute "~~of such~~ THAT".

Page 24, line 27, strike "THAT".

Page 26 of the bill, line 3, strike "PERSON." and substitute "LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER."

Page 29 of the bill, line 1, strike "OVERSIGHT".

Page 30 of the bill, line 15, strike "AND" and substitute "and".

Page 30 of the bill, line 16, strike "and".

Page 30, line 17, after "CANDIDATES," insert "AND LICENSED AND CERTIFIED ADDICTION COUNSELORS,".

Page 30, line 18, strike "respectively." and substitute "respectively, AND MENTAL HEALTH PROFESSIONALS WHO HAVE BEEN ISSUED A PROVISIONAL LICENSE PURSUANT TO THIS ARTICLE.".

Page 31 of the bill, line 1, strike "**competence.**" and substitute "**competence - general scope of practice for licensure, registration, or certification. (1)**".

Page 31 of the bill, after line 4 insert:

"(2) THE PRACTICE OF PSYCHOTHERAPY IS ONE AREA OF PRACTICE FOR MENTAL HEALTH PROFESSIONALS LICENSED, CERTIFIED, OR REGISTERED PURSUANT TO THIS ARTICLE BUT MAY NOT BE THE ONLY OR PRIMARY PRACTICE AREA OF SUCH PROFESSIONALS, OTHER THAN PERSONS REGISTERED AS PSYCHOTHERAPISTS PURSUANT TO PART 7 OF THIS ARTICLE. THE REQUIREMENTS FOR LICENSURE, REGISTRATION, OR CERTIFICATION AS A MENTAL HEALTH PROFESSIONAL PURSUANT TO THIS ARTICLE ARE CONTAINED IN SECTIONS 12-43-303, 12-43-403, 12-43-503, 12-43-602.5, AND 12-43-803, WHICH DEFINE THE PRACTICE OF PSYCHOLOGY, SOCIAL WORK, MARRIAGE AND FAMILY THERAPY, LICENSED PROFESSIONAL COUNSELING, AND ADDICTION COUNSELING, RESPECTIVELY.".

Page 31 of the bill, line 15, strike "each THE board." and substitute "each board LAW.".

Page 32 of the bill, line 23, strike "examinations for at least five years" and substitute "examinations. ~~for at least five years subsequent to the date of the examination.~~".

Page 32 of the bill, strike line 24.

Page 34 of the bill, line 22, strike "THE DIVISION SHALL TRANSMIT" and substitute "All".

Page 34 of the bill, line 23, strike "all".

Page 34 of the bill, strike lines 24 and 25 and substitute "~~shall be transmitted to the state treasurer, who shall credit the same to the division of registrations cash fund pursuant to~~ SHALL BE DETERMINED, COLLECTED, AND APPROPRIATED IN THE SAME MANNER AS SET FORTH IN section 24-34-105,".

Page 34 of the bill, line 27, strike "application and examination" and substitute "~~application and examination~~".

Page 35 of the bill, strike lines 3 and 4 and substitute "~~fees received from applicants seeking licensure shall be refunded~~ ARTICLE.".

Page 35 of the bill, line 9, strike "or reinstate" and substitute "~~or reinstate~~".

Page 35 of the bill, line 12, strike "or reinstated" and substitute "~~or reinstated~~".

Page 35 of the bill, line 13, strike "for" and substitute "~~for reinstatement~~".

Page 35 of the bill, line 14, strike "reinstatement".

Page 35 of the bill, line 26, after "12-43-205" insert "(1) (a),".

Page 36 of the bill, after line 3 insert:

"(a) The name AND age ~~and residence~~ of each applicant;".

Page 36 of the bill, line 4, strike "place of business AND" and substitute

"~~place of business~~".

Page 43, line 14, strike "CERTIFICATION" and substitute "CERTIFICATION, OR FOR REGISTRY AS A CANDIDATE FOR LICENSURE, REGISTRATION, OR CERTIFICATION,".

Page 44 of the bill, line 7, strike "applicant, renewal applicant, or reinstatement" and substitute "~~applicant, renewal applicant, or reinstatement~~".

Page 52, line 12, after "being" insert "A PERSON WHO IS".

Page 52, line 13, strike "having" and substitute "~~having~~ A PERSON WITH".

Page 53 of the bill, strike line 21 and substitute "registration, ~~to the board within thirty days~~ OR CERTIFICATION.".

Page 61, after line 11, insert:

"SECTION 39. Repeal. 12-43-301 (3), (5), and (7), 12-43-401 (3) and (9), 12-43-501 (3) and (5), 12-43-601 (3), and 12-43-701 (1) and (3), Colorado Revised Statutes, are repealed.".

Renumber succeeding sections accordingly.

Page 75 of the bill, line 23, strike "CONSULTATION;" and substitute "PSYCHOTHERAPY;".

Page 76 of the bill, line 27, strike "three" and substitute "~~three~~ FOUR".

Page 81 of the bill, line 9, strike "APPROVED" and substitute "REQUIRED".

Page 81 of the bill, line 24, strike "WRITTEN, COMPUTER-BASED OR MAIL-IN".

Page 81 of the bill, line 25, strike "DEPARTMENT OF".

Page 81 of the bill, line 26, strike "REGULATORY AGENCIES." and substitute "DIVISION.".

Page 82, line 2, strike "AT LEAST THREE HUNDRED" and substitute "THE NUMBER OF".

Page 82, line 3, after "TRAINING," insert "AS SPECIFIED BY THE BOARD BY RULE,".

Page 82 of the bill, line 16, strike "SERVICES;" and substitute "SERVICES PURSUANT TO SECTION 27-80-108 (1) (e), C.R.S.;".

Page 82 of the bill, line 23, strike "COUNSELORS." and substitute "COUNSELORS IN ACCORDANCE WITH SECTION 27-80-108 (1) (e), C.R.S.".

Page 84 of the bill, line 8, strike "LEVEL I, level II," and substitute "level II".

Page 84 of the bill, line 9, strike "LEVEL I, level II," and substitute "level II".

Page 84 of the bill, line 18, strike "LEVEL I, level II," and substitute "level II".

Page 84 of the bill, line 25, strike "LEVEL I, level II," and substitute "level II".

Page 85 of the bill, line 1, strike "LEVEL I, level II," and substitute "level II".

Page 85 of the bill, line 4, strike "LEVEL I, level II," and substitute "level II".

Page 85 of the bill, line 12, strike "LEVEL I,".

Page 85 of the bill, line 13, strike "level II," and substitute "level II".

Page 85 of the bill, line 17, strike "LEVEL I, level II," and substitute "level II".

Page 85 of the bill, line 19, strike "LEVEL I,".

Page 85 of the bill, line 20, strike "level II," and substitute "level II".

Page 85 of the bill, line 27, strike "LEVEL I, level II," and substitute "level II".

Page 86 of the bill, line 4, strike "LEVEL I, level II," and substitute "level II".

Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 1:00 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in recess.

Senate in recess. Senate reconvened.

Committee of the Whole reconvened.

GENERAL ORDERS -- SECOND READING OF BILLS - cont'd

SB11-187

by Senator(s) Newell; also Representative(s) Fields, Summers--Concerning the continuation of the regulation of mental health professionals, and, in connection therewith, continuing the state boards of psychologist examiners, social work examiners, marriage and family therapist examiners, and licensed professional counselor examiners and the state grievance board, creating the state board of addiction counselor examiners, and implementing the recommendations contained in the sunset review and report of state-regulated mental health professionals.

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Steadman, the report of the Committee of the Whole was adopted on the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	E	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-109 as amended, SB11-080 as amended, SB11-052, SB11-241 as amended, SB11-260 as amended, SB11-253, SB11-243, SB11-265 as amended, SB11-245, SB11-242 as amended, SB11-250, SB11-182 as amended, SB11-244, SB11-187 as amended, HB11-1281, HB11-1296.

MESSAGE FROM THE HOUSE

April 29, 2011

Mr. President:

The House has postponed indefinitely SB11-107. The bill is returned herewith.

The House has adopted and transmits herewith HJR11-1020, HJR11-1018.

The House has adopted the First Report of the First Conference Committee on SB11-219, as printed in House Journal, April 26, page 1137-1138, and has repassed the bill as so amended. The bill is returned herewith.

The House has voted to concur in the Senate amendments to HB11-1076, 1080 and has repassed the bills as so amended.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1285, amended as printed in House Journal, April 28, page 1156.

The House has adopted and returns herewith SJR11-023.

MESSAGE FROM THE REVISOR OF STATUTES

April 29, 2011

We herewith transmit:

Without comment, as amended, HB11-1285.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

HJR11-1018 by Representative(s) Massey, Acree, Joshi, McKinley, Riesberg, Sonnenberg, Soper, Wilson; also Senator(s) Boyd, Nicholson, White--Concerning recognition of rural health care providers in Colorado, and, in connection therewith, declaring April 29, 2011, "Rural

Health Day".

Laid over until Monday, May 2, retaining its place on the calendar.

HJR11-1020 by Representative(s) Gardner B., Acree, Barker, Duran, Kagan, Lee, Levy, McCann, McNulty, Pabon, Waller; also Senator(s) Carroll, Heath, Johnston, Mitchell, Roberts, Scheffel, Shaffer B., Steadman--Concerning the recognition of Law Day in Colorado.

Laid over until Monday, May 2, retaining its place on the calendar.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

SB11-269 by Senator(s) Schwartz; --Concerning the recycling of electronic devices, and, in connection therewith, requiring processors of electronic devices to be certified and requiring collectors of electronic devices to be registered.
Agriculture, Natural Resources, and Energy

SB11-270 by Senator(s) Nicholson; also Representative(s) Balmer--Concerning the collection of charitable solicitations from passing motorists on a public roadway by local government public safety personnel.
Local Government

HB11-1285 by Representative(s) Stephens and Ferrandino, Becker, Holbert, Kerr J., Massey, Scott, Summers; also Senator(s) Boyd, Foster, Hodge, Jahn, Nicholson, Roberts--Concerning the authority to implement a stakeholder process for the management of long-term care services under the "Colorado Medical Assistance Act".
Health and Human Services

MESSAGE FROM THE GOVERNOR

April 15, 2011

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, reappoint and submit for your consideration, the following:

MEMBERS OF THE
STATE BOARD OF HEALTH

for terms expiring March 1, 2015:

Commissioner Crestina Maria Martinez, Pueblo, Colorado, a resident of the 3rd Congressional District and a Democrat, appointed;

Susan L. Warren, Denver, Colorado, a resident of the 1st Congressional District and a Democrat, appointed;

Dr. Christopher Scott Stanley, Arvada, Colorado, a resident of the 7th Congressional District and a Republican, reappointed.

Laura J. Davis, Westminster, Colorado, a resident of the 2nd Congressional District and
a Republican, reappointed;
Dr. Christine Rose Nevin-Woods, Pueblo, Colorado, a resident of the 3rd Congressional
District and a Democrat, reappointed;
Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 4/21/11
Cindi L. Markwell, Secretary of the Senate
Committee on Health & Human Services

SENATE SERVICES REPORT

Correctly Printed: SB11-268.
Correctly Engrossed: SB11-205 and 234.
Correctly Reengrossed: SB11-050, 111, 125, 239 and 240.
Correctly Revised: HB11-1115, 1138, 1163, 1211 and 1219.
Correctly Rerevised: HB11-1080.
Correctly Enrolled: SB11-108, 124, 128, 179 and 226.

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 29 was laid over until
Monday, May 2, retaining its place on the calendar.
Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-024, SJR11-032,
SJR11-036, SJR11-045, SJR11-046, SJR11-047, SJR11-050, SJR11-051, SJR11-052,
SR11-005.
Consideration of Memorials: SJM11-002, SJM11-003, SJM11-004.
Consideration of House Amendments to Senate Bills: SCR11-001, SB11-213.
Consideration of Conference Committee Reports: SB11-219.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Monday, May 2, 2011.
Approved:
Brandon C. Shaffer
President of the Senate
Attest:
Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

111th Legislative Day Monday, May 2, 2011

Prayer By the chaplain, Father Eustace Sequeira, St. Ignatius Loyola Catholic Church, Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Senator Giron.

Roll Call Present--33
Excused--2, Kopp, Mitchell.
Present later--1, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator King S., reading of the Journal of Friday, April 29, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

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:

SB11-254 by Senator(s) Steadman, Carroll; also Representative(s) Pace--Concerning statutory changes to improve practices for persons under community supervision.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Aguilar, Boyd, Foster, Giron, Guzman, Heath, Newell and Williams S.

SB11-256 by Senator(s) Guzman and King S.; also Representative(s) Kerr J. and Ferrandino--Concerning graffiti.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Foster, Newell and Williams S.

SB11-176 by Senator(s) Carroll; also Representative(s) Levy--Concerning appropriate use of restrictive confinement, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Foster, Giron, Guzman, Heath, Hudak, Jahn, King S., Newell, Nicholson, Steadman, Tochtrop and Williams S.

SB11-247 by Senator(s) Hudak; also Representative(s) Kerr J.--Concerning the repeal of the Colorado early childhood council advisory team, 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
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Newell, Steadman and Williams S.

SB11-235 by Senator(s) Giron; also Representative(s) Pace and Swerdfeger--Concerning methods to reduce the air quality permit application backlog, and, in connection therewith, authorizing the use of nongovernmental air quality modeling engineers for purposes of permit application approvals and making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Boyd, Foster, Grantham, Guzman, Hodge, Jahn and Williams S.

SB11-238 by Senator(s) Nicholson, Aguilar, Bacon, Boyd, Brophy, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Morse, Newell, Roberts, Schwartz, Spence, Steadman, Tochtrop, White, Williams S.; also Representative(s) Coram and Wilson--Concerning the extension of the annual transfers of federal mineral lease revenues to the wildfire preparedness fund.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

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:

SB11-109 by Senator(s) Shaffer B.; also Representative(s) Solano--Concerning the creation of a voluntary contribution designation benefiting the public education fund to appear on the state individual income tax return forms, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	26	NO	8	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Giron, Guzman, Heath, Hudak, Newell, Nicholson, Schwartz, Steadman and Williams S.

SB11-080 by Senator(s) Hudak, Bacon, Giron, Guzman, Morse, Newell, Nicholson, Steadman; also Representative(s) Todd, Lee--Concerning expanding the transparency of strategies for school turnaround plans.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	20	NO	14	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Carroll and Williams S.

SB11-052 by Senator(s) Heath, Bacon, King K.; also Representative(s) Massey, Ferrandino--Concerning expectations for higher education institutions in Colorado, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	23	NO	11	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	N	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Nicholson and Williams S.

SB11-241

by Senator(s) King S. and Carroll; also Representative(s) Gardner B. and Kagan--
Concerning changes related to the operation of the parole board, and making an
appropriation in connection therewith.

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The question being "Shall the bill pass?", the roll call was taken with the following result:

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YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

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Co-sponsors added: Aguilar, Boyd, Giron, Guzman, Heath, Jahn, Morse, Newell, Steadman and Tochtrop.

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SB11-260

by Senator(s) Morse; also Representative(s) Lee--Concerning safety procedures related to
the towing of vehicles.

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The question being "Shall the bill pass?", the roll call was taken with the following result:

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YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

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Co-sponsors added: Carroll, Giron, King K., King S., Shaffer B., Tochtrop and Williams S.

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SB11-253

by Senator(s) Carroll, Newell; also Representative(s) Williams A.--Concerning clarification
of the requirements for registration of a unit owners' association under the "Colorado
Common Interest Ownership Act".

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The question being "Shall the bill pass?", the roll call was taken with the following result:

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YES	24	NO	10	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Williams S.

SB11-243 by Senator(s) Guzman; also Representative(s) Pabon--Concerning the repeal of the civil penalty for document fraud.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	30	NO	4	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Steadman

SB11-265 by Senator(s) Johnston and King S., Schwartz; also Representative(s) Duran and Scott--Concerning changing the name of Mesa state college to Colorado Mesa university.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	1	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Foster

SB11-245 by Senator(s) Bacon; also Representative(s) Murray--Concerning educator preparation programs at institutions of higher education.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	30	NO	4	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Heath, Hudak and Williams S.

SB11-242 by Senator(s) Aguilar; also Representative(s) Miklosi--Concerning retired volunteer nurse licensure.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Foster, Giron, Heath, Newell, Tochtrop and Williams S.

SB11-250 by Senator(s) Boyd; also Representative(s) Ferrandino and Summers--Concerning changing the eligibility for certain pregnant women from the children's basic health plan to medicaid.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	12	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Carroll, Foster, Giron, Guzman, Hodge, Hudak, Morse, Newell, Schwartz, Steadman, Tochtrop and Williams S.

SB11-182 by Senator(s) Carroll, Cadman, Giron, Guzman, Spence; also Representative(s) Liston, Barker, Court, Massey, Pabon, Pace--Concerning the establishment of an insurable interest requirement for life insurance policies.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Foster, Heath, Newell, Tochtrop and Williams S.

SB11-244 by Senator(s) Steadman; also Representative(s) Kagan--Concerning the repeal of certain crimes that include marital status as an element of the crime.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	25	NO	9	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

HB11-1281 by Representative(s) Joshi; also Senator(s) Boyd--Concerning health care professional loan forgiveness programs administered by the primary care office in the department of public health and environment, 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
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Carroll, Giron, Guzman, Heath, Hodge, Johnston, Newell, Nicholson, Schwartz, Steadman, Tochtrop and Williams S.

HB11-1296

by Representative(s) Kagan, Court, Ferrandino, Fischer, Labuda, Miklosi, Tyler, Wilson;
also Senator(s) Steadman, Nicholson--Concerning the temporary continuation of the state
sales and use tax on cigarettes.

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The question being "Shall the bill pass?", the roll call was taken with the following result:

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YES	22	NO	12	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

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A majority of all members elected to the Senate having voted in the affirmative, the bill
was passed.

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Co-sponsors added: Aguilar, Boyd, Guzman, Hudak and Williams S.

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SB11-187

by Senator(s) Newell; also Representative(s) Fields, Summers--Concerning the continuation
of the regulation of mental health professionals, and, in connection therewith, continuing the
state boards of psychologist examiners, social work examiners, marriage and family
therapist examiners, and licensed professional counselor examiners and the state grievance
board, creating the state board of addiction counselor examiners, implementing the
recommendations contained in the sunset review and report of state-regulated mental health
professionals, and making an appropriation.

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A majority of those elected to the Senate having voted in the affirmative, Senator Newell
was given permission to offer a third reading amendment.

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Third Reading Amendment No. 1(L.012), by Senator Newell.

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Amend corrected engrossed bill, page 22, line 26, strike "written,
COMPUTER-BASED" and substitute "written, mail-in".

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Page 22, line 27, strike "OR mail-in" and strike "department of" and
substitute "department of regulatory agencies DIVISION".

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Page 23, strike line 1.

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Page 34, line 13, strike "APPLICABLE".

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Page 43, line 27, strike "12-43-201 (9)" and substitute "12-43-201 (9)".

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Page 44, line 1, strike "12-43-701 (3)".

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Page 50, line 11, strike "applicant, renewal applicant, or" and substitute
"applicant renewal applicant, or reinstatement applicant".

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Page 50, line 12, strike "reinstatement applicant".

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Page 64, line 26, strike "MEMBERS".

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Page 94, after line 5 insert:

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"SECTION 64. The introductory portion to 10-16-104 (5) and
10-16-104 (5) (b) (III), Colorado Revised Statutes, are amended to read:

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10-16-104. Mandatory coverage provisions - definitions.
(5) Mental illness. Every small group policy providing hospitalization
or medical benefits by an entity subject to the provisions of part 2 or 3 of
this article shall MUST provide benefits for conditions arising from mental
illness at least equal to the following:

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(b) (III) For purposes of this subsection (5), "licensed clinical
social worker" means a person who is licensed as a clinical social worker
under part 4 of article 43 of title 12, C.R.S., and who has at least five
years of experience in psychotherapy, as defined in section 12-43-701(3)

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12-43-201, C.R.S., under appropriate supervision, beyond a master's degree; "licensed professional counselor" means a person who is licensed as a professional counselor under part 6 of article 43 of title 12, C.R.S., and who has at least five years of experience in psychotherapy, as defined in section ~~12-43-701(3)~~ 12-43-201, C.R.S., under appropriate supervision, beyond a master's degree; and "licensed marriage and family therapist" means a person who is licensed as a marriage and family therapist under part 5 of article 43 of title 12, C.R.S., and who has at least five years of experience in psychotherapy, as defined in section ~~12-43-701(3)~~ 12-43-201, C.R.S., under appropriate supervision, beyond a master's degree.".

Renumber succeeding sections accordingly.

The amendment was **passed** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	33	NO	1	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Carroll and Williams S.

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

SJR11-051 by Senator(s) Carroll, Guzman, Newell, Spence, Williams S.; also Representative(s) Fields, Acree, Balmer, Conti, Ryden, Swalm, Todd--Concerning the 150th anniversary of Arapahoe County.

On motion of Senator Carroll, the resolution was read at length and **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Foster, Giron, Grantham, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Morse, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Steadman, Tochtrop and White.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB11-1279, HB11-1241, HB11-1002, and HB11-1064 were made Special Orders at 10:55 a.m.

Committee of the Whole The hour of 10:55 a.m. having arrived, Senator Heath moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Heath was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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:

HB11-1279 by Representative(s) Sonnenberg and Becker; also Senator(s) Hodge--Concerning permits for excess size and weight vehicles.

Ordered revised and placed on the calendar for third reading and final passage.

HB11-1241 by Representative(s) DelGrosso; also Senator(s) Lundberg--Concerning the circumstances in which a nonprofit housing provider that sells low-cost housing to low-income applicants who assist in the construction of the housing is entitled to the property tax exemption for property used strictly for charitable purposes, and making an appropriation in connection therewith.

Ordered revised and placed on the calendar for third reading and final passage.

HB11-1002 by Representative(s) Nikkel; also Senator(s) Kopp--Concerning the creation of an on-line database for the department of transportation's financial information, and making an appropriation therefor.

Ordered revised and placed on the calendar for third reading and final passage.

HB11-1064 by Representative(s) Waller; also Senator(s) Steadman--Concerning a parole presumption pilot program for certain drug offenders, and making an appropriation in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 29, page 948 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR

On motion of Senator Heath, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB11-1279, HB11-1241, HB11-1002, HB11-1064 as amended.

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

SB11-219 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning moneys appropriated in the 2011-12 fiscal year for health clinics, and making an appropriation therefor.

Senator Hodge moved for the adoption of the first report of the first conference committee on **SB11-219**, as printed in Senate journal, April 26, pages 878-879. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfro	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Committee of the Whole On motion of Senator Heath, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Heath 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:

HB11-1237 by Representative(s) Swerdfeger; also Senator(s) Bacon--Concerning the creation of the chargeable quarters and billeting cash fund.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, March 31, page 615 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 21, page 845 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1278 by Representative(s) Gardner B.; also Senator(s) Morse--Concerning sex offender registration.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 26, page 884 and placed in members' bill files.)

Amendment No. 2(L.014), by Senator Morse.

Amend reengrossed bill, page 13, after line 18 insert:

"SECTION 9. 18-1-202 (12), Colorado Revised Statutes, as amended by Senate Bill 11-007, is amended to read:
18-1-202. Place of trial. (12) If a person commits the offense of failure to register as a sex offender as provided in section 18-3-412.5, the offense is committed and the offender may be tried IN THE COUNTY IN WHICH THE OFFENDER WAS RELEASED FROM INCARCERATION FOR COMMISSION OF THE OFFENSE REQUIRING REGISTRATION, in the county in which the offender resides, in the county in which the offender completed his or her last registration, or in the county in which the offender is apprehended."

Renumber succeeding sections accordingly.

Page 15, after line 14 insert:

"SECTION 12. Effective date. This act shall take effect upon passage; except that section 9 of this act shall take effect when Senate Bill 11-007 takes effect."

Renumber succeeding section accordingly.

	As amended, ordered revised and placed on the calendar for third reading and final passage.	1 2 3 4
	(For further action, see amendments to the report of the Committee of the Whole.)	5 6 7
HB11-1109	by Representative(s) Liston, Balmer, Bradford, DelGrosso, Holbert, Kerr J., Looper, Nikkel, Priola, Ramirez, Schafer S., Stephens; also Senator(s) Giron--Concerning the authority for a local government to create an exemption from local sales tax for the sale of equipment used directly in the provision of telecommunications services.	8 9 10 11 12
	<u>Amendment No. 1, Local Government Committee Amendment.</u> (Printed in Senate Journal, March 11, page 438 and placed in members' bill files.)	13 14 15
	As amended, ordered revised and placed on the calendar for third reading and final passage.	16 17 18 19
HB11-1268	by Representative(s) Levy; also Senator(s) Nicholson--Concerning penalties for traffic offenses involving alcohol and drugs.	20 21 22
	Laid over until Friday, May 6, retaining its place on the calendar.	23 24 25
HB11-1267	by Representative(s) McCann; also Senator(s) Mitchell--Concerning an expansion of the circumstances in which a court may order further restrictions as conditions of a protection order against a defendant.	26 27 28 29
	Laid over until Tuesday, May 3, retaining its place on the calendar.	30 31 32
HB11-1095	by Representative(s) Nikkel; also Senator(s) Lundberg--Concerning security of the information filed on behalf of an entity with the secretary of state's on-line business filing system, and making an appropriation therefor.	33 34 35 36
	<u>Amendment No. 1(L.002), by Senator Lundberg.</u>	37 38
	Amend reengrossed bill, page 2, line 15, strike "RECORDS" and substitute "RECORDS, INCLUDING A CERTIFICATE OF GOOD STANDING,".	39 40 41
	Page 2, line 16, strike everything after the first "A" and substitute "PASSWORD.".	42 43 44 45
	As amended, ordered revised and placed on the calendar for third reading and final passage.	46 47 48 49
HB11-1121	by Representative(s) Ramirez, Massey, McNulty, Szabo; also Senator(s) King K.--Concerning disqualification from school employment for conviction of certain offenses, and making an appropriation therefor.	50 51 52 53
	<u>Amendment No. 1(L.011), by Senator King K.</u>	54 55
	Amend reengrossed bill, page 7, strike lines 7 and 8 and substitute "(a) OF THIS SUBSECTION (6.5) SHALL ONLY APPLY FOR A PERIOD OF FIVE YEARS FOLLOWING THE DATE THE OFFENSE WAS COMMITTED, AND,".	56 57 58 59
	Page 7, line 10, after "(6.5)," insert "PROVIDED".	60 61
	Page 11, line 6, strike the second "OF" and substitute "THE OFFENSE WAS COMMITTED.".	62 63 64
	Page 11, strike line 7.	65 66
	Page 12, strike lines 21 and 22 and substitute "ONLY APPLY FOR A PERIOD OF FIVE YEARS FOLLOWING THE DATE THE OFFENSE WAS COMMITTED, PROVIDED THE APPLICANT OR HOLDER HAS".	67 68 69 70 71 72

Amendment No. 2(L.008), by Senator Steadman.

Amend reengrossed bill, page 5, line 21, after "CHECK" insert "COMPLETED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT".

Amendment No. 3(L.009), by Senator Steadman.

Amend reengrossed bill, page 6, line 1, strike "A" and substitute "EXCEPT AS PROVIDED IN PARAGRAPH (d) OF THIS SUBSECTION (6.5), A".

Page 7, after line 22, insert:

"(d) (I) NOTWITHSTANDING THE DISQUALIFICATION FROM EMPLOYMENT SET FORTH IN THIS SUBSECTION (6.5), A SCHOOL DISTRICT MAY EMPLOY A PERSON CONVICTED OF AN OFFENSE LISTED IN PARAGRAPH (a) OF THIS SUBSECTION (6.5) AFTER CONDUCTING AN ASSESSMENT OF THE CURRENT SAFETY RISK POSED BY THE PERSON.

(II) A PERSON WHO IS OR WOULD BE DISQUALIFIED FROM EMPLOYMENT PURSUANT TO THIS SUBSECTION (6.5) MAY SUBMIT A WRITTEN REQUEST TO THE SCHOOL DISTRICT FOR RECONSIDERATION OF THE DISQUALIFICATION FROM EMPLOYMENT. RECONSIDERATION SHALL BE BASED UPON THE SCHOOL DISTRICT'S ASSESSMENT OF THE CURRENT SAFETY RISK IN HIRING THE PERSON OR IN CONTINUING THE PERSON'S EMPLOYMENT AFTER CONSIDERING:

(A) THE SERIOUSNESS AND NATURE OF THE DISQUALIFYING OFFENSE;

(B) THE TIME ELAPSED SINCE THE DATE THE OFFENSE WAS COMMITTED;

(C) THE NATURE OF THE POSITION HELD OR SOUGHT BY THE PERSON; AND

(D) ANY OTHER RELEVANT INFORMATION.

(III) THE DECISION OF THE SCHOOL DISTRICT SHALL BE FINAL."

As amended, laid over until Tuesday, May 3, retaining its place on the calendar.

HB11-1105 by Representative(s) Acree, Balmer, Barker, Baumgardner, Court, Fields, Holbert, Joshi, Kagan, Kerr J., Looper, Massey, McCann, Priola, Todd; also Senator(s) White, Kopp, King S., Tochtrop--Concerning assaults against medical care providers.

Laid over until Friday, May 6, retaining its place on the calendar.

SB11-168 by Senator(s) Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Johnston, Morse, Nicholson, Steadman, Tochtrop; also Representative(s) Kefalas, Court, Fields, Fischer, Gardner D., Hullinghorst, Jones, Kagan, Levy, McCann, Miklosi, Pace, Solano, Tyler--Concerning the creation of the Colorado health care authority for the purpose of designing a health care cooperative.

Laid over until Friday, May 6, retaining its place on the calendar.

SB11-248 by Senator(s) Newell; also Representative(s) Looper--Concerning repeal of the "Bedding Act".

Laid over until Tuesday, May 3, 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 (HB11-1275, SB11-186) of Monday, May 2, was laid over until Tuesday, May 3, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB11-1278 by Representative(s) Gardner B.; also Senator(s) Morse--Concerning sex offender registration.

Senator Grantham moved to amend the Report of the Committee of the Whole to show that the following Morse floor amendment, (L.014) to HB 11-1278, did not pass.

Amend reengrossed bill, page 13, after line 18 insert:

"SECTION 9. 18-1-202 (12), Colorado Revised Statutes, as amended by Senate Bill 11-007, is amended to read:

18-1-202. Place of trial. (12) If a person commits the offense of failure to register as a sex offender as provided in section 18-3-412.5, the offense is committed and the offender may be tried IN THE COUNTY IN WHICH THE OFFENDER WAS RELEASED FROM INCARCERATION FOR COMMISSION OF THE OFFENSE REQUIRING REGISTRATION, in the county in which the offender resides, in the county in which the offender completed his or her last registration, or in the county in which the offender is apprehended."

Renumber succeeding sections accordingly.

Page 15, after line 14 insert:

"SECTION 12. Effective date. This act shall take effect upon passage; except that section 9 of this act shall take effect when Senate Bill 11-007 takes effect."

Renumber succeeding section accordingly.

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	14	NO	20	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Kopp	E	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Heath, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB11-1237 as amended, HB11-1278 as amended, HB11-1109 as amended, HB11-1095 as amended.
Laid over until May 3: HB11-1267, HB11-1121 as amended, HB11-1275, SB11-248, SB11-186.
Laid over until May 6: HB11-1268, HB11-1105, SB11-168.

MESSAGE FROM THE HOUSE

May 2, 2011

Mr. President:

The House has adopted and transmits herewith HJR11-1022, HJR11-1019.

The House has adopted and transmits herewith HJR11-1021.

The House has adopted and returns herewith SJR11-051.

CONSIDERATION OF RESOLUTIONS

HJR11-1021 by Representative(s) Ryden, Todd, Brown, Court, Duran, Hamner, Jones, Joshi, Labuda, Lee, McCann, McNulty, Murray, Pabon, Peniston, Vigil, Williams A., Wilson; also Senator(s) Shaffer B., Boyd, Cadman, Carroll, Foster, Grantham, Mitchell, Spence, Tochtrop, Williams S.--Concerning recognition and remembrance of military veterans in Colorado who served in the Vietnam war.

On motion of Senator Shaffer B., the resolution was read at length and **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Brophy, Giron, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Steadman and White.

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, May 2 was laid over until Tuesday, May 3, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-024, SJR11-032, SJR11-036, SJR11-045, SJR11-046, SJR11-047, SJR11-050, SJR11-052, SR11-005, HJR11-1018, HJR11-1020.
Consideration of Memorials: SJM11-002, SJM11-003, SJM11-004.
Consideration of House Amendments to Senate Bills: SCR11-001, SB11-213.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

SB11-271by Senator(s) Shaffer B.; --Concerning the prohibition of deceptive trade practices in the solicitation of orders for retail florist services.
Judiciary

SENATE SERVICES REPORT

Correctly Printed: SB11-269 and 270.
Correctly Engrossed: SB11-052, 080, 109, 176, 182, 187, 235, 238, 241, 242, 243, 244, 245, 247, 250, 253, 254, 256, 260 and 265; SJR11-023 and 053.
Correctly Reengrossed: SB11-205 and 234.
Correctly Revised: HB11-1281 and 1296.
Correctly Rerevised: HB11-1115, 1138, 1163, 1211 and 1219.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1026, 1146, 1209, 1218, 1230, 1100, 1274, 1283, 1289, 1291.

COMMITTEE OF REFERENCE REPORTS

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **SB11-032** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute:

"**SECTION 1.** Article 2 of title 40, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:
40-2-130. Program for on-bill financing of energy efficiency or renewable energy improvements - rules - definition. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "ENERGY EFFICIENCY OR RENEWABLE ENERGY IMPROVEMENT" MEANS:
(a) ANY REPAIR OF, OR ADDITION OR IMPROVEMENT TO, REAL PROPERTY THAT IMPROVES THE ENERGY EFFICIENCY OF THE PROPERTY OR REPLACES ALL OR A PORTION OF THE ENERGY FROM NONRENEWABLE SOURCES USED IN CONNECTION WITH THE PROPERTY WITH ENERGY FROM RENEWABLE SOURCES; OR
(b) ANY INSTALLATION OF, OR CONNECTION WITH, EQUIPMENT THAT PRODUCES OR CONDUCTS RECYCLED ENERGY OR RENEWABLE ENERGY RESOURCES, AS DEFINED IN SECTION 40-2-124 (1) (a), OR SOLAR HEATING AND COOLING SYSTEMS, FOR USE ON REAL PROPERTY.
(2) NO LATER THAN JANUARY 1, 2012, THE COMMISSION SHALL PROMULGATE RULES, IN ACCORDANCE WITH SECTION 40-2-108, THAT ESTABLISH A PROGRAM FOR FINANCING ENERGY EFFICIENCY OR RENEWABLE ENERGY IMPROVEMENTS TO REAL PROPERTY UNDER WHICH EITHER:
(a) A FULL SERVICE CUSTOMER OF A PUBLIC UTILITY THAT SELLS ELECTRICITY OR NATURAL GAS SHALL ENTER INTO AN ON-BILL FINANCING ARRANGEMENT WITH THE PUBLIC UTILITY FOR THE PURPOSE OF FINANCING SUCH IMPROVEMENTS; OR
(b) A PUBLIC UTILITY SHALL PARTNER WITH A LENDER TO PROVIDE CREDIT ENHANCEMENTS FOR THE PURPOSE OF REDUCING THE COST TO ITS FULL SERVICE CUSTOMERS OF FINANCING SUCH IMPROVEMENTS.
(3) THE PROGRAM ESTABLISHED BY THE COMMISSION PURSUANT

TO SUBSECTION (2) OF THIS SECTION SHALL BE CONSIDERED A DSM PROGRAM FOR PURPOSES OF PART 1 OF ARTICLE 3.2 OF THIS TITLE, AND ANY EXPENDITURES UP TO TWO MILLION DOLLARS MADE BY A PUBLIC UTILITY IN PARTICIPATING IN FUNDING, IMPLEMENTING, OR ADMINISTERING THE PROGRAM SHALL BE CONSIDERED DSM PROGRAM EXPENDITURES THAT MAY BE DIVERTED FROM OTHER DSM PROGRAMS FOR THE PURPOSES OF SAID PART 1. THE PROGRAM SHALL COMPLY WITH ALL OTHER RULES OR POLICIES ESTABLISHED BY THE COMMISSION FOR DSM PROGRAMS.

(4) IN ESTABLISHING THE PROGRAM PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE COMMISSION SHALL ENSURE THAT IT ALLOWS SUFFICIENT FINANCING CHARGES TO ENSURE THAT THE PROGRAM CAN BE PERMANENTLY SELF-SUSTAINING AFTER THE INITIAL START-UP INVESTMENT HAS BEEN MADE.

SECTION 2. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor."

Page 1, line 103, strike "CLEAN" and substitute "ENERGY EFFICIENCY OR RENEWABLE".

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **SB11-258** 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 9, strike "requiring" and substitute "authorizing the department of public health and environment and".

Page 5, line 3, strike "REQUIREMENT THAT" and substitute "ABILITY OF".

Page 5, line 4, after "HEALTH" insert "TO".

Page 5, line 10, strike "local".

Page 5, line 11, after "registries -" insert "report -".

Page 5, line 16, strike "SHALL" and substitute "MAY".

Page 5, line 19, strike everything after the period and substitute "THE DEPARTMENT IS ALSO AUTHORIZED TO CREATE A REGISTRY TO REGISTER GROWERS IN THE STATE WHO USE THEIR HOME KITCHENS TO PREPARE FOOD FOR SALE DIRECTLY TO CONSUMERS."

Page 5, strike lines 20 through 23.

Page 5, line 26, after "WITH" insert "THE DEPARTMENT OR".

Page 6, line 2, after "PERMITTED" insert "UNDER THIS SECTION" and strike "THE FOLLOWING".

Page 6, strike line 3.

Page 6, line 4, strike "(I) NONPOTENTIALLY" and substitute "NONPOTENTIALLY" and after "HAZARDOUS" insert "HOME KITCHEN-PREPARED".

Page 6, line 6 strike "GOODS; AND" and substitute "GOODS."

Page 6, strike lines 7 through 9.

Page 6, line 26, strike "ENTITY" and substitute "ENTITY, INCLUDING THE UNITED STATES DEPARTMENT OF AGRICULTURE OR THE COLORADO STATE

UNIVERSITY COOPERATIVE EXTENSION SERVICE,".	1
	2
Page 7, line 2, strike everything after the period.	3
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Page 7, strike lines 3 through 6.	5
	6
Page 7, line 8, after "FOLLOWING" insert "TO THE DEPARTMENT OR".	7
	8
Page 7, line 12, before "COUNTY," insert "DEPARTMENT OR THE".	9
	10
Page 7, line 15, after "LOCATED" insert "IN THE STATE OR, FOR A COUNTY, DISTRICT, OR REGIONAL BOARD OF HEALTH REGISTRY,".	11
	12
	13
Page 8, line 12, strike "A" and substitute "THE DEPARTMENT OR A".	14
	15
Page 8, line 14, strike "A" and substitute "THE DEPARTMENT OR A".	16
	17
Page 8, line 18, strike "BOARD".	18
	19
Page 8, line 21, after "REQUIRES" insert "THE DEPARTMENT OR".	20
	21
Page 8, line 25, after "(b)" insert "THE DEPARTMENT SHALL DEPOSIT ANY FEE COLLECTED UNDER PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION IN THE FOOD PROTECTION CASH FUND CREATED IN SECTION 25-4-1608.".	22
	23
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	26
Page 9, line 7, after "If" insert "THE DEPARTMENT OR".	27
	28
Page 9, strike line 11 and substitute "THE DEPARTMENT OR THE BOARD, AS APPROPRIATE.".	29
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	31
Page 9, line 12, strike "A" and substitute "THE DEPARTMENT OR A".	32
	33
Page 9, after line 21 insert:	34
	35
"(10) DURING THE SECOND REGULAR SESSION OF THE SIXTY-NINTH GENERAL ASSEMBLY, THE DEPARTMENT MAY REPORT TO THE JOINT HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE AND THE SENATE AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE, OR ANY SUCCESSOR COMMITTEES, REGARDING REGISTRIES IN THIS STATE, INCLUDING THE NUMBER OF REGISTRIES, THE NUMBER OF REGISTRANTS IN EACH REGISTRY, AND ANY OTHER INFORMATION OR RECOMMENDATION RELEVANT TO REGISTRIES.".	36
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	42
	43
	44
Page 9, line 22, strike "(10)" and substitute "(11)".	45
	46
Page 9, strike lines 23 through 27.	47
	48
Page 10, strike lines 1 through 6.	49
	50
Reletter succeeding paragraphs accordingly.	51
	52
Page 10, line 24, strike "THAT IS" and substitute "AND OTHER PRODUCTS THAT ARE".	53
	54
	55
Page 12, line 17, after the period add "ANY EGGS NOT TREATED FOR SALMONELLA MUST ALSO INCLUDE THE FOLLOWING STATEMENT ON THE PACKAGE: "SAFE HANDLING INSTRUCTIONS: TO PREVENT ILLNESS FROM BACTERIA, KEEP EGGS REFRIGERATED, COOK EGGS UNTIL YOLKS ARE FIRM, AND COOK ANY FOODS CONTAINING EGGS THOROUGHLY".".	56
	57
	58
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	61
Page 12, strike lines 18 through 27.	62
	63
Page 13, strike lines 1 through 8.	64
	65
Renumber succeeding section accordingly.	66
	67
Page 1, line 102, strike "DIRECTING" and substitute "AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND".	68
	69

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, May 3, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

112th Legislative Day Tuesday, May 3, 2011

Prayer By the chaplain, Reverend Cynthia James, Mile Hi Church, Lakewood.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Giron.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator King S., reading of the Journal of Monday, May 2, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

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:

HB11-1279 by Representative(s) Sonnenberg and Becker; also Senator(s) Hodge--Concerning permits for excess size and weight vehicles.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

HB11-1241

by Representative(s) DelGrosso; also Senator(s) Lundberg--Concerning the circumstances in which a nonprofit housing provider that sells low-cost housing to low-income applicants who assist in the construction of the housing is entitled to the property tax exemption for property used strictly for charitable purposes, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Giron, Guzman, Heath, Hodge, Newell, Steadman and Williams S.

HB11-1002

by Representative(s) Nikkel; also Senator(s) Kopp--Concerning the creation of an on-line database for the department of transportation's financial information, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Jahn, King S., Roberts and Williams S.

HB11-1064

by Representative(s) Waller; also Senator(s) Steadman--Concerning a parole presumption pilot program for certain drug offenders, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Carroll, Guzman, Heath, Hudak, Jahn, Morse and Schwartz.

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:

HB11-1237 by Representative(s) Swerdfeger; also Senator(s) Bacon--Concerning the creation of the chargeable quarters and billeting cash fund.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Brophy, Giron, Heath, King K., King S., Newell, Nicholson and Schwartz.

HB11-1278 by Representative(s) Gardner B.; also Senator(s) Morse--Concerning sex offender registration.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Guzman, Hodge, Jahn, King S., Steadman and Williams S.

HB11-1109 by Representative(s) Liston, Balmer, Bradford, DelGrosso, Holbert, Kerr J., Looper, Nikkel, Priola, Ramirez, Schafer S., Stephens; also Senator(s) Giron--Concerning the authority for a local government to create an exemption from local sales tax for the sale of equipment used directly in the provision of telecommunications services.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Cadman, Grantham, Harvey, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Roberts, Scheffel, Spence, Tochtrop and White.

HB11-1095 by Representative(s) Nikkel; also Senator(s) Lundberg--Concerning security of the information filed on behalf of an entity with the secretary of state's on-line business filing system, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Brophy, Cadman, Grantham, Harvey, Heath, Hodge, Jahn, King K., King S., Kopp, Lambert, Newell, Roberts, Scheffel, Steadman, White and Williams S.

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

SJR11-036 by Senator(s) Tochtrop; also Representative(s) Soper--Concerning the Colorado legislative sportsmen's caucus.

On motion of Senator Tochtrop, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Carroll, Foster, Giron, Grantham, Guzman, Heath, Hodge, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Morse, Newell, Nicholson, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman and White.

SJR11-032 by Senator(s) Morse; also Representative(s) Stephens--Concerning the convening date for the 2012 Second Regular Session of the Sixty-eighth General Assembly.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Committee of the Whole On motion of Senator Hudak, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Hudak 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:

HB11-1121 by Representative(s) Ramirez, Massey, McNulty, Szabo; also Senator(s) King K.--Concerning disqualification from school employment for conviction of certain offenses, and making an appropriation therefor.

Amendment No. 1, General Orders Amendment.
(Printed in Senate Journal, May 2, pages 978-979 and placed in members' bill files.)

Amendment No. 2(L.013), by Senator Steadman.

Strike the Steadman amendment, No. 3 (L.009), as printed in Senate Journal, May 2, page 979, lines 7 through 33.

Amend reengrossed bill, page 6, line 1, strike "A" and substitute "EXCEPT AS PROVIDED IN PARAGRAPH (d) OF THIS SUBSECTION (6.5), A".

Page 7, after line 22 insert:

"(d) (I) NOTWITHSTANDING THE DISQUALIFICATION FROM EMPLOYMENT SET FORTH IN THIS SUBSECTION (6.5), A SCHOOL DISTRICT MAY EMPLOY A PERSON CONVICTED OF AN OFFENSE LISTED IN SUB-SUBPARAGRAPHS (D) AND (E) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (6.5) AFTER CONDUCTING AN ASSESSMENT OF THE CURRENT SAFETY RISK POSED BY THE PERSON.
(II) A PERSON WHO IS OR WOULD BE DISQUALIFIED FROM EMPLOYMENT PURSUANT TO SUB-SUBPARAGRAPHS (D) AND (E) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (6.5) MAY SUBMIT A WRITTEN REQUEST TO THE SCHOOL DISTRICT FOR RECONSIDERATION OF THE DISQUALIFICATION FROM EMPLOYMENT. RECONSIDERATION SHALL BE BASED UPON THE SCHOOL DISTRICT'S ASSESSMENT OF THE CURRENT SAFETY RISK IN HIRING THE PERSON OR IN CONTINUING THE PERSON'S EMPLOYMENT AFTER CONSIDERING:
(A) THE SERIOUSNESS AND NATURE OF THE DISQUALIFYING OFFENSE;
(B) THE TIME ELAPSED SINCE THE DATE THE OFFENSE WAS COMMITTED;
(C) THE NATURE OF THE POSITION HELD OR SOUGHT BY THE PERSON; AND
(D) ANY OTHER RELEVANT INFORMATION.
(III) THE DECISION OF THE SCHOOL DISTRICT SHALL BE FINAL."

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.)

HB11-1275 by Representative(s) Priola; also Senator(s) Williams S. and Spence--Concerning the creation of an engine idling standard for certain commercial diesel vehicles.

Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, April 27, pages 915-916 and placed in members' bill files.)

Amendment No. 2(L.013), by Senator Williams S.

Strike the Transportation Committee Report, dated April 26, 2011.

Amend reengrossed bill, page 2, strike line 10 and substitute "SECTION 42-14-103."

Page 2, strike lines 11 through 13 and substitute:

"SECTION 2. Title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 14
State Idling Standard".

Page 3, line 1, strike "**42-4-1213. Idling standard.** (1)" and substitute "**42-14-101.**".

Page 3, strike line 9 and substitute:

"42-14-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:".

Page 3, line 10, strike "(a)" and substitute "(1)".

Page 3, strike line 11 and substitute "ARTICLE APPLIES UNDER SECTION 42-3-104."

Page 3, line 12, strike "(b)" and substitute "(2)".

Page 3, line 14, strike "(c)" and substitute "(3)".

Page 3, line 16, strike "(3)" and substitute "**42-14-103.**".

Page 3, line 18, strike "COMMERCIAL DIESEL" and substitute "COVERED".

Page 3, line 19, strike "SECTION" and substitute "ARTICLE".

Page 3, line 20, strike "(4) **Applicability.** THIS SECTION" and substitute "**42-14-104. Applicability.** (1) THIS ARTICLE".

Page 3, line 26, strike "SECTION." and substitute "ARTICLE."

Page 3, after line 26 insert:

"(2) THIS ARTICLE DOES NOT SUPERSEDE AN ORDINANCE OF A LOCAL AUTHORITY IF THE AUTHORITY HAS AN AVERAGE ELEVATION OF OVER SIX THOUSAND FEET AND IF THE ORDINANCE WAS IN EFFECT ON JANUARY 1, 2011."

Page 3, line 27, strike "(5) **General requirement.**" and substitute "**42-14-105. Idling.** (1) **Standard.**".

Page 4, line 3, strike "(6)" and substitute "(2)".

Page 4, line 4, strike "(6) **Exemptions.** SUBSECTION (5)" and substitute "(2) **Exemptions.** SUBSECTION (1)".

Page 5, line 5, strike "REST AREA," and substitute "SAFETY REST AREA AS

DEFINED UNDER 23 CFR 752.3,".

Page 5, strike line 12 and substitute "FACILITY, A HOSPITAL, A SENIOR CITIZEN CENTER, OR A MEDICAL OUTPATIENT FACILITY PROVIDING PRIMARY, SPECIALTY, OR RESPIRATORY CARE; OR".

Page 5, strike lines 13 through 15 and substitute:

"(k) WHEN IDLING FOR UP TO TWENTY MINUTES IN ANY SIXTY-MINUTE PERIOD IF THE AMBIENT TEMPERATURE IS LESS THEN TEN DEGREES.".

Page 5, line 16, strike "(7)" and substitute "**42-14-106**".

Page 5, line 17, strike "SECTION" and substitute "ARTICLE".

As amended, ordered revised and placed on the calendar for third reading and final passage.

SB11-186 by Senator(s) Morse; also Representative(s) Waller--Concerning the establishment of an alternative bond program.

Lost on second reading.

(For further action, see amendments to the report of the Committee of the Whole.)

HB11-1267 by Representative(s) McCann; also Senator(s) Mitchell--Concerning an expansion of the circumstances in which a court may order further restrictions as conditions of a protection order against a defendant.

Amendment No. 1(L.003), by Senator Guzman.

Amend reengrossed bill, page 2, line 14, after "C.R.S.," insert "EXCEPT THOSE LISTED IN PARAGRAPHS (cc.5) AND (cc.6) OF SUBSECTION (1) OF THAT SECTION,".

Amendment No. 2(L.002), by Senator Mitchell.

Amend reengrossed bill, page 2, line 2, strike "(3)," and substitute "(3) and 18-1-1001 (3) (a), (3) (b), and (3) (e).".

Page 2, line 3, strike "is" and substitute "are".

Page 2, line 11, strike "attorney," and substitute "attorney".

Page 2, line 12, strike "court's motion to protect the alleged victim," and substitute "court's OWN motion ~~to protect~~ FOR THE PROTECTION OF the alleged victim OR WITNESS,".

Page 2, after line 15, insert:

"(a) An order to vacate or stay away from the home of the ALLEGED victim OR WITNESS and to stay away from any other location where the victim OR WITNESS is likely to be found;

(b) An order to refrain from contact or direct or indirect communication with the ALLEGED victim OR WITNESS;

(e) Any other order the court deems appropriate to protect the safety of the alleged victim OR WITNESS.".

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1199 by Representative(s) Gardner B.; also Senator(s) Bacon--Concerning limits on fees for the approval of the installation of solar energy devices.

Ordered revised and placed on the calendar for third reading and final passage.

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- HB11-1166

by Representative(s) Murray; also Senator(s) Aguilar--Concerning the creation of a type 1 diabetes special license plate, and making an appropriation therefor.
- Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, April 27, page 916 and placed in members' bill files.)
- Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 29, page 948 and placed in members' bill files.)
- As amended, ordered revised and placed on the calendar for third reading and final passage.
- HB11-1254

by Representative(s) Priola and Schafer S.; also Senator(s) Steadman--Concerning measures to reduce the frequency of bullying in schools.
- Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, April 25, page 861 and placed in members' bill files.)
- Amendment No. 2(L.023), by Senator Williams S.
- Amend reengrossed bill, page 12, line 27, strike "SECTION 22-93-104 (1) (c)," AND SUBSTITUTE "SECTION 22-93-104 (1) (c); INCLUDES CHARACTER BUILDING;"
- Page 15, after line 6, insert:
- "(4) EACH CHARTER SCHOOL IS ENCOURAGED TO ENSURE THAT ITS POLICY, AT A MINIMUM, INCORPORATES THE BIENNIAL ADMINISTRATION OF SURVEYS OF STUDENTS' IMPRESSIONS OF THE SEVERITY OF BULLYING IN THEIR SCHOOLS, AS DESCRIBED IN SECTION 22-93-104 (1) (c); INCLUDES CHARACTER BUILDING; AND INCLUDES THE DESIGNATION OF A TEAM OF PERSONS AT EACH SCHOOL OF THE SCHOOL DISTRICT WHO ADVISE THE SCHOOL ADMINISTRATION CONCERNING THE SEVERITY AND FREQUENCY OF BULLYING INCIDENTS THAT OCCUR IN THE SCHOOL, WHICH TEAM MAY INCLUDE, BUT NEED NOT BE LIMITED TO, LAW ENFORCEMENT OFFICIALS, SOCIAL WORKERS, PROSECUTORS, HEALTH PROFESSIONALS, MENTAL HEALTH PROFESSIONALS, COUNSELORS, TEACHERS, ADMINISTRATORS, PARENTS, AND STUDENTS."
- Page 16, line 1, strike "SECTION 22-93-104 (1) (c)," AND SUBSTITUTE "SECTION 22-93-104 (1) (c); INCLUDES CHARACTER BUILDING;"
- Amendment No. 3(L.021), by Senator Steadman.
- Amend the Education Committee Report, dated April 21, 2011, page 1, after line 3 insert:
- "Page 13 of the reengrossed bill, line 9, strike "STUDENTS," and substitute "STUDENTS AND FOR ANY PERSON WHO TAKES ANY RETALIATORY ACTION AGAINST A STUDENT WHO REPORTS IN GOOD FAITH AN INCIDENT OF BULLYING,""
- Page 1 of the report, after line 6 insert:
- "Page 13 of the bill, strike lines 22 and 23.
- Page 14 of the bill, strike lines 25 through 27 and substitute "MINIMUM, SHALL SET FORTH APPROPRIATE DISCIPLINARY CONSEQUENCES FOR STUDENTS WHO BULLY OTHER STUDENTS AND FOR ANY PERSON WHO TAKES ANY RETALIATORY ACTION AGAINST A STUDENT WHO REPORTS IN GOOD FAITH AN INCIDENT OF BULLYING, WHICH CONSEQUENCES SHALL COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS."
- Page 15 of the bill, strike lines 1 and 2.
- Page 15 of the bill, strike lines 5 and 6.
- Page 15 of the bill, line 21, strike "STUDENTS," and substitute "STUDENTS AND FOR ANY PERSON WHO TAKES ANY RETALIATORY ACTION AGAINST A

STUDENT WHO REPORTS IN GOOD FAITH AN INCIDENT OF BULLYING,".

Page 16 of the bill, line 13, strike "(1)".

Page 16 of the bill, strike lines 17 and 18."

As amended, laid over until Wednesday, May 4, 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 (SB11-248) of Tuesday, May 3 was laid over until Wednesday, May 4, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB11-1121 by Representative(s) Ramirez, Massey, McNulty, Szabo; also Senator(s) King K.--Concerning disqualification from school employment for conviction of certain offenses, and making an appropriation therefor.

Senator King K. moved to amend the Report of the Committee of the Whole to show that the following Steadman floor amendment, (L.013) to HB 11-1121, did not pass.

Strike the Steadman amendment, No. 3 (L.009), as printed in Senate Journal, May 2, page 979, lines 7 through 33.

Amend reengrossed bill, page 6, line 1, strike "A" and substitute "EXCEPT AS PROVIDED IN PARAGRAPH (d) OF THIS SUBSECTION (6.5), A".

Page 7, after line 22 insert:

- "(d) (I) NOTWITHSTANDING THE DISQUALIFICATION FROM EMPLOYMENT SET FORTH IN THIS SUBSECTION (6.5), A SCHOOL DISTRICT MAY EMPLOY A PERSON CONVICTED OF AN OFFENSE LISTED IN SUB-SUBPARAGRAPHS (D) AND (E) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (6.5) AFTER CONDUCTING AN ASSESSMENT OF THE CURRENT SAFETY RISK POSED BY THE PERSON.
- (II) A PERSON WHO IS OR WOULD BE DISQUALIFIED FROM EMPLOYMENT PURSUANT TO SUB-SUBPARAGRAPHS (D) AND (E) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (6.5) MAY SUBMIT A WRITTEN REQUEST TO THE SCHOOL DISTRICT FOR RECONSIDERATION OF THE DISQUALIFICATION FROM EMPLOYMENT. RECONSIDERATION SHALL BE BASED UPON THE SCHOOL DISTRICT'S ASSESSMENT OF THE CURRENT SAFETY RISK IN HIRING THE PERSON OR IN CONTINUING THE PERSON'S EMPLOYMENT AFTER CONSIDERING:
- (A) THE SERIOUSNESS AND NATURE OF THE DISQUALIFYING OFFENSE;
- (B) THE TIME ELAPSED SINCE THE DATE THE OFFENSE WAS COMMITTED;
- (C) THE NATURE OF THE POSITION HELD OR SOUGHT BY THE PERSON; AND
- (D) ANY OTHER RELEVANT INFORMATION.
- (III) THE DECISION OF THE SCHOOL DISTRICT SHALL BE FINAL."

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	20	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

SB11-186
by Senator(s) Morse; also Representative(s) Waller--Concerning the establishment of an alternative bond program.

Senator Morse moved to amend the Report of the Committee of the Whole to show that the following Morse floor amendment, (L.002) to SB 11-186, did pass and that SB 11-186, as amended, did pass

Amend printed bill, page 2, line 25, after the period insert "A DEFENDANT WHO HAS A BOND THAT IS SET AT FIVE THOUSAND DOLLARS OR LESS IS ELIGIBLE FOR THE ALTERNATIVE BOND PROGRAM IMMEDIATELY AFTER THE COURT SETS THE BOND AMOUNT. A DEFENDANT WHO HAS A BOND THAT IS SET AT MORE THAN FIVE THOUSAND DOLLARS IS ELIGIBLE FOR THE ALTERNATIVE BOND PROGRAM FIVE DAYS AFTER THE COURT SETS THE BOND AMOUNT.".

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	17	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	N	Mitchell	N	Steadman	N
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	N
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hudak, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-186 as amended, HB11-1121 as amended, HB11-1275 as amended, HB11-1267 as amended, HB11-1199, HB11-1166 as amended.
Laid over until May 4: HB11-1254 as amended, SB11-248.

MESSAGE FROM THE HOUSE

May 3, 2011

Mr. President:

The House has adopted and returns herewith SJR11-053.

The House has adopted and transmits herewith HJR11-1023.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1298, 1305.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1010, amended as printed in House Journal, May 2, page 1193.
HB11-1295, amended as printed in House Journal, May 2, pages 1193-1194.
HB11-1303, amended as printed in House Journal, May 2, page 1194.
HB11-1300, amended as printed in House Journal, May 2, pages 1195-1198.

The House has passed on Third Reading and returns herewith SB11-180, 195, 231, 191, 197.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-189, amended as printed in House Journal, April 28, page 1156.
SB11-193, amended as printed in House Journal, April 28, page 1193.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR11-1023 by Representative(s) Acree; also Senator(s) Aguilar--Concerning stroke awareness.

On motion of Senator Aguilar, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

MESSAGE FROM THE REVISOR OF STATUTES

May 3, 2011

We herewith transmit:

Without comment, HB11-1298 and 1305.
Without comment, as amended, HB11-1010, 1295, 1300, and 1303.
Without comment, as amended, SB11-189 and 193.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

HJR11-1019 by Representative(s) Gardner B., Conti, Court, Holbert, Hullinghorst, Joshi, Kerr A.,
Looper, McCann, Murray, Pace, Sonnenberg, Stephens, Swalm, Szabo, Williams A.,
Wilson; also Senator(s) Jahn, Bacon, Cadman, Grantham, King S., Morse, Roberts,
Tochtrop, White--Concerning Lupus awareness, and, in connection therewith, designating
May as "Lupus Awareness Month" in the state of Colorado.

Laid over one day under Senate Rule 30(e).

HJR11-1022 by Representative(s) Fields, Todd, Priola, Acree, Balmer, Barker, Beezley, Bradford,
Brown, Casso, Conti, Court, Duran, Ferrandino, Fischer, Gardner B., Gardner D., Hamner,
Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J., Labuda, Lee, Levy,
Looper, Massey, McCann, McKinley, McNulty, Miklosi, Murray, Pabon, Pace, Peniston,
Ramirez, Riesberg, Ryden, Schafer S., Solano, Soper, Swerdfeger, Szabo, Vigil, Williams
A., Wilson; also Senator(s) Carroll--Concerning recognition of Military Family Month.

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:

SB11-272 by Senator(s) Hodge and Aguilar, Bacon, Foster, Giron, Guzman, Johnston, White,
Williams S.; also Representative(s) Summers and Fields, Casso, Duran, Fischer, Gardner
D., Gerou, Hamner, Jones, Kefalas, Labuda, Lee, McCann, Pabon, Peniston, Priola,
Riesberg, Ryden, Schafer S., Solano, Soper, Swerdfeger, Todd, Williams A.--Concerning
the voluntary contribution designation benefiting the adult stem cells cure fund that appears
on the state individual income tax return forms, and, in connection therewith, extending the
period for the contribution designation.

Finance

MESSAGE FROM THE GOVERNOR

April 29, 2011

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:

MEMBER OF THE
STATE AGRICULTURAL COMMISSION

for a term expiring March 1, 2015:

Joanne Marilyn Stanko, Steamboat Springs, Colorado to serve as a Democrat and at-large member, replacing Lisa Gail Palmer, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 5/2/11
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, & Energy

April 21, 2011

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, reappoint and submit to your consideration, the following:

MEMBERS OF THE
STATE BOARD OF STOCK INSPECTION COMMISSIONERS

for terms expiring May 1, 2015:

Tim E. Thatcher of Pueblo, Colorado, to serve as a representative of the non-confinement cattle industry, reappointed;

Tracy Lungwitz of Yuma, Colorado, to serve as a representative of the confinement cattle industry, reappointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 5/2/11
Cindi Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, & Energy

April 29, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-128 CONCERNING REQUIRING A CARRIER THAT PARTICIPATES IN THE
INDIVIDUAL HEALTH INSURANCE MARKET IN COLORADO TO ISSUE CHILD-
ONLY PLANS ON A GUARANTEED-ISSUE BASIS, AND MAKING AN
APPROPRIATION IN CONNECTION THEREWITH

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Approved April 29, 2011 at 4:25 p.m.

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Sincerely,
(signed)
John W. Hickenlooper
Governor

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LETTER OF APPOINTMENT

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April 18, 2011

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The Honorable Brandon Shaffer
President of the Colorado State Senate
Colorado State Capitol
200 East Colfax, Room 346
Denver, Colorado 80203

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Dear President Shaffer:

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On behalf of the Board of Regents of the University of Colorado, I am pleased to forward
to you the following appointment to the University of Colorado Hospital Authority Board
of Directors:

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From the First Congressional District: Richard D. Krugman, MD, for a term effective
March 1, 2011 continuing, as long as Dr. Krugman holds the position of Vice Chancellor
of Health Affairs of the University of Colorado Anschutz Medical Campus, until February
28, 2015 (or until his successor is appointed by the Board of Regents).

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This appointment was approved by the Board of Regents at a March 16, 2011 special
board meeting. A copy of the resolution to this effect and biographical information are
attached.

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Per C.R.S. §23-21-503(2), appointments to the Hospital Authority Board of Directors from
the congressional districts are subject to the advice and consent of the Senate.

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Please let me know if you have any questions.

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Sincerely,
(signed)
Cheryl Espinoza
Assistant Secretary to the Board of Regents

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Attachment (as referenced)

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cc: Allen Staver, Vice President and General Counsel, University of Colorado Hospital
Jeff Thompson, Director, Government and Corporate Relations, University of
Colorado Hospital
Dan Wilkerson, Vice President, University Counsel and Secretary of the Board of
Regents, University of Colorado
Tanya Kelly-Bowry, Vice President, Governmental Relations, University of Colorado

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Rec'd: 5/2/11
Cindi Markwell, Secretary of the Senate

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Committee on Health and Human Services

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SENATE SERVICES REPORT

Correctly Printed: SB11-271.
Correctly Engrossed: SJR11-051.
Correctly Reengrossed: SB11-052, 080, 109, 176, 182, 187, 235, 238, 241, 242, 243, 244, 245, 247, 250, 253, 254, 256, 260 and 265.
Correctly Revised: HB11-1002, 1064, 1095, 1109, 1237, 1241, 1278 and 1279; HJR11-1021.
Correctly Rerevised: HB11-1281 and 1296.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB11-1288 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB11-262 be postponed indefinitely.
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SCR11-004 be postponed indefinitely.
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SCR11-003 be postponed indefinitely.
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SCR11-002 be postponed indefinitely.
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-252 be postponed indefinitely.
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-249 be postponed indefinitely.
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1297 be referred to the Committee of the Whole with favorable recommendation.
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1141 be postponed indefinitely.
Legislative Council	After consideration on the merits, the Committee recommends that SB11-267 be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB11-261** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary After consideration on the merits, the Committee recommends that **SB11-264** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, strike lines 4 through 8 and substitute:

"38-22-132. Lien to be discharged. Notwithstanding the provisions of section 38-22-119 ANY OTHER PROVISION OF THIS ARTICLE OR SECTION 38-35-110, upon the filing COURT APPROVAL of a bond or undertaking as provided in section 38-22-131, AND UPON THE ISSUANCE AND RECORDING OF A CERTIFICATE OF RELEASE AS SPECIFIED IN THIS SECTION, the lien against the property, shall be forthwith AND ANY NOTICE OF LIS PENDENS OR NOTICE OF THE".

Page 4, line 9, strike "IS" and substitute "SHALL BE".

Page 4, line 11, strike "shall be IS" and substitute "shall be".

Page 5, line 6, strike "IS" and substitute "SHALL BE".

Page 5, line 8, strike "shall be IS" and substitute "shall be".

Judiciary After consideration on the merits, the Committee recommends that **HB11-1043** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 2 through 14 and substitute:

"SECTION 1. 12-43.3-103 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-43.3-103. Applicability. (2) (d) THIS ARTICLE SETS FORTH THE EXCLUSIVE MEANS BY WHICH".

Page 4, strike lines 1 through 17.

Page 4, after line 22 insert:

"SECTION 2. 12-43.3-104 (1), Colorado Revised Statutes, is amended, and the said 12-43.3-104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-43.3-104. Definitions. As used in this article, unless the context otherwise requires:

(1) "Good cause", for purposes of refusing or denying a license renewal, reinstatement, or initial license issuance, means: "CLONE" MEANS A NONFLOWERING MEDICAL MARIJUANA PLANT THAT IS NO TALLER THAN EIGHT INCHES AND NO WIDER THAN EIGHT INCHES AND THAT IS IN A GROWING CONTAINER THAT IS NO LARGER THAN TWO INCHES WIDE AND TWO INCHES TALL THAT IS SEALED ON THE SIDES AND BOTTOM.

(a) The licensee or applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of this article, any rules promulgated pursuant to this article, or any supplemental local law, rules, or regulations;

(b) The licensee or applicant has failed to comply with any special terms or conditions that were placed on its license pursuant to an order of the state or local licensing authority;

(c) The licensed premises have been operated in a manner that adversely affects the public health or welfare or the safety of the immediate neighborhood in which the establishment is located;

(1.5) "GOOD CAUSE", FOR PURPOSES OF REFUSING OR DENYING A LICENSE RENEWAL, REINSTATEMENT, OR INITIAL LICENSE ISSUANCE, MEANS:

(a) THE LICENSEE OR APPLICANT HAS VIOLATED, DOES NOT MEET, OR HAS FAILED TO COMPLY WITH ANY OF THE TERMS, CONDITIONS, OR PROVISIONS OF THIS ARTICLE, ANY RULES PROMULGATED PURSUANT TO THIS ARTICLE, OR ANY SUPPLEMENTAL LOCAL LAW, RULES, OR REGULATIONS;

(b) THE LICENSEE OR APPLICANT HAS FAILED TO COMPLY WITH ANY SPECIAL TERMS OR CONDITIONS THAT WERE PLACED ON ITS LICENSE PURSUANT TO AN ORDER OF THE STATE OR LOCAL LICENSING AUTHORITY;

(c) THE LICENSED PREMISES HAVE BEEN OPERATED IN A MANNER THAT ADVERSELY AFFECTS THE PUBLIC HEALTH OR WELFARE OR THE SAFETY OF THE IMMEDIATE NEIGHBORHOOD IN WHICH THE ESTABLISHMENT IS LOCATED."

Renumber succeeding sections accordingly.

Page 5, line 5, strike "(1) (b) (I),".

Page 5, strike lines 9 though 16.

Page 6, strike lines 18 through 27.

Page 7, strike line 1.

Renumber succeeding sections accordingly.

Page 8, line 24, after "AND" insert "JUDICIAL REVIEW".

Page 9, line 9, after the semicolon add "EXCEPT THAT THE LICENSING AUTHORITY MAY GRANT A LICENSE TO AN EMPLOYEE IF THE EMPLOYEE HAS A STATE FELONY CONVICTION BASED ON POSSESSION OR USE OF A CONTROLLED SUBSTANCE THAT WOULD NOT BE A FELONY IF THE PERSON WERE CONVICTED OF THE OFFENSE ON THE DATE HE OR SHE APPLIED FOR LICENSURE;"

Page 11, line 27, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,"

Page 12, strike lines 6 and 7 and substitute "CLONES TO A PATIENT; EXCEPT THAT A MEDICAL MARIJUANA CENTER MAY SELL MORE THAN SIX CLONES, BUT MAY NOT EXCEED HALF THE RECOMMENDED PLANT COUNT, TO A PATIENT WHO HAS BEEN RECOMMENDED AN EXPANDED PLANT COUNT BY HIS OR HER RECOMMENDING PHYSICIAN. A MEDICAL MARIJUANA CENTER MAY SELL CLONES TO A PRIMARY CAREGIVER, ANOTHER MEDICAL MARIJUANA CENTER, OR A MEDICAL MARIJUANA-INFUSED PRODUCT MANUFACTURER PURSUANT TO RULES PROMULGATED BY THE STATE LICENSING AUTHORITY. The provisions of this".

Page 13, strike lines 5 through 7 and substitute "DAYS,"

Page 13, line 8, strike "OR RECEIVING CHEMOTHERAPY,"

Page 13, after line 9 insert:

"(5.5) TRANSACTIONS FOR THE SALE OF MEDICAL MARIJUANA OR A MEDICAL MARIJUANA-INFUSED PRODUCT AT A MEDICAL MARIJUANA CENTER MAY BE COMPLETED BY USING AN AUTOMATED MACHINE THAT IS IN A RESTRICTED ACCESS AREA OF THE CENTER IF THE MACHINE COMPLIES WITH THE RULES PROMULGATED BY THE STATE LICENSING AUTHORITY REGARDING THE TRANSACTION OF SALE OF PRODUCT AT A MEDICAL MARIJUANA CENTER AND THE TRANSACTION COMPLIES WITH SUBSECTION (5) OF THIS SECTION."

Page 13, line 14, strike the third "A" and substitute "AN".

Page 13, line 26, after the period add "A LABORATORY THAT HAS AN OCCUPATIONAL LICENSE FROM THE STATE LICENSING AUTHORITY FOR TESTING PURPOSES SHALL NOT HAVE ANY INTEREST IN A LICENSED MEDICAL MARIJUANA CENTER OR A LICENSED MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER."

Page 14, strike lines 2 through 6 and substitute "DONATE:
 (a) MEDICAL MARIJUANA; OR
 (b) NO MORE THAN SIX CLONES TO A PATIENT; EXCEPT THAT A
MEDICAL MARIJUANA CENTER MAY SELL MORE THAN SIX CLONES, BUT MAY
NOT EXCEED HALF THE RECOMMENDED PLANT COUNT, TO A PATIENT WHO
HAS BEEN RECOMMENDED AN EXPANDED PLANT COUNT BY HIS OR HER
RECOMMENDING PHYSICIAN; OR
 (c) MEDICAL MARIJUANA-INFUSED PRODUCTS TO PATIENTS WHO
ARE DESIGNATED AS INDIGENT BY THE STATE HEALTH AGENCY OR WHO
ARE IN HOSPICE CARE; EXCEPT THAT A MEDICAL MARIJUANA CENTER MAY
SELL MORE THAN SIX CLONES, BUT MAY NOT EXCEED HALF THE
RECOMMENDED PLANT COUNT, TO A PATIENT WHO HAS BEEN
RECOMMENDED AN EXPANDED PLANT COUNT BY HIS OR HER
RECOMMENDING PHYSICIAN."

Page 15, line 8, strike "**license - repeal.**" and substitute "**license.**".

Page 16, strike line 9.

Page 16, line 16, after the period add "A LABORATORY THAT HAS AN
OCCUPATIONAL LICENSE FROM THE STATE LICENSING AUTHORITY FOR
TESTING PURPOSES SHALL NOT HAVE ANY INTEREST IN A LICENSED
MEDICAL MARIJUANA CENTER OR A LICENSED MEDICAL
MARIJUANA-INFUSED PRODUCTS MANUFACTURER."

Page 17, line 18, after the second "ANY" insert "OF".

Page 20, line 7, strike "DAYS" and substitute "DAYS."

Page 20, strike lines 8 through 10.

Page 20, line 11, strike "CARE OR RECEIVING CHEMOTHERAPY."

Page 21, line 19, after the period add "THE INFORMATION PROVIDED TO
THE STATE MEDICAL MARIJUANA LICENSING AUTHORITY PURSUANT TO
SECTION 25-1.5-106 (7) (e), C.R.S."

Page 23, line 2, after the period insert "THE INFORMATION PROVIDED TO
THE STATE MEDICAL MARIJUANA LICENSING AUTHORITY PURSUANT TO
THIS PARAGRAPH (e) SHALL NOT BE PROVIDED TO THE PUBLIC AND SHALL
BE CONFIDENTIAL." and strike "PROVIDE" and substitute "VERIFY".

Page 23, line 4, strike "REQUEST." and substitute "RECEIVING AN
ADDRESS-SPECIFIC REQUEST FOR VERIFICATION."

Page 24, line 6, after "EXCEED" insert "ONE HUNDRED EIGHTY-FIVE
PERCENT OF".

Page 25, line 5, strike "SECTION 39-26-105," and substitute "THIS
ARTICLE,".

Page 25, line 7, strike "SECTION".

Page 25, line 8, strike "39-26-105," and substitute "THIS ARTICLE,".

Page 27, line 13, after "C.R.S.," insert "OR AN EMPLOYEE OF THE STATE
MEDICAL MARIJUANA LICENSING AUTHORITY, A LOCAL MEDICAL
MARIJUANA LICENSING AUTHORITY, OR THE DEPARTMENT OF PUBLIC
HEALTH AND ENVIRONMENT,".

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On motion of Senator Morse, and with a majority of those elected to the Senate having
voted in the affirmative, the balance of the calendar of Tuesday, May 3 was laid over until
Wednesday, May 4, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-024, SJR11-045,
SJR11-046, SJR11-047, SJR11-050, SJR11-052, SR11-005, HJR11-1018, HJR11-1020,
SJR11-040.

Consideration of Memorials: SJM11-002, SJM11-003, SJM11-004.

Consideration of House Amendments to Senate Bills: SCR11-001, SB11-213.

Consideration of Governor's Appointments:

Members of the Air Quality Control Commission

Member of the Advisory Committee to the Property Tax Administrator

Member of the Board of Parks and Outdoor Recreation

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, May 4,
2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

113th Legislative DayWednesday, May 4, 2011

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Giron.

Roll Call Present--33
Absent--2, Hudak, Mitchell.
Present later--2, Hudak, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator King S., reading of the Journal of Tuesday, May 3, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of resolutions.

CONSIDERATION OF RESOLUTIONS

SJR11-052 by Senator(s) Morse and King S.; also Representative(s) Barker--Concerning declaring the week of May 15-21, 2011, as Police Week and May 15, 2011, as Peace Officers' Memorial Day.

On motion of Senator Morse, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., Kopp, Lambert, Lundberg, Mitchell, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

Senate in recess. Senate reconvened.

MEMORANDUM

REPORT FROM THE HOUSE AND SENATE

COMMITTEES ON DELAYED BILLS

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for Senate Bill 11-230, Concerning the Financing of Public Schools:

The Friday, April 22 deadline (the 101st legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, is extended until Friday, April 29, 2011 (the 108th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(signed)	(signed)
Representative McNulty	Senator Shaffer
Speaker of the House of Representatives	President of the Senate
(signed)	(signed)
Representative Stephens	Senator Morse
House Majority Leader	Senate Majority Leader
(signed)	(signed)
Representative Pace	Senator Kopp
House Minority Leader	Senate Minority Leader

MESSAGE FROM THE HOUSE

May 3, 2011

Mr. President:

The Speaker has announced the following change in sponsorship on SB11-052. Representative Ferrandino to be added as dual prime sponsor with Representative Massey.

The House has voted to recede from its position, on SB11-213, and has repassed the bill as amended by the Senate.

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

SR11-005 by Senator(s) Boyd; --Concerning Adolescent Sexual and Reproductive Health Month in Colorado.

On motion of Senator Boyd, the resolution was read at length.

Amendment No. 1(L.001), by Senator Lundberg.

Amend printed resolution, page 2, after line 18 insert:

"WHEREAS, Abstinence is the only form of birth control that is scientifically proven to be 100% effective in preventing pregnancy and controlling the spread of sexually transmitted diseases; and".

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Amendment No.2(L.003), by Senator Harvey.

Amend printed resolution, page 1, before line 1 insert:

"WHEREAS, We cannot underestimate the profound role of the family; and".

Page 1, line 1, strike "have a right" and substitute "deserve".

The amendment was **lost** on the following roll call vote:

YES	15	NO	20	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

Amendment No.3(L.002), by Senator Harvey.

Amend printed resolution, page 4, line 7, strike "and".

Page 4, strike line 8 and substitute "Advocate Center, and each crisis pregnancy resource center in the state of Colorado."

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The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Boyd, the resolution, as amended, was **adopted** by the following roll call vote:

YES	25	NO	10	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, Morse, Newell, Nicholson, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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:

HB11-1121 by Representative(s) Ramirez, Massey, McNulty, Szabo; also Senator(s) King K.--Concerning disqualification from school employment for conviction of certain offenses, and making an appropriation therefor.

Laid over until Thursday, May 5, retaining its place on the calendar.

HB11-1275 by Representative(s) Priola; also Senator(s) Williams S. and Spence--Concerning the creation of an engine idling standard for certain commercial diesel vehicles.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	24	NO	11	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Guzman, Hodge and Tochtrop.

SB11-186 by Senator(s) Morse; also Representative(s) Waller--Concerning the establishment of an alternative bond program.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	18	NO	17	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	N	Mitchell	N	Steadman	N
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	N
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

HB11-1267 by Representative(s) McCann; also Senator(s) Mitchell--Concerning an expansion of the circumstances in which a court may order further restrictions as conditions of a protection order against a defendant.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar and Guzman.

HB11-1199 by Representative(s) Gardner B.; also Senator(s) Bacon--Concerning limits on fees for the approval of the installation of solar energy devices.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Lundberg and Williams S.

HB11-1166 by Representative(s) Murray; also Senator(s) Aguilar--Concerning the creation of a type 1 diabetes special license plate, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	25	NO	10	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	N	Kopp	N	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Committee of the Whole
On motion of Senator Bacon, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Bacon 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:

HB11-1254 by Representative(s) Priola and Schafer S.; also Senator(s) Steadman--Concerning measures to reduce the frequency of bullying in schools.

Amendment No. 1, General Orders Amendment.
(Printed in Senate Journal, May 3, pages 994-995 and placed in members' bill files.)

Amendment No. 2(L.022), by Senator King K.

Amend the Senate Education Committee Report dated April 21, 2011, page 1, after line 6 insert:

"Page 13, line 19, after "STUDENT" insert "ON THE BASIS OF HIS OR HER ACADEMIC PERFORMANCE OR".

Amendment No. 3(L.025), by Senator Renfroe.

Amend reengrossed bill, page 8, line 7, strike "INCLUDES:" and substitute "MAY INCLUDE:".

Page 12, strike lines 24 and 25 and substitute"SCHOOL DISTRICT, IN ITS POLICY, MAY INCORPORATE THE BIENNIAL ADMINISTRATION OF SURVEYS OF".

Page 12, line 27, strike "INCLUDES" and substitute "MAY INCLUDE".

Page 15, line 23, strike "IS ENCOURAGED TO ENSURE THAT" and substitute "MAY INCORPORATE IN".

Page 15, line 25, strike "(18), AT A MINIMUM, INCORPORATES" and substitute "(18)".

Page 16, line 1, strike "INCLUDES" and substitute "MAY INCLUDE".

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.)

SB11-248 by Senator(s) Newell; also Representative(s) Looper--Concerning repeal of the "Bedding Act".

Laid over until May 12.

SB11-258 by Senator(s) Schwartz; also Representative(s) Vigil and Coram--Concerning locally produced foods, and, in connection therewith, authorizing the department of public health and environment and local boards of health to create registries of growers who produce food products in their home kitchens, promoting local foods, and increasing economic opportunities for local food producers.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, May 2, pages 983-984 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB11-1254 by Representative(s) Priola and Schafer S.; also Senator(s) Steadman--Concerning measures to reduce the frequency of bullying in schools.

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 11-1254 did pass.

Amend reengrossed bill, page 13, line 21, strike "(I)." and substitute "(I) OR IN RESPONSE TO ANY WRITTEN OR VERBAL STATEMENT BY A STUDENT EXPRESSING HIS OR HER POLITICAL OR POLICY OR MORAL VIEWS OR AFFILIATION, INCLUDING ANY DIFFERENCE BETWEEN THOSE VIEWS OR AFFILIATION AND THOSE OF THE INSTRUCTION, ADMINISTRATION, OR OTHER STUDENTS.".

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	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Bacon, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-258 as amended, HB11-1254 as amended.
Laid over until May 12: SB11-248.

COMMITTEE OF REFERENCE REPORTS

Local Government After consideration on the merits, the Committee recommends that **SB11-270** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **SB11-251** 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 printed bill, page 18, after line 2 insert:

"**SECTION 18. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, to the department of public safety, for allocation to the executive director's office, for legal services, for the fiscal year beginning July 1, 2011, the sum of seven thousand three hundred thirty-seven dollars (\$7,337), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from the fireworks licensing cash fund created in section 12-28-104 (6) (b), Colorado Revised Statutes, and the fire suppression cash fund created in section 24-33.5-1207.6, Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2011, the sum of seven thousand three hundred thirty-seven dollars (\$7,337), or so much thereof as may be necessary, for the provision of legal services to the department of public safety related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of public safety out of the appropriation made in subsection (1) of this section."

Renumber succeeding sections accordingly.

Page 1, line 102, strike "**SAFETY.**" and substitute "**SAFETY, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**".

Appropriations After consideration on the merits, the Committee recommends that **SB11-266** 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 printed bill, before line 21 insert:

"**SECTION 2. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado bureau of investigation identification unit fund created in section 24-33.5-426, Colorado Revised Statutes, not otherwise appropriated, to the department of public safety, for allocation to the Colorado bureau of investigation, Colorado crime information center, for fingerprint based background checks, for the fiscal year beginning July 1, 2011, the sum of seven hundred thirty-five thousand eight hundred thirty-eight dollars (\$735,838) cash funds and 3.4 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 102, strike "**SCHOOLS.**" and substitute "**SCHOOLS, AND MAKING AN APPROPRIATION THEREFOR.**".

Appropriations

After consideration on the merits, the Committee recommends that **SB11-032** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Agriculture, Natural Resources, and Energy Committee Report, dated May 2, 2011, page 2, after line 20 insert:

"SECTION 2. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the public utilities commission fixed utility fund created in section 40-2-114, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the executive director's office and administrative services, for legal services, for the fiscal year beginning July 1, 2011, the sum of thirty-eight thousand one hundred fifty-two dollars (\$38,152) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the public utilities commission fixed utility fund created in section 40-2-114, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the public utilities commission, for personal services and operating expenses, for the fiscal year beginning July 1, 2011, the sum of one hundred ten thousand nine hundred seventeen dollars (\$110,917) cash funds and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2011, the sum of thirty-eight thousand one hundred fifty-two dollars (\$38,152) and 0.3 FTE, 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 section accordingly.

Page 2 of the report, after line 32 insert:

"Page 1 of the printed bill, line 104, strike **"PROPERTY."** and substitute **"PROPERTY, AND MAKING AN APPROPRIATION THEREFOR."**."

Appropriations

After consideration on the merits, the Committee recommends that **HB11-1242** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB11-1265** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 8, after line 10 insert:

"SECTION 4. Appropriation. 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 revenue, for allocation to the taxation business group, for the fiscal year beginning July 1, 2011, the sum of nineteen thousand seven hundred one dollars (\$19,701) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding sections accordingly.

Page 1, line 102, strike **"TAX."** and substitute **"TAX, AND MAKING AN APPROPRIATION THEREFOR."**

Appropriations

After consideration on the merits, the Committee recommends that **HB11-1005** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

	Amend reengrossed bill, page 3, after line 26, insert:	1
		2
		3
	"SECTION 4. Appropriation. In addition to any other	4
	appropriation, there is hereby appropriated, out of any moneys in the	5
	general fund not otherwise appropriated, to the department of revenue, for	6
	allocation to the central department operations division, for the fiscal year	7
	beginning July 1, 2010, the sum of three hundred sixty-three dollars	8
	(\$363), or so much thereof as may be necessary, for the implementation	9
	of this act.".	10
		11
	Renumber succeeding sections accordingly.	12
		13
	Page 4, line 5 strike "five thousand seven hundred eighty dollars	14
	(\$5,780)," and substitute "five thousand four hundred seventeen dollars	15
	(\$5,417),"	16
		17
Finance	After consideration on the merits, the Committee recommends that HB11-1269 be	18
	postponed indefinitely.	19
		20
		21
Finance	After consideration on the merits, the Committee recommends that SB11-001 be	22
	postponed indefinitely.	23
		24
		25
Finance	After consideration on the merits, the Committee recommends that HB11-1290 be referred	26
	to the Committee on <u>Local Government</u> with favorable recommendation.	27
		28
		29
Finance	After consideration on the merits, the Committee recommends that SB11-263 be referred	30
	to the Committee on <u>Appropriations</u> with favorable recommendation.	31
		32
		33
Finance	After consideration on the merits, the Committee recommends that HB11-1043 be	34
	amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u>	35
	with favorable recommendation.	36
		37
		38
	Amend the Judiciary Committee Report, dated May 2, 2011, page 1,	39
	strike lines 8 through 22 and substitute:	40
		41
	"SECTION 2. 12-43.3-104, Colorado Revised Statutes, is	42
	amended BY THE ADDITION OF A NEW SUBSECTION to read:	43
	12-43.3-104. Definitions. As used in this article, unless the	44
	context otherwise requires:	45
	(1.5) "IMMATURE PLANT" MEANS A NONFLOWERING MEDICAL	46
	MARIJUANA PLANT THAT IS NO TALLER THAN EIGHT INCHES AND NO WIDER	47
	THAN EIGHT INCHES PRODUCED FROM A CUTTING, CLIPPING, OR SEEDLING	48
	AND THAT IS IN A GROWING CONTAINER THAT IS NO LARGER THAN TWO	49
	INCHES WIDE AND TWO INCHES TALL THAT IS SEALED ON THE SIDES AND	50
	BOTTOM.".	51
		52
	Page 2 of the report, strike lines 1 through 21.	53
		54
	Page 3, line 3, strike "CLONES" and substitute "IMMATURE PLANTS".	55
		56
	Page 3, line 5, strike "CLONES," and substitute "IMMATURE PLANTS,".	57
		58
	Page 3, line 8, strike "CLONES" and substitute "IMMATURE PLANTS".	59
		60
	Page 3, line 31, strike "CLONES" and substitute "IMMATURE PLANTS".	61
		62
	Page 3, line 32, strike "CLONES," and substitute "IMMATURE PLANTS,".	63
		64
	Page 4, line 6, strike "CLONES," and substitute "IMMATURE PLANTS,".	65
		66
		67
Trans-	After consideration on the merits, the Committee recommends that SB11-246 be	68
portation	postponed indefinitely.	69

Trans-
portation

After consideration on the merits, the Committee recommends that **HB11-1157** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 15, strike "MAY" and substitute "SHALL".

Page 3, strike lines 21 through 24 and substitute:

"applicability. (1) This act shall take effect January 1, 2012; except that, if a referendum petition is filed pursuant to".

Page 3, line 26, strike "such period," and substitute "the ninety-day period after final adjournment of the general assembly,".

Page 4, line 1, after "on" insert "January 1, 2012, or on".

Page 4, line 2, change the period to a comma and add "whichever is later.".

Trans-
portation

After consideration on the merits, the Committee recommends that **HB11-1093** 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 2, line 19, strike "(16) (b), (16) (c), (16) (d)," and substitute "(16) (c)".

Page 2, strike line 23 and substitute **"collections - definitions.** (16) (c) Upon receiving authorization pursuant to UNDER paragraph (b) of this subsection (16), the owner shall collect from the user the specific ownership tax in the amount equivalent to two percent of the amount of the rental or lease payment. No later than the twentieth day of each month, the owner shall submit a report, using forms furnished by the department, to the authorized agent in the EACH county in which WHERE the equipment is used, together with the remittance for all OF THE taxes collected FOR THE USE IN THE COUNTY for the preceding month. A copy of each report shall be submitted simultaneously by the owner to the department.".

Strike page 3.

Page 4, strike lines 1 through 18.

Page 5, line 1, after "by" insert " AN AUTHORIZED AGENT OR".

Trans-
portation

After consideration on the merits, the Committee recommends that **HB11-1024** be postponed indefinitely.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB11-032, SB11-261, SB11-264, HB11-1005 at 11:50 a.m.

Committee
of the Whole

The hour of 11:50 a.m. having arrived, Senator Bacon moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Bacon was called to the Chair to act as Chairman.

SPECIAL 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:

SB11-032 by Senator(s) Johnston; --Concerning a requirement that the public utilities commission promulgate rules to establish an on-bill financing program for clean energy improvements to real property.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment. (Printed in Senate Journal, May 2, pages 982-983 and placed in members' bill files.)

Amendment No. 1, Appropriations Committee Amendment. (Printed in Senate Journal, May 4, page 1015 and placed in members' bill files.)

As amended, lost on second reading.

(For further action, see amendments to the report of the Committee of the Whole.)

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 (SB11-261, SB11-264, HB11-1005) of Wednesday, May 4 was laid over until Thursday, May 5, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB11-032 by Senator(s) Johnston; --Concerning a requirement that the public utilities commission promulgate rules to establish an on-bill financing program for clean energy improvements to real property.

Senator Johnston moved to amend the Report of the Committee of the Whole to show that SB 11-032, as amended, was laid over to the special orders calendar of May 5, 2011, retaining its place on the calendar.

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	25	NO	9	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	*	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senator Kopp.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Bacon, the report of the Committee of the Whole was adopted on the following roll call vote:

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Laid over until May 5: SB11-032 as amended, SB11-261, SB11-264, HB11-1004.

MESSAGE FROM THE HOUSE

May 4, 2011

Mr. President:

The House has postponed indefinitely SB11-004. The bill is returned herewith.

The House has adopted and returns herewith SJR11-052.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1280.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB11-1311, amended as printed in House Journal, May 3, page 1212.
HB11-1301, amended as printed in House Journal, May 3, pages1212-1214.
HB11-1263, amended as printed in House Journal, May 3, page 1222.
HB11-1273, amended as printed in House Journal, May 3, page 1223.
HB11-1091, amended as printed in House Journal, May 3, page 1223.
HB11-1316, amended as printed in House Journal, May 3, page 1223.
HB11-1309, amended as printed in House Journal, May 3, pages 1223-1224.
HB11-1014, amended as printed in House Journal, May 3, page 1224.
HB11-1212, amended as printed in House Journal, May 3, page 1224.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
SB11-200, amended as printed in House Journal, May 3, pages 1221-1222.

MESSAGE FROM THE REVISOR OF STATUTES

May 4, 2011

We herewith transmit:

Without comment, HB11-1280.
Without comment, as amended, HB11-1014, 1091, 1212, 1263, 1273, 1301, 1309, 1311,
and 1316.
Without comment, as amended, SB11-200.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

- SB11-273

by Senator(s) Steadman; also Representative(s) Massey--Concerning authorization to consume alcohol beverages within a festival area.
Business, Labor and Technology

HB11-1010

by Representative(s) Acree, Baumgardner, Priola; also Senator(s) Brophy--Concerning the incidental use of property owned by a fraternal organization or veterans' organization that is exempt from property tax, and making an appropriation in connection therewith.
Local Government

HB11-1091

by Representative(s) Liston, Balmer, Kerr J., Barker, Bradford, Court, Joshi, Looper, Murray, Szabo; also Senator(s) Morse, Harvey, Tochtrop--Concerning the sales tax exemption for purchases of medical equipment.
Finance

HB11-1295

by Representative(s) Acree, Scott, Solano; also Senator(s) Newell, Roberts--Concerning voluntary contributions on the state individual income tax return form, and, in connection therewith, requiring the department of revenue to periodically post the amount of donations received and requiring that a voluntary contribution designation line for the Colorado multiple sclerosis fund appear on the state individual income tax return form, and making an appropriation therefore.
Finance

HB11-1298

by Representative(s) Tyler and Vaad, Barker, Brown, Fischer, Gardner D., Hamner, Hullinghorst, Kerr A., Looper, Pabon, Peniston, Ramirez, Scott, Williams A.; also Senator(s) Spence, Bacon, Hudak, Johnston, King K., King S., Renfroe, Schwartz, Tochtrop, White, Williams S.--Concerning the creation of a special license plate for Craig hospital, and making an appropriation therefor.
Transportation

HB11-1300

by Representative(s) Looper, Acree, DelGrosso, Priola, Swalm; also Senator(s) Grantham and Nicholson, Jahn--Concerning the resolution of a disputed claim for a state income tax credit for a donation of a perpetual conservation easement that includes a process that allows a taxpayer to waive an expedited administrative hearing for the purpose of appealing directly to a district court, and making an appropriation therefor.
Finance

HB11-1303

by Representative(s) Gardner B., Labuda, Levy, Murray, Waller; also Senator(s) Brophy, Carroll, Morse, Roberts, Schwartz--Concerning nonsubstantive revisions of statutes in the Colorado Revised Statutes, as amended, and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.
Judiciary

HB11-1305

by Representative(s) DelGrosso; also Senator(s) Johnston--Concerning the adjustment of the ratio of valuation for assessment for residential real property.
Finance
- _____

MESSAGE FROM THE GOVERNOR

April 29, 2011

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
COLORADO WILDLIFE HABITAT STAMP COMMITTEE

for a term expiring December 31, 2011:

Bryan J. Martin of Westminster, Colorado, to serve as a representative of national or regionally recognized conservation organizations whose missions are focused on nongame wildlife and whose membership is composed primarily of nongame wildlife users and occasioned by the resignation of Jennifer A. Clanahan of Denver, Colorado, appointed.

for terms expiring December 31, 2014:

Michelle Zimmerman of Denver, Colorado, to serve as a representative of national or regionally recognized conservation organizations whose missions are focused on nongame wildlife and whose membership is composed primarily of nongame wildlife users, reappointed;

Gary C. Miller of Fort Collins, Colorado, to serve as a sportsperson, reappointed;

Kelly D. Van Cleave of Erie, Colorado, to serve as a sportsperson, appointed;

Allen L. Moores of Gunnison, Colorado, to serve as a sportsperson, appointed;

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 5/2/11
Cindi Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

April 29, 2011

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
CHARTER SCHOOL INSTITUTE BOARD

for a term expiring July 1, 2013:

Patricia Mae Clouber of Leadville, Colorado, a Republican who has experience as a public school teacher, to fill the vacancy occasioned by the resignation of Celeste C. Di Iorio of Fort Collins, Colorado, appointed;

for terms expiring July 1, 2014:

Wayne D. Eckerling of Denver, Colorado, a Democrat who has experience as a public school teacher and as a public school administrator working with charter schools, reappointed;

Steven Richard Schneider, Colorado Springs, Colorado, a Republican who has experience as a public school administrator with experience working with charter schools and with other board or public service experience, appointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 5/2/11
Cindi Markwell, Secretary of the Senate

Committee on Education

SENATE SERVICES REPORT

Correctly Printed: SB11-272.
Correctly Engrossed: SB11-186; SJR11-032 and 036.
Correctly Revised: HB11-1121, 1166, 1199, 1267 and 1275; HJR11-1023.
Correctly Rerevised: HB11-1002, 1064, 1095, 1109, 1237, 1241, 1278 and 1279.
Correctly Enrolled: SB11-169.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, May 4 was laid over until Thursday, May 5, retaining its place on the calendar.

Consideration of Resolutions: SJR11-047, SJR11-040.
Consideration of Memorials: SJM11-002, SJM11-003, SJM11-004.
Consideration of House Amendments to Senate Bills: SCR11-001, SB11-189, SB11-193.
Consideration of Governor's Appointments:
 Members of the Air Quality Control Commission
 Member of the Advisory Committee to the Property Tax Administrator
 Member of the Board of Parks and Outdoor Recreation

TRIBUTES

Honoring:

Valor Christian Golf Team -- by Senator Harvey.
Valor Christian Football Team -- by Senator Harvey.
Shaffer Elementary School - Odyssey of the Mind -- by Senator Kopp.
Falcon Bluff Middle School - Odyssey of the Mind -- by Senator Kopp.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, May 5, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

114th Legislative Day	Thursday, May 5, 2011
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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 Giron.
Roll Call	Present--32 Excused--3, Brophy, Lundberg, Shaffer B. Present later--1, Lundberg.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator King S., reading of the Journal of Wednesday, May 4, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

May 4, 2011

Mr. President:

The House has postponed indefinitely SB11-044, 185. The bill is returned herewith.

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 Third Reading of Bills -- Final Passage.

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:

HB11-1121 by Representative(s) Ramirez, Massey, McNulty, Szabo; also Senator(s) King K.-- Concerning disqualification from school employment for conviction of certain offenses, and making an appropriation therefor.

A majority of those elected to the Senate having voted in the affirmative, Senator King K. was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.016), by Senator King K.

Amend revised bill, page 7, line 12, strike "PROVIDED".

Page 7, line 13, strike "HAS" and substitute "SHALL HAVE".

Page 7, line 14, strike "COURT." and substitute "COURT PRIOR TO EMPLOYMENT.".

The amendment was passed on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsor added: White

HB11-1254 by Representative(s) Priola and Schafer S.; also Senator(s) Steadman--Concerning measures to reduce the frequency of bullying in schools.

A majority of those elected to the Senate having voted in the affirmative, Senator Steadman was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.027), by Senator Steadman.

Amend revised bill, page 12, strike lines 15 through 18 and substitute "SCHOOL DISTRICT, IN ITS POLICY, MAY INCLUDE THE BIENNIAL ADMINISTRATION OF SURVEYS OF STUDENTS' IMPRESSIONS OF THE SEVERITY OF BULLYING IN THEIR SCHOOLS, AS DESCRIBED IN SECTION 22-93-104 (1) (c); CHARACTER BUILDING; AND".

Page 13, strike lines 10 through 17 and substitute "SUCH BEHAVIOR THAT IS DIRECTED TOWARD A STUDENT ON THE BASIS OF HIS OR HER ACADEMIC PERFORMANCE; OR AGAINST WHOM FEDERAL AND STATE LAWS PROHIBIT DISCRIMINATION UPON ANY OF THE BASES DESCRIBED IN SECTION 22-32-109 (1) (II) (I); OR IN RESPONSE TO ANY WRITTEN OR VERBAL STATEMENT BY A STUDENT EXPRESSING HIS OR HER POLITICAL, POLICY, OR MORAL VIEWS OR AFFILIATION, INCLUDING ANY DIFFERENCES BETWEEN THE STUDENT'S VIEWS OR AFFILIATION AND THE VIEWS OR AFFILIATION OF THE STUDENT'S INSTRUCTOR, ANY SCHOOL ADMINISTRATOR, OR ANY OTHER STUDENT.".

Page 16, line 4, strike "INCORPORATE" and substitute "INCLUDE".

Page 16, strike line 8 and substitute "SECTION 22-93-104 (1) (c); CHARACTER BUILDING; AND".

Page 16, line 9, strike "INCLUDE".

The amendment was **passed** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	23	NO	10	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	E	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	E
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, King S., Morse, Newell, Nicholson, Roberts, Schwartz, Spence, Tochtrop, White and Williams S.

SB11-258 by Senator(s) Schwartz; also Representative(s) Vigil and Coram--Concerning locally produced foods, and, in connection therewith, authorizing the department of public health and environment and local boards of health to create registries of growers who produce food products in their home kitchens, promoting local foods, and increasing economic opportunities for local food producers.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	11	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	E	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	E
Grantham	N	King S.	Y	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Carroll, Giron, Guzman, Heath, Jahn, King S. and White.

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 House amendments to Senate bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-189 by Senator(s) Heath; also Representative(s) Murray--Concerning the adjustment of certain dates related to the administration of elections in order to comply with the federal "Military and Overseas Voter Empowerment (MOVE) Act" but excluding the adjustment of any dates related to voter registration.

Senator Heath moved that the Senate concur in House amendments to **SB11-189**, as printed in House journal, April 28, page 1156. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB11-193 by Senator(s) Aguilar; also Representative(s) Gardner B. and Kerr J.--Concerning the disclosure of employment information to an employer regarding a person employed to work with a person with a developmental disability, and, in connection therewith, granting immunity from civil liability for the disclosure of information and creating an exception from the prohibition against blacklisting for the disclosure of information.

Senator Aguilar moved that the Senate not concur in House amendments to **SB11-193**, as printed in House journal, April 28, page 1193, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

YES	30	NO	3	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	E
Grantham	Y	King S.	Y	Roberts	Y		

The President appointed Senators Aguilar, Chair, Carroll, and Roberts as Senate conferees on the first conference committee on **SB11-193**.

SB11-200 by Senator(s) Boyd; also Representative(s) Stephens--Concerning a Colorado health benefit exchange, and, in connection therewith, creating a process for the implementation of a health benefit exchange in Colorado.

Senator Boyd moved that the Senate concur in House amendments to **SB11-200**, as printed in House journal, May 3, pages 1221-1222. The motion was **adopted** by the following roll call vote:

YES	29	NO	4	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	E	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	20	NO	13	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	E	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	E
Grantham	Y	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

IMMEDIATE RECONSIDERATION OF SB11-200

SB11-200 by Senator(s) Boyd; also Representative(s) Stephens--Concerning a Colorado health benefit exchange, and, in connection therewith, creating a process for the implementation of a health benefit exchange in Colorado.

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, Consideration of House Amendments to Senate Bills, on **SB11-200**. The roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-200 by Senator(s) Boyd; also Representative(s) Stephens--Concerning a Colorado health benefit exchange, and, in connection therewith, creating a process for the implementation of a health benefit exchange in Colorado.

Senator Boyd moved for the repassage of **SB11-200**. The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	19	NO	14	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	E	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	E
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Boyd, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
AIR QUALITY CONTROL COMMISSION

Ashley Lee Campsie of Littleton, Colorado to serve as a member with industrial experience and as an Unaffiliated, reappointed;

John H. Loewy of Denver, Colorado to serve as a member with legal experience and as a Democrat, reappointed.

YES	31	NO	2	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	E
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Johnston, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
ADVISORY COMMITTEE TO THE PROPERTY
TAX ADMINISTRATOR

for a term expiring September 1, 2015:

Tim Canterbury of Howard, Colorado, to serve as a non-assessor from a county with a population less than seventy-five thousand and as a Republican, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Schwartz, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
BOARD OF PARKS AND OUTDOOR RECREATION

for a term expiring June 30, 2012:

Christopher J. Castilian of Denver, Colorado to serve as a representative of the Metro Region and as a Republican, occasioned by the resignation of Laurie Mathews, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

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 -- consent calendar.

CONSIDERATION OF RESOLUTIONS -- CONSENT CALENDAR

SJR11-015 by Senator(s) Kopp; also Representative(s) McNulty--Concerning the opinion of the General Assembly against the Federal Highway Administration regulation that amends the Manual on Uniform Traffic Control Devices.

Amendment No. 1, Transportation Committee Amendment.
 (Printed in Senate Journal, March 2, page 353 and placed in members' bill files.)

On motion of Senator Morse, the resolution, as amended, was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

SJR11-024 by Senator(s) Nicholson; also Representative(s) Kefalas--Concerning civility and respect in the Colorado General Assembly.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	29	NO	4	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	E
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Carroll, Giron, Guzman, Hodge, Hudak, Morse, Newell, Steadman, Tochtrop and Williams S.

SJR11-045 by Senator(s) Jahn; also Representative(s) Tyler--Concerning 22q11.2 deletion syndrome awareness week.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Boyd, Newell and Williams S.

SJR11-046 by Senator(s) Tochtrop; also Representative(s) Pabon--Concerning the declaration of July 28, 2011, as "Hepatitis C Awareness Day".

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Boyd, Hudak, Newell and Steadman.

SJR11-050 by Senator(s) King S.; also Representative(s) Scott and Bradford--Concerning the 100th Anniversary of the Colorado National Monument.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White and Williams S.

HJR11-1018 by Representative(s) Massey, Acree, Joshi, McKinley, Riesberg, Sonnenberg, Soper, Wilson; also Senator(s) Boyd, Nicholson, White--Concerning recognition of rural health care providers in Colorado, and, in connection therewith, declaring April 29, 2011, "Rural Health Day".

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop and Williams S.

HJR11-1020

by Representative(s) Gardner B., Acree, Barker, Duran, Kagan, Lee, Levy, McCann, McNulty, Pabon, Waller; also Senator(s) Carroll, Heath, Johnston, Mitchell, Roberts, Scheffel, Shaffer B., Steadman--Concerning the recognition of Law Day in Colorado.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

HJR11-1022

by Representative(s) Fields, Todd, Priola, Acree, Balmer, Barker, Beezley, Bradford, Brown, Casso, Conti, Court, Duran, Ferrandino, Fischer, Gardner B., Gardner D., Hamner, Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J., Labuda, Lee, Levy, Looper, Massey, McCann, McKinley, McNulty, Miklosi, Murray, Pabon, Pace, Peniston, Ramirez, Riesberg, Ryden, Schafer S., Solano, Soper, Swerdfeger, Szabo, Vigil, Williams A., Wilson; also Senator(s) Carroll--Concerning recognition of Military Family Month.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Cadman, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White and Williams S.

HJR11-1019

by Representative(s) Gardner B., Conti, Court, Holbert, Hullinghorst, Joshi, Kerr A., Looper, McCann, Murray, Pace, Sonnenberg, Stephens, Swalm, Szabo, Williams A., Wilson; also Senator(s) Jahn, Bacon, Cadman, Grantham, King S., Morse, Roberts, Tochtrop, White--Concerning Lupus awareness, and, in connection therewith, designating May as "Lupus Awareness Month" in the state of Colorado.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Boyd, Carroll, Foster, Giron, Guzman, Harvey, Heath, Hodge, Hudak, Johnston, King K., Kopp, Lambert, Lundberg, Mitchell, Newell, Nicholson, Renfroe, Scheffel, Schwartz, Spence, Steadman and Williams S.

RECONSIDERATION OF SJR11-015

SJR11-015 by Senator(s) Kopp; also Representative(s) McNulty--Concerning the opinion of the General Assembly against the Federal Highway Administration regulation that amends the Manual on Uniform Traffic Control Devices.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Consideration of Resolutions, on SJR11-015. The roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

CONSIDERATION OF RESOLUTIONS

SJR11-015 by Senator(s) Kopp; also Representative(s) McNulty--Concerning the opinion of the General Assembly against the Federal Highway Administration regulation that amends the Manual on Uniform Traffic Control Devices.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	30	NO	3	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	N
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

Committee of the Whole Senator Hodge moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Hodge was called to the Chair to act as Chairman.

SPECIAL 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:

SB11-032 by Senator(s) Johnston; --Concerning a requirement that the public utilities commission promulgate rules to establish an on-bill financing program for clean energy improvements to real property.

As amended, laid over until Friday, May 6, retaining its place on the calendar.

SB11-261 by Senator(s) Roberts, Brophy, Carroll, Morse, Schwartz; also Representative(s) Gardner B., Labuda, Levy, Murray, Waller--Concerning the publication of the Colorado Revised Statutes by persons other than the general assembly.

Ordered engrossed and placed on the calendar for third reading and final passage.

SB11-264 by Senator(s) Newell; also Representative(s) Gardner B. and Lee--Concerning a clarification of state law governing the circumstances under which a notice of lis pendens must be recorded in connection with the filing of a debt security instrument as a substitute for the filing of certain liens.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, May 3, page 1002 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

HB11-1005 by Representative(s) Sonnenberg and Becker; also Senator(s) Brophy--Concerning the repeal of House Bill 10-1195 regarding a suspension of the exemption from the state sales and use taxes for certain items used in agricultural production, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, May 4, pages 1015-1016 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hodge, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-261, SB11-264 as amended, HB11-1005 as amended.
Laid over until May 6: SB11-032.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB11-251, SB11-266, HB11-1093 were made Special Orders at 10:10 a.m.

Committee of the Whole The hour of 10:10 a.m. having arrived, Senator Hodge moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Hodge was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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:

SB11-266 by Senator(s) Bacon and King K.; also Representative(s) Ramirez and Kerr A.--Concerning background checks for employees of entities that contract to perform services for public schools, and making an appropriation therefor.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 29, pages 949-950 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 4, pages 1014-1015 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

HB11-1093 by Representative(s) Bradford, Sonnenberg; also Senator(s) Cadman--Concerning the payment of specific ownership tax on special mobile machinery.

Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, May 4, page 1017 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR

On motion of Senator Hodge, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-266 as amended, HB11-1093 as amended.
Removed from the Special Orders - Second Reading of Bills Calendar for May 5:
SB11-251.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB11-267, SB11-270, HB11-1242, SB11-251, HB11-1265, HB11-1105, HB11-1297 were made Special Orders at 10:18 a.m.

Committee of the Whole
The hour of 10:18 a.m. having arrived, Senator Hodge moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Hodge was called to the Chair to act as Chairman.

SPECIAL 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:

SB11-267
by Senator(s) Schwartz, Shaffer B., Bacon, Foster, Giron, Guzman, Heath, Hodge, Jahn, Johnston, King S., Nicholson, Roberts, Tochtrop, White, Williams S.; also Representative(s) Coram and Hamner, Court--Concerning measures to promote forest health, and, in connection therewith, creating the Colorado forest biomass use work group and promoting the creation of sustainable market-based models for active forest management and woody biomass energy development.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment. (Printed in Senate Journal, April 29, page 949 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Schwartz.

Strike the Agriculture, Natural Resources, and Energy Committee Report, dated April 28, 2011, and substitute "Amend printed bill, page 5, line 23, strike "ADDRESS" and substitute "PROTECT".

Page 6 of the printed bill, line 13, strike everything after "MITIGATION" and substitute "STRATEGY;".

As amended, laid over until Friday, May 6, 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 Special Orders -- Second Reading of Bills Calendar (SB11-270, HB11-1242, SB11-251, HB11-1265, HB11-1105, HB11-1297) of Thursday, May 5 was laid over until Friday, May 6, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hodge, the report of the Committee of the Whole was adopted on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	E	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfro	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Laid over until May 6: SB11-267 as amended, SB11-270, HB11-1297, HB11-1242, HB11-1265, HB11-1105, SB11-251.

SENATE SERVICES REPORT

Correctly Printed: SB11-273.
Correctly Engrossed: SB11-258; SJR11-052; SR1-005.
Correctly Reengrossed: SB11-186.
Correctly Revised: HB11-1254.
Correctly Rerevised: HB11-1166, 1199, 1267 and 1275.
Correctly Enrolled: SJR11-023 and 051.

MESSAGE FROM THE HOUSE

May 5, 2011

Mr. President:

The House has adopted and returns herewith SJR11-032.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1315, 1313, 1310.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1317, amended as printed in House Journal, May 4, page 1245.
HB11-1307, amended as printed in House Journal, May 4, page 1249.
HB11-1318, amended as printed in House Journal, May 4, pages 1248-1249.

MESSAGE FROM THE REVISOR OF STATUTES

May 5, 2011

We herewith transmit:

Without comment, HB11-1310, 1313, and 1315.
Without comment, as amended, HB11-1307, 1317, and 1318.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Wednesday, May 4, 2011, at 2:45 p.m.:
SB11-231.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-231, 108, 124, 179, and 226.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology

After consideration on the merits, the Committee recommends that **SB11-174** be postponed indefinitely.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB11-1188** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 2 through 7.

Renumber succeeding sections accordingly.

Page 3, line 8, before "OPERATE" insert "COMPETITIVELY".

Page 3, line 9, strike "AGREEMENTS." and substitute "AGREEMENTS THERETO.".

Page 4, strike lines 13 through 22 and substitute:

"(x) TO REQUIRE, COERCE, OR ATTEMPT TO COERCE A MOTOR VEHICLE DEALER TO SUBSTANTIALLY ALTER A FACILITY OR PREMISES IF:

(I) THE FACILITY OR PREMISES HAS BEEN ALTERED WITHIN THE LAST SEVEN YEARS AT A COST OF MORE THAN TWO HUNDRED FIFTY THOUSAND DOLLARS AND THE ALTERATION WAS REQUIRED OR APPROVED BY THE MANUFACTURER, DISTRIBUTOR, OR MANUFACTURER REPRESENTATIVE UNLESS THE MOTOR VEHICLE DEALER SELLS ONLY MOTORCYCLES OR MOTORCYCLES AND POWERSPORTS VEHICLES; EXCEPT THAT THIS PARAGRAPH (x) DOES NOT APPLY TO IMPROVEMENTS MADE TO COMPLY WITH HEALTH OR SAFETY LAWS OR TO ACCOMMODATE THE TECHNOLOGY REQUIREMENTS NECESSARY TO SELL OR SERVICE A LINE-MAKE; OR

(II) THE MOTOR VEHICLE DEALER SELLS ONLY MOTORCYCLES OR MOTORCYCLES AND POWERSPORTS VEHICLES, THE FACILITY OR PREMISES HAS BEEN ALTERED WITHIN THE LAST SEVEN YEARS AT A COST OF MORE THAN TWENTY-FIVE THOUSAND DOLLARS, AND THE ALTERATION WAS REQUIRED OR APPROVED BY THE MANUFACTURER, DISTRIBUTOR, OR MANUFACTURER REPRESENTATIVE; EXCEPT THAT THIS PARAGRAPH (x) DOES NOT APPLY TO IMPROVEMENTS MADE TO COMPLY WITH HEALTH OR SAFETY LAWS OR TO ACCOMMODATE THE TECHNOLOGY REQUIREMENTS NECESSARY TO SELL OR SERVICE A LINE-MAKE.".

Page 4, strike lines 26 and 27.

Page 5, strike lines 1 through 5 and substitute:

"12-6-129. Site control extinguishes. IF A MANUFACTURER, DISTRIBUTOR, OR MANUFACTURER REPRESENTATIVE HAS TERMINATED, ELIMINATED, OR NOT RENEWED A FRANCHISE AGREEMENT CONTAINING A SITE CONTROL PROVISION, THE MOTOR VEHICLE DEALER MAY VOID A SITE CONTROL PROVISION OF A FRANCHISE AGREEMENT BY RETURNING ANY MONEY THE DEALER HAS ACCEPTED IN EXCHANGE FOR SITE CONTROL PRORATED BY THE TIME REMAINING BEFORE THE AGREEMENT EXPIRES OVER THE TIME PERIOD BETWEEN THE AGREEMENT BEING SIGNED AND THE AGREEMENT EXPIRING. THIS SECTION DOES NOT APPLY IF THE TERMINATION, ELIMINATION, OR NONRENEWAL IS FOR JUST CAUSE IN ACCORDANCE WITH SECTION 12-6-120 (1) (d).".

Page 5, line 23, strike "BOARD" and substitute "EXECUTIVE DIRECTOR".

Page 5, line 26, strike "BOARD" and substitute "EXECUTIVE DIRECTOR".

Page 5, line 27, strike "THE EFFECTIVE DATE OF THE" and substitute "THE EXECUTIVE DIRECTOR ISSUING A DECISION OR NINETY DAYS AFTER THE MANUFACTURER, DISTRIBUTOR, OR MANUFACTURER'S REPRESENTATIVE PROVIDES THE NOTICE OF TERMINATION UNLESS THE EXECUTIVE DIRECTOR FINDS THAT THE TERMINATION, CANCELLATION, OR NONRENEWAL WAS FOR FRAUD, A MISREPRESENTATION, OR COMMITTING A CRIME WITHIN THE SCOPE OF THE FRANCHISE AGREEMENT OR IN THE OPERATION OF THE DEALERSHIP, IN WHICH CASE THE FRANCHISE RIGHTS TERMINATE IMMEDIATELY.".

Page 6, strike lines 1 and 2.

Page 6, strike line 26 and substitute "SEVEN YEARS AT A COST OF MORE THAN TWENTY-FIVE THOUSAND".

Page 7, strike lines 9 through 15 and substitute:

"12-6-535. Site control extinguishes. IF A MANUFACTURER, DISTRIBUTOR, OR MANUFACTURER REPRESENTATIVE HAS TERMINATED, ELIMINATED, OR NOT RENEWED A FRANCHISE AGREEMENT CONTAINING A SITE CONTROL PROVISION, THE POWERSPORTS VEHICLE DEALER MAY VOID A SITE CONTROL PROVISION OF A FRANCHISE AGREEMENT BY RETURNING ANY MONEY THE DEALER HAS ACCEPTED IN EXCHANGE FOR SITE CONTROL PRORATED BY THE TIME REMAINING BEFORE THE AGREEMENT EXPIRES OVER THE TIME PERIOD BETWEEN THE AGREEMENT BEING SIGNED AND THE AGREEMENT EXPIRING. THIS SECTION DOES NOT APPLY IF THE TERMINATION, ELIMINATION, OR NONRENEWAL IS FOR JUST CAUSE IN ACCORDANCE WITH SECTION 12-6-523 (1) (d).".

Page 8, line 5, strike "BOARD" and substitute "EXECUTIVE DIRECTOR".

Page 8, line 8, strike "BOARD" and substitute "EXECUTIVE DIRECTOR".

Page 8, strike lines 9 through 11 and substitute "FRANCHISE AGREEMENT UNTIL THE LATER OF THE EXECUTIVE DIRECTOR ISSUING A DECISION OR NINETY DAYS AFTER THE MANUFACTURER, DISTRIBUTOR, OR MANUFACTURER'S REPRESENTATIVE PROVIDES THE NOTICE OF TERMINATION UNLESS THE EXECUTIVE DIRECTOR FINDS THAT THE TERMINATION, CANCELLATION, OR NONRENEWAL WAS FOR FRAUD, A MISREPRESENTATION, OR COMMITTING A CRIME WITHIN THE SCOPE OF THE FRANCHISE AGREEMENT OR IN THE OPERATION OF THE DEALERSHIP, IN WHICH CASE THE FRANCHISE RIGHTS TERMINATE IMMEDIATELY.".

Page 8, after line 11, insert:

"SECTION 6. 42-1-102 (55), Colorado Revised Statutes, is amended to read:

42-1-102. Definitions. As used in articles 1 to 4 of this title, unless the context otherwise requires:

(55) "Motorcycle" means a motor vehicle that uses handlebars OR ANY OTHER DEVICE CONNECTED TO THE FRONT WHEEL to steer and that is designed to travel on not more than three wheels in contact with the ground; except that the term does not include a farm tractor, LOW-SPEED ELECTRIC VEHICLE, or low-power scooter.".

Renumber succeeding sections accordingly.

Business,
Labor, &
Technology

The Committee on Business, Labor, and Technology has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
WORKERS' COMPENSATION COST
CONTAINMENT BOARD

for terms expiring December 13, 2013:

Tasha R. Greene, Ault, Colorado, representing executives with good risk management experience in the insurance industry, and as Unaffiliated, reappointed;

Patrick W. Hagge, Fort Collins, Colorado, representing employers with good risk management experience with respect to their workers' compensation insurance, and as a Republican, reappointed.

Judiciary

After consideration on the merits, the Committee recommends that **HB11-1250** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

	Amend reengrossed bill, page 2, line 15, strike "NOT" and substitute "KEEP OUT OF REACH OF CHILDREN";".	1
		2
		3
	Page 2, strike line 16.	4
		5
		6
Judiciary	After consideration on the merits, the Committee recommends that SB11-271 be referred to the Committee of the Whole with favorable recommendation.	7
		8
		9
Judiciary	After consideration on the merits, the Committee recommends that HB11-1282 be postponed indefinitely.	10
		11
		12
		13
Judiciary	After consideration on the merits, the Committee recommends that SB11-134 be amended as follows, and as so amended, be referred to the Committee on <u>Finance</u> with favorable recommendation.	14
		15
		16
		17
	Amend printed bill, page 2, strike lines 2 through 4 and substitute:	18
		19
		20
	" SECTION 1. 18-18-102 (5), Colorado Revised Statutes, is amended, and the said 18-18-102 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:	21
		22
	18-18-102. Definitions. As used in this article:	23
	(5) "Controlled substance" means a drug, substance, or immediate precursor included in schedules I through V of part 2 of this article, including cocaine, marijuana, and marijuana concentrate, ANY SYNTHETIC CANNABINOID, AND SALVIA DIVINORUM.	24
		25
	(33.5) "SALVIA DIVINORUM" MEANS SALVIA DIVINORUM, SALVINORIN A, AND ANY PART OF THE PLANT CLASSIFIED AS SALVIA DIVINORUM, WHETHER GROWING OR NOT, INCLUDING THE SEEDS THEREOF, ANY EXTRACT FROM ANY PART OF THE PLANT, AND ANY COMPOUND, MANUFACTURE, SALTS, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT, ITS SEEDS, OR ITS EXTRACTS."	26
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	Page 2, line 7, strike "THE" and substitute "ONE OR MORE CANNABINOID RECEPTORS; OR".	36
		37
		38
	Page 2, strike line 8.	39
		40
	Page 2, line 9, strike "HOMOLOG" and substitute "ISOMER".	41
		42
	Page 2, line 10, strike "THE" and substitute "ONE OR MORE CANNABINOID RECEPTORS."	43
		44
		45
	Page 2, strike line 11.	46
		47
	Page 3, after line 11 insert:	48
		49
	"(d) AS USED IN THIS SUBSECTION (34.5), "ANALOG" MEANS ANY CHEMICAL THAT IS SUBSTANTIALLY SIMILAR IN CHEMICAL STRUCTURE TO A CHEMICAL COMPOUND THAT HAS BEEN DETERMINED TO HAVE BINDING ACTIVITY AT ONE OR MORE CANNABINOID RECEPTORS."	50
		51
		52
		53
		54
	Page 3, strike lines 12 through 24 and substitute:	55
		56
	" SECTION 2. Part 4 of article 18 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:	57
		58
	18-18-406.1. Unlawful use or possession of synthetic cannabinoids or salvia divinorum. (1) ON AND AFTER JANUARY 1, 2012, IT IS UNLAWFUL FOR ANY PERSON TO USE OR POSSESS ANY AMOUNT OF ANY SYNTHETIC CANNABINOID OR SALVIA DIVINORUM.	59
		60
	(2) A PERSON WHO VIOLATES ANY PROVISION OF SUBSECTION (1) OF THIS SECTION COMMITS A CLASS 2 MISDEMEANOR.	61
		62
	18-18-406.2. Unlawful distribution, manufacturing, dispensing, sale, or cultivation of synthetic cannabinoids or salvia divinorum. (1) IT IS UNLAWFUL FOR ANY PERSON KNOWINGLY TO:	63
		64
	(a) MANUFACTURE, DISPENSE, SELL, OR DISTRIBUTE, OR TO	65
		66
		67
		68
		69

POSSESS WITH INTENT TO MANUFACTURE, DISPENSE, SELL, OR DISTRIBUTE,
ANY AMOUNT OF ANY SYNTHETIC CANNABINOID OR SALVIA DIVINORUM;
(b) INDUCE, ATTEMPT TO INDUCE, OR CONSPIRE WITH ONE OR MORE
OTHER PERSONS, TO MANUFACTURE, DISPENSE, SELL, DISTRIBUTE, OR
POSSESS WITH INTENT TO MANUFACTURE, DISPENSE, SELL, OR DISTRIBUTE,
ANY AMOUNT OF ANY SYNTHETIC CANNABINOID OR SALVIA DIVINORUM;
OR
(c) CULTIVATE SALVIA DIVINORUM WITH INTENT TO DISPENSE,
SELL, OR DISTRIBUTE ANY AMOUNT OF THE SALVIA DIVINORUM.
(2) A PERSON WHO VIOLATES ANY PROVISION OF SUBSECTION (1)
OF THIS SECTION COMMITS A CLASS 5 FELONY.
(3) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2) OF
THIS SECTION, A PERSON WHO VIOLATES ANY PROVISION OF SUBSECTION
(1) OF THIS SECTION BY DISPENSING, SELLING, OR DISTRIBUTING ANY
AMOUNT OF ANY SYNTHETIC CANNABINOID OR SALVIA DIVINORUM
COMMITS A CLASS 4 FELONY IF THE PERSON:
(a) DISPENSES, SELLS, OR DISTRIBUTES THE SYNTHETIC
CANNABINOID OR SALVIA DIVINORUM TO A MINOR WHO IS LESS THAN
EIGHTEEN YEARS OF AGE; AND
(b) IS AT LEAST EIGHTEEN YEARS OF AGE AND AT LEAST TWO
YEARS OLDER THAN SAID MINOR.
(4) AS USED IN THIS SECTION, "DISPENSE" DOES NOT INCLUDE
LABELING, AS DEFINED IN SECTION 12-22-102 (16), C.R.S."

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:

MEMBERS OF THE
COLORADO CIVIL RIGHTS COMMISSION

for terms expiring March 13, 2015:

Raju Jairam of Fort Collins, Colorado, to serve as representative of the business
community, and as an Unaffiliated, reappointed;

Katina C. Banks of Denver, Colorado, to serve as a representative of the community at
large and as a Democrat, reappointed.

Judiciary

After consideration on the merits, the Committee recommends that **HB11-1032** be
amended as follows, and as so amended, be referred to the Committee of the Whole with
favorable recommendation.

Amend reengrossed bill, page 7, line 18, strike "SCALE." and substitute
"SCALE, HOWEVER, THE FEE MAY BE WAIVED BY THE COURT."

Page 9, after line 23 insert:

"SECTION 10. Part 3 of article 2 of title 19, Colorado Revised
Statutes, is amended BY THE ADDITION OF A NEW SECTION to
read:

19-2-311. Victim-offender conferences - pilot program. THE
DIVISION OF YOUTH CORRECTIONS IS AUTHORIZED TO ESTABLISH A PILOT
PROGRAM, WHEN FUNDS BECOME AVAILABLE, IN ITS FACILITIES TO
FACILITATE VICTIM-INITIATED VICTIM-OFFENDER CONFERENCES WHEREBY
A VICTIM OF A CRIME MAY REQUEST A FACILITATED CONFERENCE WITH THE
JUVENILE WHO COMMITTED THE CRIME, IF THE JUVENILE IS IN THE
CUSTODY OF THE DIVISION OF YOUTH CORRECTIONS. AFTER SUCH A PILOT
PROGRAM IS ESTABLISHED, THE DIVISION OF YOUTH CORRECTIONS MAY
ESTABLISH POLICIES AND PROCEDURES FOR THE VICTIM-OFFENDER
CONFERENCES USING VOLUNTEERS TO FACILITATE THE CONFERENCES. THE
VOLUNTEERS SHALL COMPLETE THE DIVISION OF YOUTH CORRECTIONS'
VOLUNTEER AND FACILITY-SPECIFIC TRAINING PROGRAMS AND COMPLETE
HIGH-RISK VICTIM-OFFENDER TRAINING AND VICTIM ADVOCACY TRAINING.
THE DIVISION OF YOUTH CORRECTIONS SHALL NOT COMPENSATE OR
REIMBURSE A VOLUNTEER OR VICTIM FOR ANY EXPENSES. IF A PILOT

PROGRAM IS AVAILABLE, AND SUBSEQUENT TO THE VICTIM'S OR THE VICTIM REPRESENTATIVE'S REQUEST, THE DIVISION OF YOUTH CORRECTIONS SHALL ARRANGE SUCH A CONFERENCE ONLY AFTER DETERMINING THAT THE CONFERENCE WOULD BE SAFE AND ONLY IF THE JUVENILE AGREES TO PARTICIPATE. THE PURPOSES OF THE CONFERENCE SHALL BE TO ENABLE THE VICTIM TO MEET THE JUVENILE, TO OBTAIN ANSWERS TO QUESTIONS ONLY THE JUVENILE CAN ANSWER, TO ASSIST THE VICTIM IN HEALING FROM THE IMPACT OF THE CRIME, AND TO PROMOTE A SENSE OF REMORSE AND ACCEPTANCE OF RESPONSIBILITY BY THE JUVENILE THAT MAY CONTRIBUTE TO HIS OR HER REHABILITATION."

Renumber succeeding sections accordingly.

Page 12, line 21, strike "SCALE." and substitute "SCALE, HOWEVER, THE FEE MAY BE WAIVED BY THE COURT."

Page 12, line 25, strike "SCALE." and substitute "SCALE, HOWEVER, THE FEE MAY BE WAIVED BY THE COURT."

Page 13, line 16, strike "SCALE." and substitute "SCALE , HOWEVER, THE FEE MAY BE WAIVED BY THE COURT."

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **SB11-269** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 3, line 18, strike "COLLECTORS AND".

Page 6, line 22, after "DEVICES" insert "IN COLORADO".

Page 6, line 23, after "INCLUDE" insert "A PERSON WHO PROCESSES FOR REUSE IF NO MATERIALS OF CONCERN ARE GENERATED FOR DISPOSAL OR".

Page 8, line 8, after "EACH" insert "FACILITY OF A".

Page 8, line 9, after "SECTION" insert "AND IS USED TO PROCESS ELIGIBLE ELECTRONIC DEVICES".

Page 8, line 10, after "A" insert "FACILITY OF A".

Page 8, line 15, strike "PROCESSOR" and substitute "PROCESSOR'S FACILITY AT WHICH THE MATERIALS ARE PROCESSED" and after "OR" insert "THE PROCESSOR SHALL".

Page 8, line 16, strike the first "WITH A PROCESSOR".

Page 8, line 17, strike "THAT" and substitute "WHOSE FACILITY".

Page 9, line 12, strike "IMPORTING" and substitute "IMPORTING, EXPORTING,".

Page 9, strike lines 20 through 25.

Renumber succeeding subsections accordingly.

Page 10, strike lines 20 through 27.

Page 11, strike lines 1 through 5 and substitute:

"25-17-306. Collectors - delivery - immunity. (1) A COLLECTOR SHALL DELIVER ELIGIBLE ELECTRONIC DEVICES COLLECTED UNDER THIS PART 3 ONLY TO A PROCESSOR WHOSE FACILITY IS:
(a) CERTIFIED UNDER SECTION 25-17-305; OR
(b) LOCATED OUTSIDE OF COLORADO AND CERTIFIED TO R2 OR E-STEWARD RECYCLING STANDARDS AND THE PROCESSOR IS REGISTERED WITH THE DEPARTMENT."

Renumber succeeding subsection accordingly.

	Page 12, line 6, strike "COLLECTOR OR".	1
	Page 12, line 8, strike "OR".	2
	Page 12, line 9, strike "COLLECTOR" and after "CERTIFICATION" insert "OR REGISTRATION".	3
	Page 12, line 11, after the period add "THE DEPARTMENT SHALL TRANSMIT THE FINES TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO THE GENERAL FUND.".	4
	Page 12, line 16, strike "COLLECTORS AND".	5
	Page 12, line 17, strike "CERTIFIED PROCESSORS," and substitute "PROCESSORS AND CERTIFIED PROCESSING FACILITIES,".	6
	Page 12, strike lines 22 through 27.	7
	Page 13, strike lines 1 through 10.	8
	Renumber succeeding C.R.S. section accordingly.	9
	Page 13, line 11, strike "(1)".	10
	Page 13, strike lines 12 through 17 and substitute "OCTOBER 1, 2012, A STATE GOVERNMENTAL AGENCY SHALL USE ONLY A PROCESSOR WHOSE FACILITY IS CERTIFIED AND THAT IS REGISTERED WITH THE DEPARTMENT".	11
	Page 1, line 102, after "REQUIRING" insert "THE PROCESSING FACILITIES OF".	12
	Page 1, line 104, strike "COLLECTORS" and substitute " PROCESSORS".	13
Local Government	After consideration on the merits, the Committee recommends that HB11-1290 be postponed indefinitely.	14
Trans- portation	After consideration on the merits, the Committee recommends that HB11-1298 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	15
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB11-273 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	16
	Amend printed bill, page 6, after line 5 insert:	17
	" SECTION 3. 12-47-901 (1) (h), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:	18
	12-47-901. Unlawful acts - exceptions. (1) Except as provided in section 18-13-122, C.R.S., it is unlawful for any person:	19
	(h) (VI) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH (h), IT IS NOT UNLAWFUL FOR ADULT PATRONS OF A LICENSED PREMISES THAT IS ATTACHED TO A FESTIVAL AREA TO CONSUME ALCOHOL BEVERAGES UPON UNLICENSED AREAS WITHIN A FESTIVAL AREA, BUT THIS SUBPARAGRAPH (VI) DOES NOT AUTHORIZE A PATRON TO REMOVE AN ALCOHOL BEVERAGE FROM THE FESTIVAL AREA.".	20
	Renumber succeeding sections accordingly.	21
	Page 7, line 3, before "WITHIN" insert "FOR USE".	22
	Page 7, line 4, strike "TWENTY-FOUR" and substitute "SIXTEEN".	23
	Page 7, line 6, before "WITHIN" insert "FOR USE".	24

Page 7, line 8, strike "SIXTEEN-POINT" and substitute "TWENTY-FOUR-POINT".

Agriculture,
Natural
Resources,
& Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
STATE AGRICULTURAL COMMISSION

for a term expiring March 1, 2015:

Joanne Marilynn Stanko, Steamboat Springs, Colorado to serve as a Democrat and at-large member, replacing Lisa Gail Palmer, appointed.

Agriculture,
Natural
Resources,
& Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
STATE BOARD OF
STOCK INSPECTION COMMISSIONERS

for terms expiring May 1, 2015:

Tim E. Thatcher of Pueblo, Colorado, to serve as a representative of the non-confinement cattle industry, reappointed;

Tracy Lungwitz of Yuma, Colorado, to serve as a representative of the confinement cattle industry, reappointed.

Agriculture,
Natural
Resources,
& Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COLORADO WILDLIFE HABITAT STAMP COMMITTEE

for a term expiring December 31, 2011:

Bryan J. Martin of Westminster, Colorado, to serve as a representative of national or regionally recognized conservation organizations whose missions are focused on nongame wildlife and whose membership is composed primarily of nongame wildlife users and occasioned by the resignation of Jennifer A. Clanahan of Denver, Colorado, appointed.

for terms expiring December 31, 2014:

Michelle Zimmerman of Denver, Colorado, to serve as a representative of national or regionally recognized conservation organizations whose missions are focused on nongame wildlife and whose membership is composed primarily of nongame wildlife users, reappointed;

Gary C. Miller of Fort Collins, Colorado, to serve as a sportsperson, reappointed;

Kelly D. Van Cleave of Erie, Colorado, to serve as a sportsperson, appointed;

Allen L. Moores of Gunnison, Colorado, to serve as a sportsperson, appointed.

Education	The Committee on <u>Education</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	1
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	<p>MEMBERS OF THE <u>CHARTER SCHOOL INSTITUTE BOARD</u></p>	11
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	for a term expiring July 1, 2013:	21
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	Patricia Mae Clouber of Leadville, Colorado, a Republican who has experience as a public school teacher, to fill the vacancy occasioned by the resignation of Celeste C. Di Iorio of Fort Collins, Colorado, appointed;	31
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Education	After consideration on the merits, the Committee recommends that HB11-1277 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	41
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	Amend reengrossed bill, page 3, line 6, strike "OR INCREASE IN THE LEVEL" and substitute "THAT REQUIRES THE HIRING OF ADDITIONAL FTE,".	51
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	Page 3, strike line 7.	61
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	Page 3, line 8, strike "SERVICE REQUIRED BY LAW,".	71
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	Page 3, line 10, strike "OR INCREASE".	81
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	Page 3, line 14, strike "OR INCREASE".	91
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	Page 3, line 20, strike "OR INCREASE IN THE" and substitute "THAT REQUIRES THE HIRING OF ADDITIONAL FTE, AND A SCHOOL DISTRICT,".	101
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	Page 3, strike lines 21 and 22.	111
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	Page 3, line 27, strike "OR INCREASE".	121
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		126
		127
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	Page 4, line 18, strike "IN SIXTH THROUGH TWELFTH".	131
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	Page 4, line 19, strike "GRADE".	141
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	Page 4, line 20, strike "A".	151
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	Page 4, strike lines 21 and 22 and substitute "meet the".	161
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	Page 4, strike line 24 and substitute "section, OR ANY COMBINATION OF THESE TWO CRITERIA THAT EQUALS AT LEAST NINETY-FIVE PERCENT OF THE STUDENT POPULATION; or".	171
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	Page 5, line 6, strike the first "OR" and substitute "AND".	181
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Health & Human Services	The Committee on <u>Health and Human Services</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	191
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MEMBERS OF THE
STATE BOARD OF HEALTH

for terms expiring March 1, 2015:

Commissioner Crestina Maria Martinez, San Acacio, Colorado, a resident of the 3rd Congressional District and a Democrat, appointed;

Susan L. Warren, Denver, Colorado, a resident of the 1st Congressional District and a Democrat, appointed;

Dr. Christopher Scott Stanley, Arvada, Colorado, a resident of the 7th Congressional District and a Republican, appointed.

Laura J. Davis, Westminster, Colorado, a resident of the 2nd Congressional District and a Republican, reappointed;

Dr. Christine Rose Nevin-Woods, Pueblo, Colorado, a resident of the 3rd Congressional District and a Democrat, reappointed.

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:

UNIVERSITY OF COLORADO
HOSPITAL AUTHORITY BOARD OF DIRECTORS

From the First Congressional District: Richard D. Krugman, MD, for a term effective March 1, 2011 continuing, as long as Dr. Krugman holds the position of Vice Chancellor of Health Affairs of the University of Colorado Anschutz Medical Campus, until February 28, 2015 (or until his successor is appointed by the Board of Regents).

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
AIR QUALITY CONTROL COMMISSION

for a term expiring January 31, 2014:

Saeed G. Barhaghi, PhD, PE of Centennial, Colorado to serve as a member with scientific experience and as an Unaffiliated, appointed.

Health &
Human
Services

After consideration on the merits, the Committee recommends that HB11-1217 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike line 2.

Strike page 3.

Page 4, strike lines 1 through 26.

Renumber succeeding sections accordingly.

Page 6, after line 10 insert:

"SECTION 2. 30-28-106 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

30-28-106. Adoption of master plan - contents - definitions.

(3) (h) (I) THE MASTER PLAN OF A COUNTY OR REGION ADOPTED IN ACCORDANCE WITH THIS SECTION MAY INCLUDE A COMMUNITY HEALTH

ELEMENT REFLECTING CURRENT AND PROJECTED POPULATION ESTIMATES PURSUANT TO WHICH THE COUNTY OR REGION SHALL INDICATE HOW ITS PLANNING DECISIONS WILL PROMOTE PUBLIC HEALTH AND SAFETY AND THE GENERAL WELFARE OF THE RESIDENTS OF THE COUNTY OR REGION, AS APPLICABLE. MATTERS TO BE ADDRESSED IN CONNECTION WITH THIS ELEMENT OF THE MASTER PLAN MAY INCLUDE, WITHOUT LIMITATION, ACCESSIBILITY, AVAILABILITY, AFFORDABILITY, AND DELIVERY OF HEALTH CARE SERVICES AND HEALTH CARE FACILITIES; PUBLIC SAFETY; CIVIC PARTICIPATION WITHIN THE TERRITORIAL BOUNDARIES OF THE COUNTY OR REGION; AND ANY OTHER FACTORS OR POLICIES THAT WILL PROMOTE PUBLIC HEALTH AND SAFETY AND THE GENERAL WELFARE WITHIN THE TERRITORIAL BOUNDARIES OF THE COUNTY OR REGION. IN ASSESSING THE ACCESSIBILITY, AVAILABILITY, AFFORDABILITY, AND DELIVERY OF CURRENT AND ANTICIPATED HEALTH CARE SERVICES AND FACILITIES, THE PLANNING COMMISSION MAY CONSIDER:

(A) SURROUNDING COUNTIES, REGIONS, OR MUNICIPALITIES IN ORDER TO DEVELOP AN INVENTORY OF EXISTING FACILITIES AND SERVICES AND AN ASSESSMENT OF TRANSIT ACCESSIBILITY; AND

(B) POPULATION ESTIMATES AND PROJECTIONS PROVIDED BY THE COLORADO DEPARTMENT OF LOCAL AFFAIRS TO ESTABLISH CURRENT AND PROJECTED NEEDS OF FACILITIES AND SERVICES.

(II) NOTHING IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (h) SHALL BE CONSTRUED TO PRECLUDE THE DEVELOPMENT OF A HEALTH CARE FACILITY OR HOSPITAL THAT IS NOT INCLUDED IN THE MASTER PLAN OF A COUNTY OR REGION, NOR SHALL ANYTHING IN SAID SUBPARAGRAPH (I) BE CONSTRUED AS REQUIRING A HOSPITAL OR FACILITY TO OFFER ANY SERVICE THAT IS INCLUDED IN THE PLAN.

(III) TO THE EXTENT PRACTICABLE, A COUNTY OR REGION THAT ELECTS TO INCLUDE A COMMUNITY HEALTH ELEMENT IN ITS MASTER PLAN IS STRONGLY ENCOURAGED TO COLLABORATE WITH A PUBLIC HEALTH AGENCY OF THE COUNTY OR DISTRICT, AS APPLICABLE, IN THE INCLUSION OF SUCH ELEMENT AND TO FURTHER USE INFORMATION CONTAINED IN A PUBLIC HEALTH PLAN GOVERNING THE COUNTY OR REGION PURSUANT TO SUBPART 3 OF PART 5 OF ARTICLE 1 OF TITLE 25, C.R.S., IN THE INCLUSION OF SUCH ELEMENT.

(IV) AS USED IN THIS PARAGRAPH (h), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(A) "HEALTH CARE FACILITY" OR "FACILITY" INCLUDES, WITHOUT LIMITATION, PUBLIC AND PRIVATE HEALTH CARE CLINICS OR PRACTICES, INCLUDING SCHOOL-BASED HEALTH CENTERS; LOCATIONS THAT PROVIDE ACCESS TO ALTERNATIVE MEDICINES; LONG-TERM CARE FACILITIES; REHABILITATIVE CENTERS; HOSPICES; AND PHARMACIES. FOR PURPOSES OF THIS PARAGRAPH (h), "HEALTH CARE FACILITY" SHALL NOT INCLUDE A HOSPITAL, OR ANY FACILITY OWNED OR OPERATED BY A HOSPITAL, THAT IS LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S.

(B) "HEALTH CARE SERVICE" OR "SERVICE" MEANS, WITHOUT LIMITATION, ADOLESCENT HEALTH CARE, BEHAVIORAL CARE, CHIROPRACTIC SERVICES, DENTAL SERVICES, THE PROVISION OF DURABLE MEDICAL EQUIPMENT, EMERGENCY CARE, WELL WOMAN CARE, GERIATRIC CARE, HEALTH AND MEDICAL INSTRUCTION AT LOCAL EDUCATIONAL INSTITUTIONS, HEARING SERVICES AND THE PROVISION OF HEARING AIDS, INPATIENT CARE, LONG-TERM CARE, MENTAL HEALTH SERVICES, OBSTETRIC AND GYNECOLOGICAL CARE, OUTPATIENT CARE, PEDIATRIC SERVICES, THE PROVISION OF PRESCRIPTION DRUGS AND MEDICATION THERAPY MANAGEMENT, PRIMARY AND PREVENTIVE CARE, SUBSTANCE ABUSE TREATMENT, TRAUMA CARE, VISION CARE AND CORRECTION, AND CARE FOR INDIVIDUALS WITH DISABILITIES.

SECTION 3. 31-23-206, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

31-23-206. Master plan - definitions. (5.5) (a) THE MASTER PLAN OF A MUNICIPALITY ADOPTED IN ACCORDANCE WITH THIS SECTION MAY INCLUDE A COMMUNITY HEALTH ELEMENT REFLECTING CURRENT AND PROJECTED POPULATION ESTIMATES PURSUANT TO WHICH THE MUNICIPALITY SHALL INDICATE HOW ITS PLANNING DECISIONS WILL PROMOTE PUBLIC HEALTH AND SAFETY AND THE GENERAL WELFARE OF THE RESIDENTS OF THE MUNICIPALITY. MATTERS TO BE ADDRESSED IN CONNECTION WITH THIS ELEMENT OF THE MASTER PLAN MAY INCLUDE, WITHOUT LIMITATION, ACCESSIBILITY, AVAILABILITY, AFFORDABILITY, AND DELIVERY OF HEALTH CARE SERVICES AND HEALTH CARE FACILITIES;

PUBLIC SAFETY; CIVIC PARTICIPATION WITHIN THE TERRITORIAL BOUNDARIES OF THE MUNICIPALITY; AND ANY OTHER FACTORS OR POLICIES THAT WILL PROMOTE PUBLIC HEALTH AND SAFETY AND THE GENERAL WELFARE WITHIN THE TERRITORIAL BOUNDARIES OF THE MUNICIPALITY. IN ASSESSING THE ACCESSIBILITY, AVAILABILITY, AFFORDABILITY, AND DELIVERY OF CURRENT AND ANTICIPATED HEALTH CARE SERVICES AND FACILITIES, THE PLANNING COMMISSION MAY CONSIDER:

(I) SURROUNDING COUNTIES, REGIONS, OR MUNICIPALITIES IN ORDER TO DEVELOP AN INVENTORY OF EXISTING FACILITIES AND SERVICES AND AN ASSESSMENT OF TRANSIT ACCESSIBILITY; AND

(II) POPULATION ESTIMATES AND PROJECTIONS PROVIDED BY THE COLORADO DEPARTMENT OF LOCAL AFFAIRS TO ESTABLISH CURRENT AND PROJECTED NEEDS OF FACILITIES AND SERVICES.

(b) TO THE EXTENT PRACTICABLE, A MUNICIPALITY THAT ELECTS TO INCLUDE A COMMUNITY HEALTH ELEMENT IN ITS MASTER PLAN IS STRONGLY ENCOURAGED TO COLLABORATE WITH A PUBLIC HEALTH AGENCY OF THE MUNICIPALITY OR OF THE COUNTY OR DISTRICT WITHIN WHICH THE MUNICIPALITY IS LOCATED, AS APPLICABLE, IN THE INCLUSION OF SUCH ELEMENT AND TO FURTHER USE INFORMATION CONTAINED IN A PUBLIC HEALTH PLAN GOVERNING THE MUNICIPALITY PURSUANT TO SUBPART 3 OF PART 5 OF ARTICLE 1 OF TITLE 25, C.R.S., IN THE INCLUSION OF SUCH ELEMENT.

(c) NOTHING IN PARAGRAPH (a) OF THIS SUBSECTION (5.5) SHALL BE CONSTRUED TO PRECLUDE THE DEVELOPMENT OF A HEALTH CARE FACILITY OR HOSPITAL THAT IS NOT INCLUDED IN THE MASTER PLAN OF A MUNICIPALITY, NOR SHALL ANYTHING IN SAID PARAGRAPH (a) BE CONSTRUED AS REQUIRING A HOSPITAL OR FACILITY TO OFFER ANY SERVICE THAT IS INCLUDED IN THE PLAN.

(d) AS USED IN THIS SUBSECTION (5.5), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "HEALTH CARE FACILITY" OR "FACILITY" INCLUDES, WITHOUT LIMITATION, PUBLIC AND PRIVATE HEALTH CARE CLINICS OR PRACTICES, INCLUDING SCHOOL-BASED HEALTH CENTERS; LOCATIONS THAT PROVIDE ACCESS TO ALTERNATIVE MEDICINES; LONG-TERM CARE FACILITIES; REHABILITATIVE CENTERS; HOSPICES; AND PHARMACIES. FOR PURPOSES OF THIS SUBSECTION (5.5), "HEALTH CARE FACILITY" SHALL NOT INCLUDE A HOSPITAL, OR ANY FACILITY OWNED OR OPERATED BY A HOSPITAL, THAT IS LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S.

(II) "HEALTH CARE SERVICE" OR "SERVICE" MEANS, WITHOUT LIMITATION, ADOLESCENT HEALTH CARE, BEHAVIORAL CARE, CHIROPRACTIC SERVICES, DENTAL SERVICES, THE PROVISION OF DURABLE MEDICAL EQUIPMENT, EMERGENCY CARE, WELL WOMAN CARE, GERIATRIC CARE, HEALTH AND MEDICAL INSTRUCTION AT LOCAL EDUCATIONAL INSTITUTIONS, HEARING SERVICES AND THE PROVISION OF HEARING AIDS, INPATIENT CARE, LONG-TERM CARE, MENTAL HEALTH SERVICES, OBSTETRIC AND GYNECOLOGICAL CARE, OUTPATIENT CARE, PEDIATRIC SERVICES, THE PROVISION OF PRESCRIPTION DRUGS AND MEDICATION THERAPY MANAGEMENT, PRIMARY AND PREVENTIVE CARE, SUBSTANCE ABUSE TREATMENT, TRAUMA CARE, VISION CARE AND CORRECTION, AND CARE FOR INDIVIDUALS WITH DISABILITIES."

Renumber succeeding section accordingly.

Page 6, strike lines 11 through 20 and substitute:

"SECTION 4. 25.5-6-108.5 (2) (b), Colorado Revised Statutes, is amended to read:

25.5-6-108.5. Community long-term care studies - authority to implement - alternative care facility report. (2) (b) The study conducted pursuant to this subsection (2) shall be completed by January 1, 2011 2012, and, if federal approval is obtained prior to final figure-setting for the fiscal year commencing July 1, 2011 2012, the state department shall submit a request through the budget process for implementation of the approved changes for that fiscal year.

SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, for allocation to the executive director's office, general professional services and special projects, for the fiscal year

beginning July 1, 2011, the sum of seventy-five thousand dollars (\$75,000), or so much thereof as may be necessary, for the implementation of this act. Of said sum, thirty-seven thousand five hundred dollars (\$37,500) shall be from the department of health care policy and financing cash fund, and thirty-seven thousand five hundred dollars (\$37,500) shall be from federal funds.

SECTION 6. Effective date. This act shall take effect July 1, 2011.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB11-1285** be postponed indefinitely.

Finance

After consideration on the merits, the Committee recommends that **HB11-1091** be referred to the Committee on Appropriations with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that **HB11-1305** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Finance

After consideration on the merits, the Committee recommends that **SB11-272** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Finance

After consideration on the merits, the Committee recommends that **HB11-1295** be referred to the Committee on Appropriations with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that **HB11-1300** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 2 through 13.

Strike page 4.

Page 5, strike lines 1 through 8.

ReNUMBER succeeding sections accordingly.

Page 5, line 18, strike "CREDIT, FEDERAL TAX" and substitute "CREDIT AND THE FEDERAL TAX".

Page 5, strike line 19.

Page 5, line 20, strike "COLORADO TRUST FUND" and substitute "DEDUCTION".

Page 6, strike lines 24 through 27.

Page 7, strike line 1.

Reletter succeeding paragraphs accordingly.

Page 7, strike lines 12 through 14 and substitute "ON APPEAL TO THE DISTRICT COURT."

Page 7, after line 14 insert:

"(i) THE GENERAL ASSEMBLY STRONGLY ENCOURAGES THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE TO AGREE TO WAIVE INTEREST AND PENALTIES FOR TAX MATTERS REPRESENTATIVES

AND CREDIT BUYERS WHO HAVE ACTED IN GOOD FAITH TO RESOLVE
DISPUTED CONSERVATION EASEMENT TAX CREDITS."

Reletter succeeding paragraph accordingly.

Page 9, strike lines 8 through 11 and substitute "PURSUANT TO THIS
SUBSECTION (2), ADDITIONAL INTEREST AND PENALTIES SHALL CEASE TO
ACCRUE WHILE THE MATTER IS ON APPEAL BEFORE THE DISTRICT COURT,
BEGINNING WITH THE DATE THE NOTICE OF APPEAL IS RECEIVED BY THE
DISTRICT COURT. THIS PARAGRAPH (d) SHALL NOT APPLY TO TAX
MATTERS REPRESENTATIVES WHO DO NOT ELECT TO WAIVE THE
ADMINISTRATIVE PROCESS."

Page 13, line 3, strike "(j)" and substitute "(i)".

Page 16, line 11, after "SECTION" insert "OR FILE A WRITTEN REQUEST FOR
FINAL HEARING AND FINAL DETERMINATION WITH THE EXECUTIVE
DIRECTOR PURSUANT TO SUBSECTION (3) OF THIS SECTION".

Page 16, line 26, strike "(d)" and substitute "(e)".

Page 19, line 7, strike "SECTION 39-29-105" and substitute "THE
PROVISIONS OF THIS SUBSECTION (6)".

Page 21, strike lines 16 through 26 and substitute:

"(11) IF A TAX MATTERS REPRESENTATIVE PROCEEDS WITH THE
HEARING PROCESS BEFORE THE EXECUTIVE DIRECTOR RATHER THAN
APPEAL TO A DISTRICT COURT PURSUANT TO SUBSECTION (2) OF THIS
SECTION AND EITHER THE TAX MATTERS REPRESENTATIVE OR ONE OR
MORE TRANSFEREES PAYS AN AMOUNT ON OR BEFORE JUNE 30, 2012, THAT
SATISFIES A DEFICIENCY IN AN AMOUNT AGREED TO BY THE DEPARTMENT
OF REVENUE FOR THE TAX OWED BY THE TAX MATTERS REPRESENTATIVE
OR THE TRANSFEREE, ALL ADDITIONAL AMOUNTS OF PENALTIES AND
INTEREST OWED SHALL BE WAIVED."

Page 23, strike lines 23 through 26 and substitute "DIRECTOR SHALL
PROVIDE NOTICE OF THE PROVISIONS OF THIS SUBSECTION (14) IN
ACCORDANCE WITH SUBSECTION (9) OF THIS SECTION."

Page 24, after line 25 insert:

**"SECTION 3. 39-21-113, Colorado Revised Statutes, is amended
BY THE ADDITION OF A NEW SUBSECTION to read:**

39-21-113. Reports and returns - repeal.
(17.5) (a) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE
EXECUTIVE DIRECTOR MAY PROVIDE SUCH DETAILED INFORMATION
PERTINENT TO A CLAIM FOR A CREDIT FOR THE DONATION OF A
CONSERVATION EASEMENT PURSUANT TO SECTION 39-22-522 TO
TAXPAYERS, INCLUDING DONORS AND TRANSFEREES, WITH CASES
INVOLVING COMMON OR RELATED ISSUES OF FACT OR LAW. THE
EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S DULY AUTHORIZED
AGENTS MAY ALSO PROVIDE SUCH INFORMATION TO THE PARTIES TO A
CONSOLIDATED ADMINISTRATIVE HEARING PURSUANT TO 39-22-522.5 (5)
(a) AS NECESSARY AND APPROPRIATE FOR THE EFFICIENT AND FAIR
RESOLUTION OF DISPUTES.

(b) PERSONS WHO RECEIVE TAXPAYER INFORMATION PURSUANT TO
PARAGRAPH (a) OF THIS SUBSECTION (17.5) SHALL BE SUBJECT TO THE
PROVISIONS OF THIS SECTION, INCLUDING THE LIMITATIONS IN SUBSECTION
(4) OF THIS SECTION AND THE PENALTIES IN SUBSECTION (6) OF THIS
SECTION REGARDING DISCLOSURE OF TAXPAYER INFORMATION.

**SECTION 4. 39-22-522 (2.5), Colorado Revised Statutes, is
amended to read:**

39-22-522. Credit against tax - conservation easements.
(2.5) Notwithstanding any other provision of this section, for income tax
years commencing during the 2011, 2012, and 2013 calendar years, a
taxpayer conveying a conservation easement in 2011, 2012, or 2013 and
claiming a credit pursuant to this section shall, in addition to any other
requirements of this section, submit a claim for the credit to the division

of real estate in the department of regulatory agencies. The division shall issue a certificate for the claims received in the order submitted. After certificates have been issued for credits that exceed an aggregate of ~~twenty-six~~ TWENTY-TWO million dollars for all taxpayers for income tax years commencing in each of the 2011 AND 2012 ~~and 2013~~ calendar years AND THIRTY-FOUR MILLION DOLLARS FOR EACH INCOME TAX YEAR COMMENCING IN THE 2013 CALENDAR YEAR, any claims that exceed the amount allowed for a specified calendar year shall be placed on a wait list in the order submitted and a certificate shall be issued for use of the credit in 2012 or 2013. The division shall not issue credit certificates that exceed ~~twenty-six~~ TWENTY-TWO million dollars for each income tax year commencing in the 2011 AND 2012 ~~and 2013~~ calendar years AND THIRTY-FOUR MILLION DOLLARS FOR EACH INCOME TAX YEAR COMMENCING IN THE 2013 CALENDAR YEAR. No claim for a credit shall be allowed for any income tax year commencing during the 2011, 2012, or 2013 calendar years unless a certificate has been issued by the division. The right to claim the credit shall be vested in the taxpayer at the time a credit certificate is issued. The division may promulgate rules in accordance with article 4 of title 24, C.R.S., for the issuance of certificates in accordance with this subsection (2.5).".

Renumber succeeding sections accordingly.

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, May 5 was laid over until Friday, May 6, retaining its place on the calendar.

General Orders -- Second Reading of Bills: HB11-1297, SB11-267.
Consideration of Resolutions: SJR11-005, SJR11-047, SJR11-040.
Consideration of Memorials: SJM11-002, SJM11-003, SJM11-004.
Consideration of House Amendments to Senate Bills: SCR11-001.

Senate in recess. Senate reconvened.

MESSAGE FROM THE GOVERNOR

May 5, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-211 CONCERNING THE USE OF TOBACCO TAX REVENUE FOR HEALTH RELATED PURPOSES DURING A STATE FISCAL EMERGENCY, AND MAKING AN APPROPRIATION THEREFOR

Approved May 5, 2011 at 11:17 a.m.

SB11-212 CONCERNING AUTHORITY FOR AN ADDITIONAL PERMISSIBLE
USE OF MONEYS IN THE HOSPITAL PROVIDER FEE CASH FUND FOR STATE
MEDICAID EXPENDITURES TO OFFSET STATE GENERAL FUND
EXPENDITURES FOR THE NEXT TWO FISCAL YEARS, AND MAKING AN
APPROPRIATION THEREFOR

Approved May 5, 2011 at 11:21 a.m.

SB11-214 CONCERNING DECOMMISSIONING FORT LYON CORRECTIONAL
FACILITY

Approved May 5, 2011 at 11:24 a.m.

SB11-215 CONCERNING A REDUCTION IN THE GENERAL FUND PORTION OF
THE PER DIEM RATES PAID TO NURSING FACILITIES FOR THE 2011-12 FISCAL
YEAR, AND MAKING AN APPROPRIATION THEREFOR

Approved May 5, 2011 at 11:24 a.m.

SB11-216 CONCERNING THE REDUCTION OF GENERAL FUND
APPROPRIATIONS FOR THE CHILDREN'S BASIC HEALTH PLAN BY
REALLOCATING TOBACCO-RELATED REVENUE STREAMS, AND, IN
CONNECTION THEREWITH, ABOLISHING THE PEDIATRIC SPECIALTY
HOSPITAL FUND AND THE SUPPLEMENTAL TOBACCO LITIGATION
SETTLEMENT MONEY ACCOUNT IN THE PEDIATRIC SPECIALTY HOSPITAL
FUND, ABOLISHING THE COMPREHENSIVE PRIMARY AND PREVENTIVE
CARE FUND, ABOLISHING THE COMPREHENSIVE PRIMARY AND
PREVENTIVE CARE GRANT PROGRAM, AND MAKING AN APPROPRIATION

Approved May 5, 2011 at 11:24 a.m.

SB11-217 CONCERNING A REDUCTION TO THE JUVENILE DETENTION BED
CAP, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH

Approved May 5, 2011 at 11:25 a.m.

SB11-218 CONCERNING THE TRANSFER OF MONEYS FROM CERTAIN CASH
FUNDS TO THE STATE EDUCATION FUND

Approved May 5, 2011 at 11:25 a.m.

SB11-221 CONCERNING CONTRIBUTIONS TO PAY THE UNFUNDED ACCRUED
LIABILITY OF OLD HIRE PENSION PLANS THAT ARE AFFILIATED WITH THE
FIRE AND POLICE PENSION ASSOCIATION, AND MAKING AN
APPROPRIATION THEREFOR

Approved May 5, 2011 at 11:26 a.m.

SB11-222 CONCERNING TRANSFERS OF MONEYS RELATING TO CAPITAL
CONSTRUCTION

Approved May 5, 2011 at 11:26 a.m.

SB11-223 CONCERNING STATE SALES TAX REVENUES RETAINED BY A
VENDOR AS COMPENSATION FOR EXPENSES INCURRED BY THE VENDOR IN
THE COLLECTION AND REMITTANCE OF SUCH TAX REVENUES TO THE
STATE, AND MAKING AN APPROPRIATION THEREFOR

Approved May 5, 2011 at 11:27 a.m.

SB11-224 CONCERNING THE SUSPENSION OF ANNUAL INCREASES IN THE PERCENTAGE OF TOBACCO LITIGATION SETTLEMENT MONEYS RECEIVED BY THE STATE THAT ARE ALLOCATED TO THE NURSE HOME VISITOR PROGRAM AND MAKING AN APPROPRIATION THEREFOR

Approved May 5, 2011 at 11:27 a.m.

SB11-228 CONCERNING THE FORMULA BY WHICH MONEYS SHALL BE ADVANCED TO A COUNTY FROM THE COUNTY TAX BASE RELIEF FUND IN THE EVENT THAT APPROPRIATIONS ARE INSUFFICIENT TO COVER ALL ADVANCEMENTS

Approved May 5, 2011 at 11:27 a.m.

SB11-229 CONCERNING INCREASING THE STATUTORY CAP ON ADMINISTRATIVE EXPENSES FOR THE SCHOOL COUNSELOR CORPS GRANT PROGRAM

Approved May 5, 2011 at 11:28 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

- HB11-1014** by Representative(s) DelGrosso; also Senator(s) Roberts and Hudak--Concerning the repeal of a limiting trigger associated with the child care contribution income tax credit.
Finance
- HB11-1212** by Representative(s) Tyler and Hullinghorst; also Senator(s) Spence--Concerning the inclusion of lean government principles in the performance-based budgeting process.
State, Veterans & Military Affairs
- HB11-1301** by Representative(s) Waller, Gardner B., Murray, Priola, Todd, Fields, Levy, Casso, Schafer S., Stephens; also Senator(s) Schwartz, Williams S.--Concerning statutory changes to increase efficiency in the operations of public institutions of higher education.
Education
- HB11-1307** by Representative(s) Becker, Gerou, Ferrandino; also Senator(s) Steadman, Hodge, Lambert--Concerning recovery audits.
Finance
- HB11-1310** by Representative(s) Sonnenberg, Brown, Vigil; also Senator(s) Bacon, Schwartz, Renfroe--Concerning the funding for the restoration of the state capitol dome.
Finance
- HB11-1311** by Representative(s) Swerdfeger and Kerr A., Stephens, Pace; also Senator(s) Giron, Cadman--Concerning the number of project applications that the Colorado economic development commission may approve following approval of two initial projects pursuant to the "Colorado Regional Tourism Act".
Finance

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

115th Legislative Day	Friday, May 6, 2011
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Prayer	By Senator Guzman.
Call to Order	By the President at 9:00 a.m.
Pledge	By Senator Aguilar.
Roll Call	Present--34 Excused--1, Shaffer B. Present later--1, Shaffer B.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator King S., reading of the Journal of Thursday, May 5, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

May 5, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1264, amended as printed in House Journal, May 5, pages 1245-1247.
HB11-1223, amended as printed in House Journal, May 5, page 1250.

The House has postponed indefinitely SB11-205. The bill is returned herewith.

The Speaker has appointed Representatives B.Gardner, chairman, J. Kerr, and Levy as House conferees on the First Conference Committee on SB11-193.

MESSAGE FROM THE REVISOR OF STATUTES

May 6, 2011

We herewith transmit:

Without comment, as amended, HB11-1223 and 1264.

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 Third Reading of Bills -- Final Passage.

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:

SB11-261 by Senator(s) Roberts, Brophy, Carroll, Morse, Schwartz; also Representative(s) Gardner B., Labuda, Levy, Murray, Waller--Concerning the publication of the Colorado Revised Statutes by persons other than the general assembly.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsor added: Lundberg

SB11-264 by Senator(s) Newell; also Representative(s) Gardner B. and Lee--Concerning a clarification of state law governing the circumstances under which a notice of lis pendens must be recorded in connection with the filing of a debt security instrument as a substitute for the filing of certain liens.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsor added: Lundberg

HB11-1005 by Representative(s) Sonnenberg and Becker; also Senator(s) Brophy--Concerning the repeal of House Bill 10-1195 regarding a suspension of the exemption from the state sales and use taxes for certain items used in agricultural production, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	29	NO	5	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	N
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Grantham, Harvey, Hodge, Jahn, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Renfroe, Roberts, Scheffel, Spence, Steadman and White.

SB11-266 by Senator(s) Bacon and King K.; also Representative(s) Ramirez and Kerr A.--Concerning background checks for employees of entities that contract to perform services for public schools, 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
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Grantham, Guzman, Heath, Jahn, King S., Mitchell, Newell, Roberts, White and Williams S.

HB11-1093 by Representative(s) Bradford, Sonnenberg; also Senator(s) Cadman--Concerning the payment of specific ownership tax on special mobile machinery.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	1	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Grantham, King K., Kopp, Lambert, Lundberg and Scheffel.

Committee of the Whole	The hour of having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman.	1 2 3 4
	SPECIAL ORDERS -- SECOND READING OF BILLS	5 6
	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:	7 8 9 10
SB11-032	by Senator(s) Johnston; --Concerning a requirement that the public utilities commission promulgate rules to establish an on-bill financing program for clean energy improvements to real property.	11 12 13 14
	As amended, laid over until Monday, May 9, retaining its place on the calendar.	15 16 17
SB11-267	by Senator(s) Schwartz, Shaffer B., Bacon, Foster, Giron, Guzman, Heath, Hodge, Jahn, Johnston, King S., Nicholson, Roberts, Tochtrop, White, Williams S.; also Representative(s) Coram and Hamner, Court--Concerning measures to promote forest health, and, in connection therewith, creating the Colorado forest biomass use work group and promoting the creation of sustainable market-based models for active forest management and woody biomass energy development.	18 19 20 21 22 23 24
	<u>Amendment No. 1, Special Orders Amendment.</u> (Printed in Senate Journal, May 6, page 1038 and placed in members' bill files.)	25 26 27
	<u>Amendment No. 2(L.003), by Senator Kopp.</u>	28 29
	Severed section #2, Page 1, lines 6 and 7.	30 31
	Page 5, strike line 15 and substitute:	32 33
	"(V) FOREST ECOLOGY;"	34 35 36
	<u>Amendment No. 3(L.005), by Senator Kopp.</u>	37 38
	Amend the Schwartz amendment, No. 2 (L.004), as printed in Senate Journal, May 5, page 1038, strike line 29 and substitute ""STRATEGY WITHOUT INTENDING THEREBY TO IMPAIR THE USE OF OPEN BURNING OF SLASH OR BRUSH TO ADDRESS CRITICAL FIRE MITIGATION EFFORTS;".".	39 40 41 42 43 44
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	45 46 47
	(For further action, see amendments to the report of the Committee of the Whole.)	48 49 50
SB11-270	by Senator(s) Nicholson; also Representative(s) Balmer--Concerning the collection of charitable solicitations from passing motorists on a public roadway by local government public safety personnel.	51 52 53 54
	Lost on second reading.	55 56
	(For further action, see amendments to the report of the Committee of the Whole.)	57 58 59
SB11-251	by Senator(s) Nicholson; also Representative(s) Loooper--Concerning the authority of the division of fire safety within the department of public safety, and making an appropriation in connection therewith.	60 61 62 63
	<u>Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.</u> (Printed in Senate Journal, April 29, pages 949-950 and placed in members' bill files.)	64 65 66
	<u>Amendment No. 2, Appropriations Committee Amendment.</u> (Printed in Senate Journal, May 4, page 1014 and placed in members' bill files.)	67 68 69
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	70 71 72

HB11-1265 by Representative(s) Stephens, Waller; also Senator(s) Johnston--Concerning the filing of claims for refunds of sales or use tax, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, May 4, page 1015 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1105 by Representative(s) Acree, Balmer, Barker, Baumgardner, Court, Fields, Holbert, Joshi, Kagan, Kerr J., Looper, Massey, McCann, Priola, Todd; also Senator(s) White, Kopp, King S., Tochtrop--Concerning assaults against medical care providers.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, April 26, page 884 and placed in members' bill files.)

Severed section #2, Page 1, lines 3 through 11.

Page 2, line 15, after the period add "AT ANY TIME AFTER SENTENCING AND PRIOR TO THE DISCHARGE OF THE DEFENDANT'S SENTENCE, THE VICTIM MAY REQUEST THAT THE DEFENDANT PARTICIPATE IN RESTORATIVE JUSTICE PRACTICES WITH THE VICTIM. IF THE DEFENDANT ACCEPTS RESPONSIBILITY FOR AND EXPRESSES REMORSE FOR HIS OR HER ACTIONS AND IS WILLING TO REPAIR THE HARM CAUSED BY HIS OR HER ACTIONS, AN INDIVIDUAL RESPONSIBLE FOR THE DEFENDANT'S SUPERVISION SHALL MAKE THE NECESSARY ARRANGEMENTS FOR THE RESTORATIVE JUSTICE PRACTICES REQUESTED BY THE VICTIM."

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1242 by Representative(s) Ferrandino; also Senator(s) Nicholson--Concerning the provision of integrated health care services pursuant to the Colorado medical assistance program, and making an appropriation therefor.

Amendment No. 1(L.003), by Senator Boyd.

Amend reengrossed bill, page 4, after line 3 insert:

"**SECTION 2.** 25.5-6-108.5 (2) (b), Colorado Revised Statutes, is amended to read:

25.5-6-108.5. Community long-term care studies - authority to implement - alternative care facility report. (2) (b) The study conducted pursuant to this subsection (2) shall be completed by January 1, 2011 2012, and, if federal approval is obtained prior to final figure-setting for the fiscal year commencing July 1, 2011 2012, the state department shall submit a request through the budget process for implementation of the approved changes for that fiscal year.

SECTION 3. Appropriation. For the implementation of section 2 of this act, the appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the department of health care policy and financing, for the executive director's office, for general professional services and special projects, is increased by seventy-five thousand dollars (\$75,000). Of said sum, thirty-seven thousand five hundred dollars (\$37,500) shall be from cash funds from the department of health care policy and financing cash fund created in section 25.5-1-109, Colorado Revised Statutes, and thirty-seven thousand five hundred dollars (\$37,500) shall be from federal funds."

Renumber succeeding sections accordingly.

Page 4, strike lines 15 through 24 and substitute:

"**SECTION 5. Effective date.** (1) This act shall take effect July 1, 2011.

(2) Notwithstanding the provisions of subsection (1) of this section, section 3 of this act shall only take effect if House Bill 11-1217 is not enacted and does not become law.

SECTION 6. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

As amended, ordered revised 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 Special Orders -- Second Reading of Bills Calendar (HB11-1297) of Friday, May 6 was laid over until later in the day, retaining its place on the calendar.

Call of the Senate.
Call raised.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB11-270
by Senator(s) Nicholson; also Representative(s) Balmer--Concerning the collection of charitable solicitations from passing motorists on a public roadway by local government public safety personnel.

Senator Nicholson moved to amend the Report of the Committee of the Whole to show that SB 11-270 did pass.

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	17	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	N
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

SB11-267
by Senator(s) Schwartz, Shaffer B., Bacon, Foster, Giron, Guzman, Heath, Hodge, Jahn, Johnston, King S., Nicholson, Roberts, Tochtrop, White, Williams S.; also Representative(s) Coram and Hamner, Court--Concerning measures to promote forest health, and, in connection therewith, creating the Colorado forest biomass use work group and promoting the creation of sustainable market-based models for active forest management and woody biomass energy development.

Senators Schwartz and Kopp moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 11-267 did pass.

Amend printed bill, page 5, strike lines 2 and 3.

Reletter succeeding paragraphs according.

Page 5, line 7, strike "(a), (b), AND (c)" and substitute "(a) AND (b)".

Page 5, after line 17 insert:

"(e) THE DIRECTOR OF THE GOVERNOR'S ENERGY OFFICE CREATED IN SECTION 24-38.5-101, C.R.S., OR THE DIRECTOR'S DESIGNEE, WHOSE PARTICIPATION IS LIMITED TO IDENTIFYING MECHANISMS THAT ARE COST-NEUTRAL TO CONSUMERS;"

Reletter succeeding paragraphs accordingly.

Page 6, line 4, strike "FORESTS;" and substitute "FORESTS, INCLUDING RESPONSIBLE TIMBER HARVEST AND BIOMASS UTILIZATION;"

Page 8, line 9, after "PROMOTING" insert "COST COMPETITIVE".

Page 8, line 22, after "INCLUDE" insert "SPECIFIC LEGISLATIVE".

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	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-267 as amended, SB11-270, SB11-251 as amended, HB11-1265 as amended, HB11-1105 as amended.
Laid over until May 6: HB11-1297.
Laid over until May 9: SB11-032 as amended.

COMMITTEE OF REFERENCE REPORTS

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB11-268** be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute:

"**SECTION 1.** 2-1-101 (1), Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:
2-1-101. Congressional districts. (1) FOR THE ELECTION OF REPRESENTATIVES TO CONGRESS, THE STATE OF COLORADO IS DIVIDED INTO SEVEN CONGRESSIONAL DISTRICTS AS FOLLOWS:
(a) THE FIRST CONGRESSIONAL DISTRICT CONSISTS OF THE FOLLOWING PORTIONS OF THE FOLLOWING COUNTIES:

(I) ARAPAHOE COUNTY: BLOCKS 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2042, 2043, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, AND 2053 OF BLOCK GROUP 2 OF TRACT 5551; BLOCKS 1000, 1001, 1002, 1003, 1005, 1006, 1008, 1009, 1010, 1015, 1020, 1026, 1027, AND 1028 OF BLOCK GROUP 1 AND BLOCKS 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3010, AND 3011 OF BLOCK GROUP 3 OF TRACT 5553; BLOCK 3009 OF BLOCK GROUP 3 AND BLOCKS 4006, 4021, AND 4030 OF BLOCK GROUP 4 OF TRACT 5611; BLOCKS 2023, 2024, 2036, AND 2042 OF BLOCK GROUP 2 OF TRACT 5612; BLOCKS 1010, 1011, AND 1016 OF BLOCK GROUP 1 AND BLOCKS 2024 AND 2025 OF BLOCK GROUP 2 OF TRACT 5625; BLOCK GROUP 1 AND BLOCKS 2006, 2007, 2011, 2013, 2023, 2024, 2025, 2026, 2028, 2029, 2030, 2032, 2033, 2034, AND 2035 OF BLOCK GROUP 2 OF TRACT 5632; BLOCKS 2042, 2045, 2046, AND 2047 OF BLOCK GROUP 2 OF TRACT 5700; BLOCKS 1018, 1019, 1024, 1025, AND 1026 OF BLOCK GROUP 1 OF TRACT 5952; BLOCKS 1006, 1007, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, AND 1049 OF BLOCK GROUP 1 OF TRACT 6000; BLOCKS 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4021, 4023, AND 4024 OF BLOCK GROUP 4 OF TRACT 6200; BLOCKS 3017, 3021, 3022, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, AND 3034 OF BLOCK GROUP 3 OF TRACT 6400; BLOCK GROUPS 1 AND 2, BLOCKS 3004, 3006, 3007, 3009, AND 3010 OF BLOCK GROUP 3, AND BLOCKS 4001, 4002, 4003, 4004, 4005, 4006, AND 4007 OF BLOCK GROUP 4 OF TRACT 6601; BLOCK 2000 OF BLOCK GROUP 2 OF TRACT 6712; BLOCKS 2013 AND 2016 OF BLOCK GROUP 2 OF TRACT 6858; BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1015, AND 1016 OF BLOCK GROUP 1 OF TRACT 87200; AND BLOCKS 2005, 2006, AND 2007 OF BLOCK GROUP 2 AND BLOCK 4003 OF BLOCK GROUP 4 OF TRACT 87300;

(II) THE CITY AND COUNTY OF DENVER: BLOCK GROUPS 1 AND 2, BLOCKS 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, AND 3029 OF BLOCK GROUP 3, AND BLOCK GROUP 4 OF TRACT 4405; AND

(III) JEFFERSON COUNTY: BLOCKS 2024, 2025, AND 2026 OF BLOCK GROUP 2 OF TRACT 11904; BLOCK GROUPS 1, 2, AND 3 AND BLOCKS 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4010, 4011, AND 4012 OF BLOCK GROUP 4 OF TRACT 12022; BLOCKS 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2015, 2017, 2024, 2025, 2026, 2028, 2029, 2043, 2044, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2086, AND 2087 OF BLOCK GROUP 2 OF TRACT 12036; BLOCK GROUPS 1 AND 2 OF TRACT 12050; AND BLOCKS 1019, 1020, AND 1021 OF BLOCK GROUP 1 AND BLOCK GROUP 3 OF TRACT 12054.

(b) THE SECOND CONGRESSIONAL DISTRICT CONSISTS OF THE CITY AND COUNTY OF BROOMFIELD, THE COUNTIES OF FREMONT, GILPIN, GRAND, LAKE, PARK, AND SUMMIT, AND THE FOLLOWING PORTIONS OF THE FOLLOWING COUNTIES:

(I) ADAMS COUNTY: BLOCK 2016 OF BLOCK GROUP 2 AND BLOCKS 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, AND 3041 OF BLOCK GROUP 3 OF TRACT 8529; BLOCKS 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1027, 1031, 1032, AND 1033 OF BLOCK GROUP 1 AND BLOCKS 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, AND 2035 OF BLOCK GROUP 2 OF TRACT 8533; BLOCKS 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, AND 2008 OF BLOCK GROUP 2 OF TRACT 9203; BLOCK GROUPS 1 AND 2, BLOCKS 4000, 4001, 4002, 4003, 4004, 4006, 4007, 4008, 4009, 4011, 4015, 4016, 4017, 4022, 4023, 4024, 4025, 4026, 4028, 4029, AND 4030 OF BLOCK GROUP 4, AND BLOCKS 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, AND 5010 OF BLOCK GROUP 5 OF TRACT 9304; BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, AND 1018 OF BLOCK GROUP 1 AND BLOCKS 2006, 2008, AND 2010 OF BLOCK GROUP 2 OF TRACT 9309; BLOCKS 1000, 1001, AND 1003 OF BLOCK GROUP 1 OF TRACT 9316; BLOCK GROUP 2 OF TRACT 9320; BLOCKS 1000, 1007, AND 1008 OF BLOCK GROUP 1 OF TRACT 9322; BLOCK GROUP 2 OF TRACT

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2011, 2012, 2013, 2022, AND 2023 OF BLOCK GROUP 2 OF TRACT 9502;	2
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1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031,	24
1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043,	25
1044, 1057, 1058, 1079, 1300, 1301, 1302, 1317, 1318, 1319, 1320, 1321,	26
1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333,	27
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(VI) JEFFERSON COUNTY: BLOCK 2000 OF BLOCK GROUP 2 OF	30
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(VII) WELD COUNTY: BLOCKS 1005, 1006, 1007, 1008, 1009,	69

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1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033,	2
1034, 1035, 1036, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052,	3
1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064,	4
1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076,	5
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1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060,	27
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1085, 1086, 1087, 1088, 1089, 1090, 1091, 1093, 1095, 1096, 1101, 1102,	30
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1042, 1044, 1045, 1046, 1047, 1050, 1051, AND 1052 OF BLOCK GROUP 1	42
OF TRACT 2006; BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007,	43
1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019,	44
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1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, AND 1127 OF BLOCK	53
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3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3020, 3021, 3022, 3023,	55
3024, 3025, 3026, 3027, 3028, 3029, 3036, 3037, 3038, 3039, 3040, 3041,	56
3042, 3043, 3044, 3045, 3046, 3047, 3048, 3093, 3094, 3095, 3096, 3098,	57
3099, 3100, 3105, 3106, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115,	58
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JACKSON, LA PLATA, LAS ANIMAS, MESA, MINERAL, MOFFAT,	67
MONTEZUMA, MONTROSE, OURAY, PITKIN, PUEBLO, RIO BLANCO, RIO	68
GRANDE, ROUTT, SAGUACHE, SAN JUAN, AND SAN MIGUEL AND THE	69

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1499, 1500, 1501, 1507, 1508, 1512, 1514, 1515, 1516, 1517, 1518, 1519,
1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531,
1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543,
1544, 1545, 1546, 1551, 1552, 1555, 1556, 1562, AND 1717 OF BLOCK
GROUP 1 OF TRACT 100; BLOCKS 1006, 1012, 1013, 1014, 1015, 1016,
1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028,
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1104, 1109, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138,
1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1148, 1150, 1151, 1158,
1159, 1160, 1161, 1246, 1247, 1248, 1251, 1252, 1253, 1254, 1255, 1256,
1257, 1258, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288,
1292, AND 1293 OF BLOCK GROUP 1, BLOCKS 2060, 2061, AND 2065 OF
BLOCK GROUP 2, AND BLOCKS 3000, 3001, 3003, 3005, 3006, AND 3015 OF
BLOCK GROUP 3 OF TRACT 200; AND BLOCKS 1045, 1046, 1047, 1048,
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1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074,
1075, 1076, 1077, 1078, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087,
1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099,
1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111,
1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123,
1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135,
1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147,
1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159,
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1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195,
1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207,
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1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267,
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1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1336, 1342,
1343, 1344, 1345, 1346, AND 1348 OF BLOCK GROUP 1 AND BLOCK GROUP
2 OF TRACT 302.

(d) THE FOURTH CONGRESSIONAL DISTRICT CONSISTS OF THE
COUNTIES OF LARIMER, LOGAN, MORGAN, PHILLIPS, SEDGWICK,
WASHINGTON, AND YUMA AND THE FOLLOWING PORTIONS OF THE
FOLLOWING COUNTIES:

(I) ADAMS COUNTY: BLOCKS 1000, 1001, 1002, 1003, 1004, 1005,
1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017,
1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029,
1030, 1031, 1032, 1033, 1034, 1035, 1038, 1039, 1040, 1042, 1043, 1044,
1045, 1046, 1047, 1049, 1051, 1052, 1053, 1058, 1059, 1062, 1064, 1065,
1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077,
1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089,
1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, AND 1101 OF
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2066, 2067, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2081, 2101,
2103, 2104, 2106, 2107, 2108, 2109, 2112, 2113, 2124, 2125, 2127, 2128,
2159, 2160, 2173, 2174, 2175, 2176, 2177, 2178, 2181, 2182, 2183, 2185,
2305, 2308, 2313, 2314, 2315, AND 2316 OF BLOCK GROUP 2, AND BLOCK
GROUP 3 OF TRACT 8523; BLOCKS 1000, 1001, 1008, 1009, AND 1015 OF
BLOCK GROUP 1 OF TRACT 8535; BLOCKS 1036, 1071, AND 1072 OF BLOCK
GROUP 1 OF TRACT 8536; BLOCKS 1000, 1001, 1002, 1003, 1004, 1005,
1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017,
1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1030, 1031, 1032,
1033, 1034, 1035, 1036, 1037, 1038, 1039, 1073, 1076, 1077, 1081, 1106,
AND 1107 OF BLOCK GROUP 1 OF TRACT 8537; BLOCKS 1003, 1004, 1005,
1006, 1060, 1061, 1062, 1063, AND 1064 OF BLOCK GROUP 1 OF TRACT

8541; BLOCKS 1000, 1001, 1002, 1005, 1006, 1007, 1008, 1009, 1010,	1
1011, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026,	2
1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038,	3
1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050,	4
1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062,	5
1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, AND 1071 OF BLOCK	6
GROUP 1 OF TRACT 8603; AND BLOCK GROUPS 1 AND 2 AND BLOCKS 3000,	7
3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012,	8
3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024,	9
3025, 3026, 3027, 3028, 3030, 3031, 3032, 3033, 3035, 3037, 3039, 3040,	10
3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, AND 3051	11
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(II) BOULDER COUNTY: BLOCKS 2014, 2015, 2016, AND 2017 OF	13
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3036, AND 3037 OF BLOCK GROUP 3, BLOCK 4008 OF BLOCK GROUP 4, AND	15
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5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046,	18
5047, 5048, 5049, 5050, 5051, 5082, 5099, 5100, 5101, AND 5102 OF	19
BLOCK GROUP 5 OF TRACT 12800; BLOCK GROUP 1 AND BLOCKS 2000,	20
2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012,	21
2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024,	22
2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036,	23
2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048,	24
2049, 2050, 2051, 2053, 2054, 2055, 2056, 2057, AND 2070 OF BLOCK	25
GROUP 2 OF TRACT 12904; BLOCKS 1005, 1006, 1007, 1008, 1009, 1010,	26
1012, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1024, 1025, 1026, 1027,	27
1028, 1029, 1030, 1031, 1032, 1033, 1038, 1039, 1040, AND 1041 OF	28
BLOCK GROUP 1 AND BLOCKS 2002, 2003, 2005, 2006, 2007, 2008, 2009,	29
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2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, AND 2031 OF	31
BLOCK GROUP 2 OF TRACT 12907; BLOCKS 1000, 1001, 1009, 1016, 1017,	32
1018, 1019, 1020, 1021, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037,	33
1038, 1039, 1040, 1041, 1042, 1043, AND 1044 OF BLOCK GROUP 1,	34
BLOCKS 2016, 2018, AND 2020 OF BLOCK GROUP 2, BLOCKS 3000, 3001,	35
3002, AND 3007 OF BLOCK GROUP 3, AND BLOCKS 4000, 4001, 4002, 4003,	36
4004, 4005, 4006, 4012, 4013, AND 4047 OF BLOCK GROUP 4 OF TRACT	37
13003; BLOCKS 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008,	38
2012, AND 2013 OF BLOCK GROUP 2 OF TRACT 13205; BLOCK GROUP 1,	39
BLOCKS 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009,	40
2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021,	41
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(IV) WELD COUNTY: BLOCK 1055 OF BLOCK GROUP 1 OF TRACT 2005; AND BLOCKS 1043, 1048, AND 1049 OF BLOCK GROUP 1 OF TRACT 2006.

SECTION 2. 2-1-101 (2) and (8), Colorado Revised Statutes, are amended to read:

2-1-101. Congressional districts. (2) ~~The general assembly recognizes that the city and county of Broomfield was created after the most recent federal census was conducted; consequently, for the purposes of this section, the definition of areas to be included in each congressional district is by reference to counties and to official census tracts, census block groups, and census blocks created by the United States bureau of the census to which fixed population counts have been assigned as of the year 2000.~~

(8) ~~The provisions of This section shall apply APPLIES to the general election in 2004 and subsequent years ELECTIONS until the congressional districts are again reapportioned.~~

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Appropriations

After consideration on the merits, the Committee recommends that **HB11-1293** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 8, strike lines 9 through 14.

Renumber succeeding sections accordingly.

Page 8, strike line 16 and substitute "2012."

Page 1, strike line 103 and substitute "**JULY 1, 2012.**".

Appropriations	After consideration on the merits, the Committee recommends that HB11-1261 be amended as follows, and as so amended, be referred to the Committee on of the Whole with favorable recommendation.	1
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Appropriations	After consideration on the merits, the Committee recommends that HB11-1072 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	6
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Appropriations	After consideration on the merits, the Committee recommends that HB11-1043 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	21
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medical marijuana license cash fund created in section 12-43.3-501 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the information technology division, for the fiscal year beginning July 1, 2011, the sum of seven thousand six hundred ninety-six dollars (\$7,696) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, sum of seven thousand six hundred ninety-six dollars (\$7,696), or so much thereof as may be necessary, for the provision of programming services to the department of revenue related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section."

Renumber succeeding sections accordingly."

Appropriations

After consideration on the merits, the Committee recommends that **HB11-1295** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 1, line 104, strike "**RECEIVED AND**" and substitute "**RECEIVED**,".

Page 1, strike line 108 and substitute "**APPROPRIATION**,".

Appropriations

After consideration on the merits, the Committee recommends that **HB11-1195** 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 17, strike "investigations," and substitute "investigation,".

Appropriations

After consideration on the merits, the Committee recommends that **HB11-1157** 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 the Transportation Committee Report, dated May 3, 2011, page 1, strike lines 3 through 10 and substitute:

"Page 4 of the reengrossed bill, strike line 5 and substitute "program on or after January 1, 2012."."

Appropriations

After consideration on the merits, the Committee recommends that **SB11-263** 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 printed bill, page 3, after line 10 insert:

"SECTION 2. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act."

Renumber succeeding sections accordingly.

Appropriations

After consideration on the merits, the Committee recommends that **HB11-1091** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations	After consideration on the merits, the Committee recommends that HB11-1288 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 5
Transportation	After consideration on the merits, the Committee recommends that HB11-1316 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	6 7 8 9 10
<hr/>		11 12
On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB11-1288, HB11-1091, HB11-1305, SB11-272, HB11-1157 were made Special Orders -- Consent Calendar at 11:35 a.m.		13 14 15 16
<hr/>		17 18 19
Committee of the Whole	The hour of 11:35 a.m. having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman.	20 21 22 23 24
SPECIAL ORDERS -- SECOND READING OF BILLS -- CONSENT CALENDAR		25 26 27
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:		28 29 30 31 32
HB11-1288	by Representative(s) Liston and Pabon, DelGrosso, Gardner D., Holbert, McNulty, Miklosi, Pace, Peniston, Priola, Soper, Swalm, Swerdfeger, Tyler, Williams A., Wilson; also Senator(s) Morse, Aguilar, Shaffer B., Tochtrop, Jahn, Harvey--Concerning unemployment insurance solvency reform, and, in connection therewith, enacting measures to enhance the solvency of the unemployment compensation fund, and making an appropriation.	33 34 35 36 37 38
Ordered revised and placed on the calendar for third reading and final passage.		39 40 41
HB11-1091	by Representative(s) Liston, Balmer, Kerr J., Barker, Bradford, Court, Joshi, Looper, Murray, Szabo; also Senator(s) Morse, Harvey, Tochtrop--Concerning the sales tax exemption for purchases of medical equipment.	42 43 44 45
Ordered revised and placed on the calendar for third reading and final passage.		46 47 48
HB11-1305	by Representative(s) DelGrosso; also Senator(s) Johnston--Concerning the adjustment of the ratio of valuation for assessment for residential real property.	49 50 51
Ordered revised and placed on the calendar for third reading and final passage.		52 53 54
SB11-272	by Senator(s) Hodge and Aguilar, Bacon, Foster, Giron, Guzman, Johnston, White, Williams S.; also Representative(s) Summers and Fields, Casso, Duran, Fischer, Gardner D., Gerou, Hamner, Jones, Kefalas, Labuda, Lee, McCann, Pabon, Peniston, Priola, Riesberg, Ryden, Schafer S., Solano, Soper, Swerdfeger, Todd, Williams A.--Concerning the voluntary contribution designation benefiting the adult stem cells cure fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.	55 56 57 58 59 60 61 62
Ordered engrossed and placed on the calendar for third reading and final passage.		63 64 65
HB11-1157	by Representative(s) Casso; also Senator(s) White--Concerning the exemption from the heavy-duty diesel inspection program of heavy-duty diesel vehicles based outside the program area as part of a fleet registered in the program area, and making an appropriation therefor.	66 67 68 69

Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, May 4, page 1017 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 6, page 1079 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

SB11-263 by Senator(s) Tochtrop, Brophy, Jahn; also Representative(s) Becker--Concerning clarification of the state sales tax exemption for sales of medical products.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, May 6, page 1079 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

On motion of Senator Carroll, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-272, SB11-263 as amended, HB11-1288, HB11-1091, HB11-1305, HB11-1157 as amended.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB11-1298, SB11-271, SB11-273, HB11-1188, HB11-1032, HB11-1277, HB11-1072, HB11-1195, HB11-1295, HB11-1293, and HB11-1250 were made Special Orders at 11:45 a.m.

Committee of the Whole The hour of 11:45 a.m. having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman.

SPECIAL 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:

HB11-1298	by Representative(s) Tyler and Vaad, Barker, Brown, Fischer, Gardner D., Hamner, Hullinghorst, Kerr A., Looper, Pabon, Peniston, Ramirez, Scott, Williams A.; also Senator(s) Spence, Bacon, Hudak, Johnston, King K., King S., Renfroe, Schwartz, Tochtrop, White, Williams S.--Concerning the creation of a special license plate for Craig hospital, and making an appropriation therefor.	1 2 3 4 5 6
	A majority of all members elected to the Senate having voted in the affirmative, the bill was referred to the Committee on <u>Appropriations</u> .	7 8 9
SB11-271	by Senator(s) Shaffer B.; --Concerning the prohibition of deceptive trade practices in the solicitation of orders for retail florist services.	10 11 12
	Ordered engrossed and placed on the calendar for third reading and final passage.	13 14 15
SB11-273	by Senator(s) Steadman; also Representative(s) Massey--Concerning authorization to consume alcohol beverages within a festival area.	16 17 18
	<u>Amendment No. 1, Business, Labor & Technology Committee Amendment.</u> (Printed in Senate Journal, May 5, pages 1045-1046 and placed in members' bill files.)	19 20 21 22
	<u>Amendment No. 2(L.004), by Senator Steadman.</u>	23 24
	Amend printed bill, page 2, after line 6, insert:	25 26
	"(6.6) "COMMON CONSUMPTION AREA" MEANS AN AREA DESIGNED AS A COMMON AREA IN AN ENTERTAINMENT DISTRICT APPROVED BY THE LOCAL LICENSING AUTHORITY THAT USES PHYSICAL BARRIERS TO CLOSE THE AREA TO MOTOR VEHICLE TRAFFIC AND LIMIT PEDESTRIAN ACCESS."	27 28 29 30
	Page 2, line 10, strike "FIFTY" and substitute "TWENTY".	31 32
	Page 3, strike lines 3 through 6.	33 34
	Page 3, line 9, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".	35 36
	Page 3, line 10, strike "ONE" and substitute "TWO".	37 38
	Page 3, line 16, after "BODY" insert "OF A LOCAL LICENSING AUTHORITY" and after the period add "THIS SUBSECTION (11) DOES NOT APPLY TO A SPECIAL EVENT PERMIT ISSUED UNDER ARTICLE 48 OF THIS TITLE OR THE HOLDER THEREOF UNLESS THE PERMIT HOLDER DESIRES TO USE AN EXISTING COMMON CONSUMPTION AREA AND AGREES IN WRITING TO THE REQUIREMENTS OF THIS ARTICLE AND THE LOCAL LICENSING AUTHORITY CONCERNING THE COMMON CONSUMPTION AREA."	39 40 41 42 43 44 45 46
	Page 3, line 17, strike "MUNICIPALITY" and substitute "LOCAL LICENSING AUTHORITY".	47 48 49
	Page 3, line 22, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".	50 51 52
	Page 3, line 25, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".	53 54 55
	Page 3, line 26, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".	56 57 58
	Page 4, line 7, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".	59 60
	Page 4, line 11, strike "FESTIVAL AREA, THE FESTIVAL" and substitute "COMMON CONSUMPTION AREA, THE COMMON CONSUMPTION".	61 62 63
	Page 4, line 14, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".	64 65 66
	Page 4, line 17, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".	67 68 69

Page 4, line 23, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 4, line 24, strike "OR".

Page 4, after line 24 insert:

"(C) FAILS TO HAVE AT LEAST TWO LICENSED PREMISES ATTACHED TO THE COMMON CONSUMPTION AREA;

(D) THE USE IS NOT COMPATIBLE WITH THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD OR THE DESIRES OF THE ADULT INHABITANTS; OR".

Page 4, line 25, strike "(C)" and substitute "(E)".

Page 4, line 27, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 5, line 4, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 5, line 5, strike "LICENSE" and substitute "LICENSEE".

Page 5, line 6, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 5, line 7, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 5, line 14, after "MAY" insert "DEAUTHORIZE OR".

Page 5, line 15, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 5, line 16, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 5, line 19, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 5, line 21, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 5, line 26, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 6, line 5, after the period add "BEFORE CERTIFYING A PROMOTIONAL ASSOCIATION, THE LOCAL LICENSING AUTHORITY SHALL CONSIDER THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD, THE DESIRES OF THE ADULT INHABITANTS AS EVIDENCED BY PETITIONS, REMONSTRANCES, OR OTHERWISE, AND ALL OTHER REASONABLE RESTRICTIONS THAT ARE OR MAY BE PLACED UPON THE NEIGHBORHOOD BY THE LOCAL LICENSING AUTHORITY.".

Page 6, line 3, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 6, line 8, strike "**festival**" and substitute "**common consumption**".

Page 6, line 12, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 6, line 15, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 6, line 16, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 6, line 17, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 6, line 18, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

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Page 6, line 22, strike " Festival " and substitute " Common consumption ".	1
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Page 6, line 25, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".	4
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Page 7, line 3, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".	7
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Page 7, line 6, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".	9
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Page 7, line 12, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".	11
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Page 7, line 15, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".	14
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Page 7, line 26, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".	17
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Page 8, line 1, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".	20
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Page 8, line 4, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".	22
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Page 8, after line 5, insert:	24
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"(4) THIS SECTION DOES NOT APPLY TO A SPECIAL EVENT PERMIT ISSUED UNDER ARTICLE 48 OF THIS TITLE OR THE HOLDER THEREOF UNLESS THE PERMIT HOLDER DESIRES TO USE AN EXISTING COMMON CONSUMPTION AREA AND AGREES IN WRITING TO THE REQUIREMENTS OF THIS ARTICLE AND THE LOCAL LICENSING AUTHORITY CONCERNING THE COMMON CONSUMPTION AREA."	26
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Page 1, line 102, strike " FESTIVAL " and substitute " COMMON CONSUMPTION ".	33
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Amend the Business, Labor and Technology Committee Report, dated May 5, 2011, page 1, line 8, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".	36
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Page 1 of the committee report, line 9, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".	40
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Page 1 of the committee report, line 11, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".	43
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Page 1 of the committee report, strike line 13 and substitute:	46
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"Page 7, line 2, after "CUSTOMER" insert "FOR CONSUMPTION".	48
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Page 1 of the committee report, strike line 15 and substitute:	50
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"Page 7, line 5, after "CUSTOMER" insert "FOR CONSUMPTION".	52
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As amended, ordered engrossed and placed on the calendar for third reading and final passage.	55
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Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 1:00 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.	61
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Committee of the Whole in recess.	68
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Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

Committee of the Whole reconvened.

SPECIAL ORDERS -- SECOND READING OF BILLS -- cont'd

HB11-1188 by Representative(s) Liston; also Senator(s) Newell--Concerning franchise agreements for a dealer to sell vehicles.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, May 5, pages 1040-1041 and placed in members' bill files.)

Amendment No. 2(L.058), by Senator Newell.

Amend the Business, Labor, and Technology Committee Report, dated May 4, 2011, page 1, line 11, strike "OR" and substitute "AND".

Page 2, line 4, strike the first "OR" and substitute "AND".

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1032 by Representative(s) Lee; also Senator(s) Newell--Concerning restorative justice.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, May 5, pages 1043-1044 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1277 by Representative(s) Massey and Solano; also Senator(s) Bacon--Concerning statutory changes involving K-12 education, and making an appropriation in connection therewith.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, May 5, page 1047 and placed in members' bill files.)

Amendment No. 2(L.014), by Senator Johnston.

Amend the Education Committee Report, page 1, strike lines 1 through 10 and substitute:

"Amend reengrossed bill, page 3, line 8, after "LAW," insert "OTHER THAN FOR THE REPURPOSING OF EXISTING TIME OR RESOURCES,".

Page 3, line 22, after "LAW," insert "OTHER THAN FOR THE REPURPOSING OF EXISTING TIME OR RESOURCES,".

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1195 by Representative(s) Gardner B., Ryden; also Senator(s) Newell--Concerning the voluntary licensure of private investigators, and making an appropriation therefor.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 26, pages 884-888 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 6, page 1079 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1295 by Representative(s) Acree, Scott, Solano; also Senator(s) Newell, Roberts--Concerning voluntary contributions on the state individual income tax return form, and, in connection therewith, requiring the department of revenue to periodically post the amount of donations received and requiring that a voluntary contribution designation line for the Colorado multiple sclerosis fund appear on the state individual income tax return form, and making an appropriation therefore.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, May 6, page 1079 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1293 by Representative(s) Stephens and Murray; also Senator(s) Jahn and Newell, Spence--Concerning the repeal of House Bill 10-1192 regarding the state sales and use tax of standardized software on July 1, 2012.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, May 6, page 1077 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1250 by Representative(s) Acree, Balmer, Conti, Joshi, Ramirez, Scott; also Senator(s) Renfroe, Harvey, King K., Lambert--Concerning a prohibition on ingestible medical marijuana-infused products.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, May 5, pages 1041-1042 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1072 by Representative(s) McNulty, Stephens, Liston; also Senator(s) Morse--Concerning the responsibilities of a designated representative of the proponents of an initiative petition.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 26, pages 882-884 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 6, pages 1077-1078 and placed in members' bill files.)

Amendment No. 3(L.008), by Senator Morse.

Amend reengrossed bill, page 8, strike lines 23 and 24 and substitute "JUDGE DETERMINES THAT THE DESIGNATED REPRESENTATIVES OF THE PROPONENTS INTENTIONALLY VIOLATED THE REPORTING REQUIREMENTS OF THIS SECTION, THE DESIGNATED REPRESENTATIVES SHALL BE SUBJECT TO A PENALTY".

Page 9, line 1, strike "KNOWINGLY" and substitute "INTENTIONALLY".

As amended, laid over until May 9, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-271, SB11-273 as amended, HB11-1188 as amended, HB11-1032 as amended, HB11-1277 as amended, HB11-1195 as amended, HB11-1295 as amended, HB11-1293 as amended, HB11-1250 as amended.
Laid over until May 9: HB11-1072 as amended.
Referred to Committee on Appropriations: HB11-1298.

SENATE SERVICES REPORT

Correctly Engrossed: SB11-261, 264 and 266; SJR11-015, 024, 045, 046 and 050.
Correctly Reengrossed: SB11-258.
Correctly Revised: HB11-1005 and 1093; HJR11-1018, 1019, 1020 and 1022.
Correctly Rerevised: HB11-1121 and 1254.
Correctly Enrolled: SB11-089, 090, 092, 173, 180, 195, 197, 219 and 230.

MESSAGE FROM THE HOUSE

May 6, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1314.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1302, amended as printed in House Journal, May 5, page1268.
HB11-1081, amended as printed in House Journal, May 5, page 1268.
HB11-1299, amended as printed in House Journal, May 5, page 1284, and amended on Third Reading as printed in House Journal, May 6.
HB11-1045, amended as printed in House Journal, May 5, page1286.

The House has passed on Third Reading and returns herewith SB11-060, 199 201, 204, 178, 066, 203, 265, 050, 247, 239, 133, 234.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-088, amended as printed in House Journal, May 5, page 1276.
SB11-091, amended as printed in House Journal, May 5, page 1276.
SB11-102, amended as printed in House Journal, May 5, pages 1276-1277.
SB11-105, amended as printed in House Journal, May 5, page 1277.
SB11-208, amended as printed in House Journal, May 5, pages 1277-1278.
SB11-111, amended as printed in House Journal, May 5, page 1284.
SB11-256, amended as printed in House Journal, May 5, page 1285.
SB11-232, amended as printed in House Journal, May 5, page 1286.

The House has voted not to concur in the Senate amendments to HB11-1211 and requests that a conference committee be appointed. The Speaker has appointed Representatives Waller, chairman, Pace, and Swerdfeger as House conferees on the First Conference Committee on HB11-1211. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB11-1278 and requests that a conference committee be appointed. The Speaker has appointed Representatives B. Gardner, chairman, Becker, and Levy as House conferees on the First Conference Committee on HB11-1278. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB11-1254 and requests that a conference committee be appointed. The Speaker has appointed Representatives Priola, chairman, Schafer, and Stephens as House conferees on the First Conference Committee on HB11-1254. The bill is transmitted herewith.

MESSAGE FROM THE REVISOR OF STATUTES

May 6, 2011

We herewith transmit:

- Without comment, HB11-1314.
- Without comment, as amended, HB11-1045, 1081, and 1302.
- Without comment, as amended, SB11-088, 091, 102, 105, 111, 208, 232, and 256.
- Without comment, as amended, HB11-1299.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

- HB11-1045** by Representative(s) Kefalas; also Senator(s) Newell--Concerning modifications to the Colorado innovation investment tax credit, and making an appropriation in connection therewith.
Finance
- HB11-1081** by Representative(s) Brown; also Senator(s) Schwartz--Concerning the inclusion of liquefied petroleum gas conversion vehicles in the list of qualified vehicles available for efficient motor vehicle incentives.
Agriculture, Natural Resources, and Energy

MESSAGE FROM THE GOVERNOR

May 6, 2011

The Honorable Colorado Senate
Sixty-Eighth General Assembly
First Regular Session
State Capitol Building
Denver, Colorado 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

Senate Bill 11-209 CONCERNING THE PROVISION FOR PAYMENT OF THE EXPENSES OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL DEPARTEMNTS OF THE STATE OF COLORADO, AND OF ITS AGENCIES AND INSTITUTIONS, FOR AND DURING THE FISCAL YEAR BEGINNING JULY 1, 2011, EXCEPT AS OTHERWISE NOTED.

Approved in part and disproved in part on May 6, 2011, at 11:14 a.m.

My administration and I thank the General Assembly for the work we did together to balance Colorado’s critical priorities during this difficult economic and budgetary time. Senate Bill 11-209 (the “FY 2011-12 Long Bill”) and the related supporting legislation implement significant spending reductions in many areas. Still, as new revenues came available, we were able to soften the reductions to K-12 education funding. This budget represents a crucial first step in bridging the structural gap between Colorado’s General Fund revenues and expenditures. While our challenges are not yet over, we are encouraged by the collaboration and hard work from all parties involved in the budget process. Our task next year will be difficult, but the framework for a productive process is firmly established.

At the time of this signing, the budget contained in this bill is not yet balanced. To fully balance the budget requires \$70.0 million in General Fund reductions contingent upon the passage of Senate Joint Resolution 11-009 by a two-thirds majority of both chambers of the General Assembly; the final passage of Senate Bill 11-076; the final passage of Senate Bill 11-220; and the final passage of House Bill 11-1257. Nonetheless, the paramount task of the General Assembly is to pass a state budget. Therefore, I am signing Senate Bill 11-209 with the full confidence that the General Assembly will pass these four critical pieces of legislation in the remaining five days of the session. However, if these bills do not pass, my plan will be to restrict appropriations in the budget. Because of the unique nature of these bills, \$48.8 million will be restricted against the General Fund appropriation to the Department of Health Care Policy and Financing, Medical Services Premiums, through a reduction in Medicaid provider rates, not withstanding Footnote 11 to Senate Bill 11-209. The remainder will be in the General Fund appropriation to the Department of Education, Assistance to Public Schools, State Share of Districts’ Total Program Funding.

Additionally, it is the Governor’s constitutional obligation to review the general appropriations bill and exercise the line item veto when necessary. While I have approved Senate Bill 11-209 as a whole, I have vetoed certain footnotes within the bill. Pursuant to the Colorado Constitution, I have returned this bill, with my objections, to the Colorado Senate.

With this letter, I am also registering objection to the General Assembly’s inclusion of full-time equivalent positions (FTE) within the general appropriations act. The Colorado Supreme Court’s opinion in *Anderson v. Lamm*, 195 Colo. 437, 579 P.2d 620 (1978) clearly states that “specific staffing and resource allocation decisions” in a general appropriations bill are unconstitutional. The Supreme Court affirmed this finding in *Colorado General Assembly v. Owens*, 136 P.3d 262 (Colo. 2006). The General Assembly’s attempt within Senate Bill 11-209 to appropriate the number of FTE positions within Colorado government constitutes interference with the inherent prerogative of the Executive Branch to administer its appropriations. More importantly, any predetermined prescription of FTE authorization limits the ability of State agencies to make the most resource-effective use of appropriations to accomplish critical performance objectives.

Therefore, with the clear purpose of encouraging efficiency and effectiveness in State government operations, I am directing Executive Branch agencies to disregard the FTE authorizations within Senate Bill 11-209. I have informed the members of the cabinet instead to manage their operations within the scope of the dollars appropriated in Senate Bill 11-209. By removing perceived limitations on the operational flexibility of the Executive Branch, State agencies will be empowered to make smarter business decisions in the management of their appropriations for personnel. This represents an important first step in reshaping the operations of State government to encourage creativity and efficiency.

With this direction, Executive Branch agencies will continue to monitor the use of FTE throughout FY 2011-12, and will provide the customary details of actual FTE usage in the budget submissions for FY 2012-13 and FY 2013-14.

VETO AND COMMENTS ON FOOTNOTES

Article IV, Section 12 of the Colorado Constitution allows me to exercise line item vetoes on the general appropriations bill (the “Long Bill”). I have exercised this power to veto certain portions of the FY 2011-12 Long Bill that do not meet with my approval.

A number of footnotes violate Article III and/or Article V of the Colorado Constitution. Article III provides separation of powers between the executive and legislative branches. While the legislative branch has the authority to appropriate state funds, the executive branch has the inherent responsibility and authority to administer state funds. Therefore, the legislature may not attach conditions in the Long Bill that intrude into the administration of state government. See *Colorado General Assembly v. Owens*, 136 P.3d 262 (Colo. 2006), which holds that “the legislature ‘may not attach conditions to a general appropriations bill which purport to reserve to the legislature powers of close supervision that are essentially executive in character.’”; see also *Anderson v. Lamm*, 195 Colo. 437, 579 P.2d 620 (1978); *Colorado Genreal Assembly v. Lamm*, 704 P.2d 1371 (Colo. 1985). Furthermore, Article V, section 32 of the Colorado Constitution prohibits the legislature from including substantive legislation in the Long Bill. (*Colorado General Assembly v. Owens*, 136 P. 3d at 266; *Colorado General Assembly v. Lamm*, 704 P. 2d at 1382)

The executive department cannot abide by legislative directives which are in violation of the Colorado Constitution. Therefore I have lined through the following items:

1. Footnote 7, Page 36: Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- It is the intent of the General Assembly that the Department of Education be authorized to utilize up to \$4,647,614 of this appropriation to fund qualified students designated as Accelerating Students Through Concurrent Enrollment (ASCENT) Program participants as authorized pursuant to Section 22-35-108, C.R.S. This amount is calculated based on an estimated 753 participants funded at a rate of \$6,172.13 per FTE pursuant to Section 22-54-104 (4.7), C.R.S.

I am vetoing this footnote, but am also directing the Department to comply with its intent. This footnote violates the separation of powers in Article III of the Colorado Constitution by attempting to administer the appropriation. While I fully support the utilization of funding for qualified students to participate in the ASCENT program, this attempt to place an upper limit on ASCENT expenditures constitutes an exercise in the powers of close supervision of appropriations, which inherently belong to the executive.

2. Footnote 8, Page 36: Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- Of the amount appropriated for this line item, a portion, not to exceed \$250,000 for fiscal year 2011-12, shall be transferred to the Legislative Council for the purpose of funding the biennial cost of living analysis pursuant to Section 22-54-104 (5) (c) (III) (B), C.R.S.

I am vetoing this footnote, but am also directing the Department to comply with its intent. This footnote violates the separation of powers in Article III of the Colorado Constitution by attempting to administer the appropriation. Recognizing the importance of this biennial cost of living analysis, however, I am directing the Department to make an appropriate transfer to the Legislative Council for the purpose of funding this study.

3. Footnote 9, Page 36: Department of Education, Library Programs, Reading Services for the Blind -- This appropriation is for the support of privately operated reading services for the blind, as authorized by Section 24-90-105.5, C.R.S. It is the intent of the General Assembly that \$200,000 of this appropriation be used to provide access to radio and television broadcasts of locally published and produced materials and \$50,000 of this appropriation be used to provide telephone access to digital transmissions of nationally published and produced materials.

I am vetoing this footnote, but am also directing the Department to comply with its intent. This footnote violates the separation of powers in Article III of the Colorado Constitution by attempting to administer the appropriation. While I fully support the utilization of appropriate levels of funding to provide reading services for the blind, this attempt to specify the use of appropriations constitutes an exercise of the powers of close supervision of appropriations, which inherently belong to the executive.

4. Footnote 23, Page 92: Department of Human Services, Division of Child Welfare, Family and Children's Programs -- It is the intent of the General Assembly that \$4,006,949 of the funds appropriated for this line item be used to assist county departments of social services in implementing and expanding family- and community-based services for adolescents. It is the intent of the General Assembly that such services be based on a program or programs that have been demonstrated to be effective in reducing the need for higher cost residential services.

I am vetoing this footnote, but am also directing the Department to comply with its intent. This footnote violates the separation of powers in Article III of the Colorado

Constitution by attempting to administer the appropriation. While I fully support the utilization of appropriate levels of funding to implement and expand family- and community-based services for adolescents, this attempt to specify the use of appropriations constitutes an exercise of the powers of close supervision of appropriations, which inherently belong to the executive.

5. Footnote 28, Page 93: Department of Human Services, Services for People with Disabilities, Community Services for People with Developmental Disabilities, Other Community Programs, Preventive Dental Hygiene -- The purpose of this appropriation is to assist the Colorado Foundation of Dentistry in providing special dental services for persons with developmental disabilities.

I am vetoing this footnote because it clearly violates the separation of powers in Article III of the Colorado Constitution by attempting to administer the appropriation. This footnote stipulates that an appropriation of \$63,051 within the Department be directed to a specific not-for-profit dental care provider. This constitutes an exercise of the powers of close supervision of appropriations, which inherently belong to the executive.

6. Footnote 32, Page 93: Department of Human Services, Division of Youth Corrections, Community Programs, Purchase of Contract Placements -- The appropriation in this line item is calculated based on the assumption that secure facilities operated by the Division will house youth at 110 percent of capacity, consistent with historic practice.

I am vetoing this footnote because it clearly violates the separation of powers in Article III of the Colorado Constitution by attempting to administer the appropriation. This footnote stipulates the General Assembly's intention that the Division of Youth Corrections overcrowd its facilities to 110% of their capacity. This constitutes an exercise of the powers of close supervision of appropriations, which inherently belong to the executive.

7. Footnote 48a, Page 148: Department of Personnel and Administration, Division of Human Resources, Employee Benefits Services -- It is the intent of the General Assembly that the Department shall submit to the Joint Budget Committee the projected premium increases for State and employee contributions for employee group benefits for the upcoming fiscal year. The information shall be submitted in time to be considered as a part of the Joint Budget Committee staff's annual total compensation recommendations for the upcoming fiscal year.

I am vetoing this footnote, but am also directing the Department to comply with its intent to the extent feasible. This footnote violates the separation of powers in Article III of the Colorado Constitution by dictating the format and content of the Executive budget submission. Nevertheless, I do recognize the critical importance of providing complete and timely information to the Joint Budget Committee and its permanent staff. I am therefore directing the Department to ensure that this information reaches the Committee in sufficient time for the Committee's staff to perform thorough and constructive review.

8. Footnote 52, Page 201: Department of Revenue, Enforcement Business Group, Limited Gaming Division -- It is the intent of 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.

I am vetoing this footnote because it clearly violates the separation of powers in Article III of the Colorado Constitution by attempting to administer the appropriation. This footnote stipulates the General Assembly's intention that the Department of Revenue limit the proportion of Amendment 50 revenues expended by the Limited Gaming Division for administrative purposes. This constitutes an exercise of the powers of close supervision of appropriations, which inherently belong to the executive. In addition, this footnote may violate Article V, Section 32 of the Colorado Constitution because it constitutes substantive legislation that cannot be included in the general appropriations bill.

Sincerely,
(signed)
John W. Hickenlooper
Governor

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, May 6 was laid over until
Monday, May 9, retaining its place on the calendar.

General Orders -- Second Reading of Bills: HB11-1268, SB11-168.
Consideration of Resolutions: SJR11-005, SJR11-047, SJR11-040.
Consideration of Memorials: SJM11-002, SJM11-003, SJM11-004.
Consideration of House Amendments to Senate Bills: SCR11-001.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, May 9,
2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

118th Legislative Day Monday, May 9, 2011

Prayer By the chaplain, Father Eustace Sequeira, St. Ignatius Loyola Catholic Church, Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Senator Roberts.

Roll Call Present--34
Excused--1, Shaffer B.
Present later--1, Shaffer B.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Guzman, reading of the Journal of Friday, May 6, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

REPORT OF CONFERENCE COMMITTEES

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-193

THIS REPORT ADOPTS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB11-193, concerning the disclosure of employment information to an employer regarding a person employed to work with a person with a developmental disability, and, in connection therewith, granting immunity from civil liability for the disclosure of information and creating an exception from the prohibition against blacklisting for the disclosure of information, has met and reports that it has agreed upon the following:

That the Senate accede to the House amendment made to the bill and that the rerevised bill be adopted without change.

Respectfully submitted,

Senate Committee: House Committee:
(signed) (signed)
Irene Aguilar Bob Gardner
Ellen Roberts Jim Kerr
Claire Levy

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 third reading of bills -- final passage -- consent calendar.

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:

HB11-1288 by Representative(s) Liston and Pabon, DelGrosso, Gardner D., Holbert, McNulty, Miklosi, Pace, Peniston, Priola, Soper, Swalm, Swerdfeger, Tyler, Williams A., Wilson; also Senator(s) Morse, Aguilar, Shaffer B., Tochtrop, Jahn, Harvey--Concerning unemployment insurance solvency reform, and, in connection therewith, enacting measures to enhance the solvency of the unemployment compensation fund, and making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Giron, Newell, Nicholson and Steadman.

HB11-1091 by Representative(s) Liston, Balmer, Kerr J., Barker, Bradford, Court, Joshi, Looper, Murray, Szabo; also Senator(s) Morse, Harvey, Tochtrop--Concerning the sales tax exemption for purchases of medical equipment.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Grantham, King K., Newell and Nicholson.

HB11-1305 by Representative(s) DelGrosso; also Senator(s) Johnston--Concerning the adjustment of the ratio of valuation for assessment for residential real 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
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

SB11-272 by Senator(s) Hodge and Aguilar, Bacon, Foster, Giron, Guzman, Johnston, White, Williams S.; also Representative(s) Summers and Fields, Casso, Duran, Fischer, Gardner D., Gerou, Hamner, Jones, Kefalas, Labuda, Lee, McCann, Pabon, Peniston, Priola, Riesberg, Ryden, Schafer S., Solano, Soper, Swerdfeger, Todd, Williams A.--Concerning the voluntary contribution designation benefiting the adult stem cells cure fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	29	NO	5	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Morse and Nicholson.

HB11-1157 by Representative(s) Casso; also Senator(s) White--Concerning the exemption from the heavy-duty diesel inspection program of heavy-duty diesel vehicles based outside the program area as part of a fleet registered in the program area, 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
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Guzman

SB11-263 by Senator(s) Tochtrop, Brophy, Jahn; also Representative(s) Becker--Concerning clarification of the state sales tax exemption for sales of medical products.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Grantham, Guzman, King K., Lambert, Morse, Newell and Williams S.

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 third reading of bills -- final passage.

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:

SB11-267 by Senator(s) Schwartz, Shaffer B., Bacon, Foster, Giron, Guzman, Heath, Hodge, Jahn, Johnston, King S., Nicholson, Roberts, Tochtrop, White, Williams S.; also Representative(s) Coram and Hamner, Court--Concerning measures to promote forest health, and, in connection therewith, creating the Colorado forest biomass use work group and promoting the creation of sustainable market-based models for active forest management and woody biomass energy development.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	26	NO	8	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	E
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Morse and Newell.

SB11-251 by Senator(s) Nicholson; also Representative(s) Looper--Concerning the authority of the division of fire safety within the department of public safety, and making an appropriation in connection therewith.

A majority of those elected to the Senate having voted in the affirmative, Senator Nicholson was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.005), by Senator Nicholson.

Amend engrossed bill, page 9, strike line 2 and substitute "RELATING TO
NATIONALLY RECOGNIZED FIRE SERVICE STANDARDS."

The amendment was **passed** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	25	NO	9	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	E
Grantham	Y	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Boyd

HB11-1265 by Representative(s) Stephens, Waller; also Senator(s) Johnston--Concerning the filing of claims for refunds of sales or use tax, 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
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Cadman, Grantham, Jahn, King K., King S., Kopp, Lambert, Steadman and Williams S.

HB11-1105 by Representative(s) Acree, Balmer, Barker, Baumgardner, Court, Fields, Holbert, Joshi, Kagan, Kerr J., Looper, Massey, McCann, Priola, Todd; also Senator(s) White, Kopp, King S., Tochtrop--Concerning assaults against medical care providers.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Jahn, King K., Newell, Roberts, Spence and Williams S.

IMMEDIATE RECONSIDERATION OF HB11-1105

HB11-1105 by Representative(s) Acree, Balmer, Barker, Baumgardner, Court, Fields, Holbert, Joshi, Kagan, Kerr J., Looper, Massey, McCann, Priola, Todd; also Senator(s) White, Kopp, King S., Tochtrop--Concerning assaults against medical care providers.

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Action, on **HB11-1105**. The roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

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:

HB11-1105 by Representative(s) Acree, Balmer, Barker, Baumgardner, Court, Fields, Holbert, Joshi, Kagan, Kerr J., Looper, Massey, McCann, Priola, Todd; also Senator(s) White, Kopp, King S., Tochtrop--Concerning assaults against medical care providers.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	3	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Boyd, Jahn, Newell, Roberts and Spence.

SB11-271 by Senator(s) Shaffer B.; also Representative(s) Pace--Concerning the prohibition of deceptive trade practices in the solicitation of orders for retail florist services.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	20	NO	15	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

SB11-273 by Senator(s) Steadman; also Representative(s) Massey--Concerning authorization to consume alcohol beverages within a common consumption area.

A majority of those elected to the Senate having voted in the affirmative, Senator Steadman was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.005), by Senator Steadman.

Amend engrossed bill, page 5, after line 8, insert:

"(D) FAILS TO OBTAIN OR MAINTAIN A PROPERLY ENDORSED GENERAL LIABILITY AND LIQUOR LIABILITY INSURANCE POLICY THAT IS REASONABLY ACCEPTABLE TO THE LOCAL LICENSING AUTHORITY AND NAMES THE LOCAL LICENSING AUTHORITY AS AN ADDITIONAL INSURED;"

Reletter succeeding sub-subparagraphs accordingly.

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Giron

SB11-270 by Senator(s) Nicholson; also Representative(s) Balmer--Concerning the collection of charitable solicitations from passing motorists on a public roadway by local government public safety personnel.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	18	NO	17	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	N
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Tochtrop

HB11-1188 by Representative(s) Liston; also Senator(s) Newell--Concerning franchise agreements for a dealer to sell vehicles.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	1	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	N
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Jahn

HB11-1032 by Representative(s) Lee; also Senator(s) Newell--Concerning restorative justice.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Giron, Guzman, Heath, Hudak and Schwartz.

HB11-1277 by Representative(s) Massey and Solano; also Senator(s) Bacon--Concerning statutory changes involving K-12 education, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Giron, Johnston, Newell, Schwartz, Tochtrop and Williams S.

HB11-1195 by Representative(s) Gardner B., Ryden; also Senator(s) Newell--Concerning the voluntary licensure of private investigators, and making an appropriation therefor.

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.008), by Senator Newell.

Amend revised bill, page 6, line 14, strike "A CURRENT PHOTOGRAPH OF THE APPLICANT AND".

The amendment was **passed** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	21	NO	13	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

HB11-1295 by Representative(s) Acree, Scott, Solano; also Senator(s) Newell, Roberts--Concerning voluntary contributions on the state individual income tax return form, and, in connection therewith, requiring the department of revenue to periodically post the amount of donations received, requiring that a voluntary contribution designation line for the Colorado multiple sclerosis fund appear on the state individual income tax return form, and making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	26	NO	8	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

HB11-1293 by Representative(s) Stephens and Murray; also Senator(s) Jahn and Newell, Spence--Concerning the repeal of House Bill 10-1192 regarding the state sales and use tax of standardized software on July 1, 2012.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	1	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Brophy, Cadman, Grantham, Harvey, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Renfroe, Roberts and Scheffel.

HB11-1250 by Representative(s) Acree, Balmer, Conti, Joshi, Ramirez, Scott; also Senator(s) Renfroe, Harvey, King K., Lambert--Concerning a prohibition on ingestible medical marijuana-infused products.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	30	NO	4	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	N
Cadman	Y	Hudak	N	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	N
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Newell

HB11-1242 by Representative(s) Ferrandino; also Senator(s) Nicholson--Concerning the provision of integrated health care services pursuant to the Colorado medical assistance program, and making an appropriation therefor.

A majority of those elected to the Senate having voted in the affirmative, Senator Nicholson was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L005), by Senator Nicholson.

Amend revised bill, page 5, line 11, strike "law." and substitute "law or if House Bill 11-1217 as enacted and made law does not include an appropriation to the department of health care policy and financing, for the executive director's office, for general professional services and special projects, for the implementation of section 25.5-6-108.5, Colorado Revised Statutes, in the amount of seventy-five thousand dollars (\$75,000).".

The amendment was **passed** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Giron, Heath, Hodge, Morse, Newell, Roberts, Schwartz, Steadman and Williams S.

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

SJR11-047 by Senator(s) Shaffer B.; also Representative(s) Hamner--Concerning recognition of extraordinary contributions of children to the world.

On motion of Senator Shaffer B., the resolution was read at length and **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White and Williams S.

SJR11-040 by Senator(s) White, Boyd, Brophy, Cadman, Giron, Grantham, Guzman, Hodge, Jahn, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Nicholson, Renfroe, Roberts, Schwartz, Spence, Tochtrop; also Representative(s) Brown, Acree, Barker, Baumgardner, Becker, Bradford, Conti, Coram, DelGrosso, Gardner B., Hamner, Holbert, Joshi, Kerr J., Looper, Massey, McKinley, Murray, Priola, Riesberg, Scott, Sonnenberg, Soper, Summers, Swalm, Swerdfeger, Vaad, Vigil--Concerning management of wild horse and burro herds by the bureau of land management, and, in connection therewith, urging the bureau of land management to take certain actions concerning those herds.

On motion of Senator White, the resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Carroll, Harvey, Heath, Hudak, Johnston, Morse, Newell, Scheffel, Shaffer B., Steadman and Williams S.

CONSIDERATION OF MEMORIALS -- CONSENT CALENDAR

SJM11-004 by Senator(s) Brophy, Carroll; also Representative(s) Solano and Massey, Sonnenberg, Kagan, Miklosi--Memorializing Congress to repeal the provisions of the federal "No Child Left Behind Act of 2001" when reauthorizing the federal "Elementary and Secondary Education Act of 1965".

On motion of Senator Brophy, the memorial was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Cadman, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS --
 CONSENT CALENDAR

On motion of Senator Morse, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
 WORKERS' COMPENSATION COST
 CONTAINMENT BOARD

for terms expiring December 13, 2013:

Tasha R. Greene, Ault, Colorado, representing executives with good risk management experience in the insurance industry, and as Unaffiliated, reappointed;

Patrick W. Hagge, Fort Collins, Colorado, representing employers with good risk management experience with respect to their workers' compensation insurance, and as a Republican, reappointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Morse, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
 COLORADO CIVIL RIGHTS COMMISSION

for terms expiring March 13, 2015:

Raju Jairam of Fort Collins, Colorado, to serve as representative of the business community, and as an Unaffiliated, reappointed;

Katina C. Banks of Denver, Colorado, to serve as a representative of the community at large and as a Democrat, reappointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Morse, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
 STATE AGRICULTURAL COMMISSION

for a term expiring March 1, 2015:

Joanne Marilynn Stanko, Steamboat Springs, Colorado to serve as a Democrat and at-large member, replacing Lisa Gail Palmer, appointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Morse, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
STATE BOARD OF
STOCK INSPECTION COMMISSIONERS

for terms expiring May 1, 2015:

Tim E. Thatcher of Pueblo, Colorado, to serve as a representative of the non-confinement cattle industry, reappointed;

Tracy Lungwitz of Yuma, Colorado, to serve as a representative of the confinement cattle industry, reappointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Morse, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO WILDLIFE HABITAT STAMP COMMITTEE

for a term expiring December 31, 2011:

Bryan J. Martin of Westminster, Colorado, to serve as a representative of national or regionally recognized conservation organizations whose missions are focused on nongame wildlife and whose membership is composed primarily of nongame wildlife users and occasioned by the resignation of Jennifer A. Clanahan of Denver, Colorado, appointed.

for terms expiring December 31, 2014:

Michelle Zimmerman of Denver, Colorado, to serve as a representative of national or regionally recognized conservation organizations whose missions are focused on nongame wildlife and whose membership is composed primarily of nongame wildlife users, reappointed;

Gary C. Miller of Fort Collins, Colorado, to serve as a sportsperson, reappointed;

Kelly D. Van Cleave of Erie, Colorado, to serve as a sportsperson, appointed;

Allen L. Moores of Gunnison, Colorado, to serve as a sportsperson, appointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Morse, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
CHARTER SCHOOL INSTITUTE BOARD

for a term expiring July 1, 2013:

Patricia Mae Clouber of Leadville, Colorado, a Republican who has experience as a public school teacher, to fill the vacancy occasioned by the resignation of Celeste C. Di Iorio of Fort Collins, Colorado, appointed;

for a term expiring July 1, 2014:

Wayne D. Eckerling of Denver, Colorado, a Democrat who has experience as a public school teacher and as a public school administrator working with charter schools, reappointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Morse, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
STATE BOARD OF HEALTH

for terms expiring March 1, 2015:

Commissioner Crestina Maria Martinez, San Acacio, Colorado, a resident of the 3rd Congressional District and a Democrat, appointed;

Susan L. Warren, Denver, Colorado, a resident of the 1st Congressional District and a Democrat, appointed;

Dr. Christopher Scott Stanley, Arvada, Colorado, a resident of the 7th Congressional District and a Republican, appointed.

Laura J. Davis, Westminster, Colorado, a resident of the 2nd Congressional District and a Republican, reappointed;

Dr. Christine Rose Nevin-Woods, Pueblo, Colorado, a resident of the 3rd Congressional District and a Democrat, reappointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Morse, the following Governor's appointment was confirmed by a roll call vote:

UNIVERSITY OF COLORADO
HOSPITAL AUTHORITY BOARD OF DIRECTORS

From the First Congressional District: Richard D. Krugman, MD, for a term effective March 1, 2011 continuing, as long as Dr. Krugman holds the position of Vice Chancellor of Health Affairs of the University of Colorado Anschutz Medical Campus, until February 28, 2015 (or until his successor is appointed by the Board of Regents).

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

On motion of Senator Morse, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
AIR QUALITY CONTROL COMMISSION

for a term expiring January 31, 2014:

Saeed G. Barhaghi, PhD, PE of Centennial, Colorado to serve as a member with scientific experience and as an Unaffiliated, appointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

SJR11-005 by Senator(s) Roberts, Grantham, King S.; also Representative(s) Gerou--Concerning a prohibition on mandates to state and local governments without adequate funding.

On motion of Senator Roberts, the resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Cadman, Harvey, Heath, Hudak, Jahn, King K., Kopp, Lambert, Lundberg, Mitchell, Renfroe, Scheffel, Tochtrop, White and Williams S.

RECONSIDERATION OF SJM11-004

SJM11-004 by Senator(s) Brophy, Carroll; also Representative(s) Solano and Massey, Sonnenberg, Kagan, Miklosi--Memorializing Congress to repeal the provisions of the federal "No Child Left Behind Act of 2001" when reauthorizing the federal "Elementary and Secondary Education Act of 1965".

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Consideration of Memorials -- Consent Calendar, on SJM11-004.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

CONSIDERATION OF MEMORIALS -- CONSENT CALENDAR

SJM11-004 by Senator(s) Brophy, Carroll; also Representative(s) Solano and Massey, Sonnenberg, Kagan, Miklosi--Memorializing Congress to repeal the provisions of the federal "No Child Left Behind Act of 2001" when reauthorizing the federal "Elementary and Secondary Education Act of 1965".

On motion of Senator Morse, the memorial was **adopted** by the following roll call vote:

YES	31	NO	3	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	N
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	E	Johnston	N	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Grantham, Guzman, Hudak, Lambert, Lundberg, Newell, Roberts, Scheffel, Steadman and White.

COMMITTEE OF REFERENCE REPORTS		1
Local Government	After consideration on the merits, the Committee recommends that HB11-1317 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	2
		3
Local Government	After consideration on the merits, the Committee recommends that HB11-1313 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	4
		5
Local Government	After consideration on the merits, the Committee recommends that HB11-1010 be referred to the Committee of the Whole with favorable recommendation.	6
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Finance	After consideration on the merits, the Committee recommends that HB11-1307 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	8
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Finance	Amend reengrossed bill, page 4, line 26, strike "a ANY".	10
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Finance	Page 4, line 27, strike "OTHER" and substitute "a".	12
		13
Finance	Page 5, line 26, strike "May 1, 2011," and substitute " May 1, 2011 JUNE 30, 2011," and strike "MAY 1" and substitute "JUNE 30".	14
		15
Finance	Page 7, line 16, strike "GIFTS, GRANTS, OR".	16
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Finance	Page 7, strike line 17 and substitute "A FIDUCIARY OR AS GIFTS, GRANTS, DONATIONS, OR CUSTODIAL FUNDS.".	18
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Finance	After consideration on the merits, the Committee recommends that SB11-269 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	20
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Finance	Amend printed bill, page 8, line 22, after the period add "IF A PROCESSOR SUBMITS SUCH PROOF TO THE DEPARTMENT'S SATISFACTION, THE DEPARTMENT SHALL TREAT THE PROCESSOR AS BEING CERTIFIED PURSUANT TO THIS SECTION AND THE DEPARTMENT SHALL NOT PERFORM ADDITIONAL INSPECTIONS OF THE PROCESSOR'S FACILITIES PERTAINING TO THIS SECTION.".	22
		23
Finance	Page 13, after line 18 insert:	24
		25
Finance	"SECTION 2. 25-16.5-106.5 (4), Colorado Revised Statutes, is amended to read:	26
		27
Finance	25-16.5-106.5. Recycling resources economic opportunity fund - creation - repeal. (4) (a) Except as otherwise provided in this section, no moneys in the fund shall be used for the administration, implementation, or enforcement of any state law or rule.	28
		29
Finance	(b) THE MONEYS IN THE FUND SHALL BE USED FOR THE START-UP COSTS OF THE DEPARTMENT AND THE SOLID AND HAZARDOUS WASTE COMMISSION FOR THE IMPLEMENTATION OF PART 3 OF ARTICLE 17 OF THIS TITLE. THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JANUARY 1, 2013.".	30
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Finance	Renumber succeeding section accordingly.	32
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Finance	After consideration on the merits, the Committee recommends that HB11-1014 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	34
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Finance	After consideration on the merits, the Committee recommends that SB11-134 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	36
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Finance	After consideration on the merits, the Committee recommends that HB11-1311 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
Finance	After consideration on the merits, the Committee recommends that HB11-1310 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	5 6 7 8 9
Education	After consideration on the merits, the Committee recommends that HB11-1301 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	10 11 12 13
	Amend reengrossed bill, page 18, line 11, strike "AND".	14 15
	Page 18, line 13, strike "FEES." and substitute "FEES, AND STUDENT FEES THAT APPLY TO A STUDENT CONCURRENTLY ENROLLED PURSUANT TO ARTICLE 35 OF TITLE 22, C.R.S.".	16 17 18 19
	Page 32, line 10, after "CONTRARY," insert "ON AND AFTER JULY 1, 2012,".	20 21
	Page 36, line 26, after " education. " insert "(1)".	22 23
	Page 37, strike lines 4 through 6 and substitute " Nothing in this part 6 shall be construed to otherwise limit or expand the authority of any A STATE institution of higher education to OR A GROUP OF STATE INSTITUTIONS MAY establish and offer ONE OR MORE GROUP benefit".	24 25 26 27 28
	Page 37, after line 10 insert:	29 30
	"(2) (a) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, A STATE INSTITUTION OF HIGHER EDUCATION OR GROUP OF INSTITUTIONS SHALL CONSULT WITH THE GOVERNOR'S OFFICE AND PROVIDE TO THE DIRECTOR AT LEAST TWELVE MONTHS' WRITTEN ADVANCE NOTICE BEFORE THE INSTITUTION OR GROUP OF INSTITUTIONS MAY:	31 32 33 34 35 36
	(I) CEASE OFFERING TO INSTITUTIONAL EMPLOYEES IN THE PERSONNEL SYSTEM ONE OR MORE GROUP BENEFIT PLANS THAT THE DIRECTOR CONTRACTED FOR AND THAT THE INSTITUTION OR GROUP OF INSTITUTIONS OFFERED IN THE PRECEDING PLAN YEAR; OR	37 38 39 40
	(II) OFFER TO INSTITUTIONAL EMPLOYEES IN THE PERSONNEL SYSTEM ONE OR MORE GROUP BENEFIT PLANS THAT WERE CONTRACTED FOR BY THE DIRECTOR AND THAT THE INSTITUTION OR GROUP OF INSTITUTIONS DID NOT OFFER IN THE PRECEDING PLAN YEAR.	41 42 43 44
	(b) IF THE DIRECTOR CONCLUDES ON THE BASIS OF ACTUARIAL DATA THAT CEASING TO OFFER ONE OR MORE GROUP BENEFIT PLANS AS DESCRIBED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (2) IS LIKELY, IN THE FIRST YEAR IN WHICH IT IS NOT OFFERED, TO RESULT IN AN INCREASE IN COSTS FOR THAT PLAN OR ANY OTHER PLAN CONTRACTED FOR BY THE DIRECTOR, THE INSTITUTION OR GROUP OF INSTITUTIONS MAY NOT CEASE TO OFFER THE PLAN OR PLANS UNLESS SPECIFICALLY AUTHORIZED TO DO SO BY THE GOVERNOR. THE DIRECTOR SHALL PROVIDE THE CONCLUSION, IN WRITING AND WITH COPIES OF THE ACTUARIAL DATA UPON WHICH IT IS BASED, TO THE GOVERNOR'S OFFICE AND THE AFFECTED INSTITUTION OR GROUP OF INSTITUTIONS NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE DATE ON WHICH THE INSTITUTION OR GROUP OF INSTITUTIONS PROVIDES THE NOTICE REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (2).	45 46 47 48 49 50 51 52 53 54 55 56 57 58
	(3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DIRECTOR WILL PROVIDE FOR EMPLOYEES OF THE STATE INSTITUTIONS OF HIGHER EDUCATION AND FOR ALL OTHER STATE EMPLOYEES THE MOST COST-COMPETITIVE GROUP BENEFIT PLANS AVAILABLE."	59 60 61 62 63 64
Agriculture, Natural Resources, and Energy	After consideration on the merits, the Committee recommends that SB11-130 be postponed indefinitely.	65 66 67 68 69

Agriculture, Natural Resources, and Energy	After consideration on the merits, the Committee recommends that HB11-1081 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.	1
	Amend reengrossed bill, page 2, strike lines 22 and 23 and substitute:	2
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	"SECTION 3. Effective date - applicability. This act shall take	7
	effect January 1, 2014, and shall apply to the tax years commencing on or	8
	after said date."	9
		10
Appro- priations	After consideration on the merits, the Committee recommends that SB11-134 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	11
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	Amend printed bill, page 4, after line 7 insert:	16
		17
	"SECTION 4. Exception to the requirements of section	18
	2-2-703, Colorado Revised Statutes. The general assembly hereby finds	19
	that the amendments to section 18-18-102, Colorado Revised Statutes,	20
	and the addition of sections 18-18-406.1 and 18-18-406.2, Colorado	21
	Revised Statutes, enacted in sections 1 and 2 of this act will result in the	22
	minor fiscal impact of two additional offenders being convicted and	23
	sentenced to the department of corrections in each of the five years	24
	following passage of this act. Because of the relative insignificance of	25
	this degree of fiscal impact, these amendments are an exception to the	26
	five-year appropriation requirements specified in section 2-2-703,	27
	Colorado Revised Statutes."	28
		29
	Renumber succeeding sections accordingly.	30
Appro- priations		31
		32
	After consideration on the merits, the Committee recommends that SB11-269 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	33
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	Amend printed bill, page 13, before line 19 insert:	37
		38
	"SECTION 2. Appropriation. (1) In addition to any other	39
	appropriation, there is hereby appropriated, out of any moneys in the	40
	recycling resources economic opportunity fund created in section 25-	41
	16.5-106.5, Colorado Revised Statutes, not otherwise appropriated, to the	42
	department of public health and environment, for allocation to the	43
	hazardous materials and waste management division, for the fiscal year	44
	beginning July 1, 2011, the sum of thirty-four thousand four hundred	45
	twelve dollars (\$34,412) cash funds and 0.3 FTE, or so much thereof as	46
	may be necessary, for the implementation of this act.	47
	(2) In addition to any other appropriation, there is hereby	48
	appropriated to the department of law, for the fiscal year beginning July	49
	1, 2011, the sum of fourteen thousand six hundred seventy-four dollars	50
	(\$14,674) and 0.1 FTE, or so much thereof as may be necessary, for the	51
	provision of legal services to the department of public health and	52
	environment related to the implementation of this act. Said sum shall be	53
	from reappropriated funds received from the department of public health	54
	and environment out of the appropriation made in subsection (1) of this	55
	section."	56
		57
	Renumber succeeding section accordingly.	58
		59
	Page 1, line 103, strike " CERTIFIED AND " and substitute " CERTIFIED, ".	60
		61
	Page 1, line 104, strike " REGISTERED. " and substitute " REGISTERED, AND	62
	MAKING AN APPROPRIATION. ".	63
Business, Labor, & Technology		64
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	After consideration on the merits, the Committee recommends that SB11-233 be	66
	postponed indefinitely.	67
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Finance	After consideration on the merits, the Committee recommends that HB11-1045 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	1 2 3 4 5
Judiciary	After consideration on the merits, the Committee recommends that HB11-1303 be referred to the Committee of the Whole with favorable recommendation.	6 7 8 9
Judiciary	After consideration on the merits, the Committee recommends that SB11-257 be postponed indefinitely.	10 11 12 13
Judiciary	After consideration on the merits, the Committee recommends that HB11-1315 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	14 15 16 17 18
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1212 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	19 20 21 22 23

SENATE SERVICES REPORT

Correctly Engrossed: SB11-251, 263, 267, 270, 271, 272 and 273.
Correctly Reengrossed: SB11-261, 264 and 266.
Correctly Revised: HB11-1032, 1091, 1105, 1157, 1188, 1195, 1242, 1250, 1265, 1277, 1288, 1293, 1295 and 1305.
Correctly Rerevised: HB11-1005 and 1093.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1002, 1076, 1080, 1241, 1279, 1296, HJR11-1021, 1023.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

May 9, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1321.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1304, amended as printed in House Journal, May 5, page 1267.
HB11-1312, amended as printed in House Journal, May 5, pages 1268-1269.
HB11-1322, amended as printed in House Journal, May 6, page 1314.

The House has passed on Third Reading and returns herewith SB11-125, 242, 182, 250, 227.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
SB11-192, amended as printed in House Journal, May 6, page 1313.
SB11-187, amended as printed in House Journal, May 6, pages 1315-1317, and amended
on Third Reading as printed in House Journal, May 9.
SB11-177, amended as printed in House Journal, May 6, page 1317.
SB11-076, amended as printed in House Journal, May 6, page 1314
SB11-047, amended as printed in House Journal, May 6, page 1314.

The House has postponed indefinitely SB11-244. The bill is returned herewith.

The House has voted to concur in the Senate amendments to HB11-1005, 1121,
1115, 1095, 1064, 1138, and has repassed the bills as so amended.

MESSAGE FROM THE REVISOR

May 9, 2011

We herewith transmit:

Without comment, HB11-1321.
Without comment, as amended, HB11-1304, 1312, and 1322.
Without comment, as amended, SB11-047, 076, 177, 187, and 192.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-088 by Senator(s) Carroll and Lundberg, Boyd, Mitchell; also Representative(s) Acree--
Concerning the regulation of direct-entry midwives, and, in connection therewith,
implementing the sunset review recommendations of the department of regulatory agencies,
and making an appropriation.

Senator Carroll moved that the Senate not concur in House amendments to **SB11-088**, as
printed in House journal, May 5, page 1276, and that a conference committee be
appointed.

A majority of all members elected to the Senate having voted in the affirmative, the
motion was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The President appointed Senators Carroll, Chair, Aguilar, and Lundberg as Senate
conferees on the first conference committee on **SB11-088**.

Senator Carroll moved that the Senate conferees on the first conference committee on
SB11-088 be granted permission to go beyond the scope of the differences between the
two houses.

A majority of all members elected to the Senate having voted in the affirmative, the
motion was **adopted**.

SB11-091

by Senator(s) Brophy, Guzman, Jahn; also Representative(s) McKinley--Concerning continuation of the state board of veterinary medicine, and, in connection therewith, implementing the recommendations contained in the sunset review of the board and its functions, and making an appropriation.

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Senator Brophy moved that the Senate concur in House amendments to **SB11-091**, as printed in House journal, May 5, page 1276. The motion was **adopted** by the following roll call vote:

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YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

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YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	N
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

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SB11-102

by Senator(s) Williams S., King S., Foster, Guzman, Jahn, Morse, Newell, Nicholson, White; also Representative(s) Todd, Murray, Brown, Fields, Looper, Peniston, Ramirez, Schafer S., Solano, Stephens--Concerning the voluntary contribution designation benefiting the Families in Action for Mental Health fund that appears on the state individual income tax return forms, and making an appropriation therefor.

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Senator Williams S. moved that the Senate concur in House amendments to **SB11-102**, as printed in House journal, May 5, pages 1276-1277. The motion was **adopted** by the following roll call vote:

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YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsor added: Tochtrop

SB11-105 by Senator(s) Guzman, Aguilar, Boyd, Carroll, Foster, Lundberg, Newell, Roberts; also Representative(s) Levy--Concerning in-home support services, and, in connection therewith, extending the in-home support services program.

Senator Guzman moved that the Senate concur in House amendments to **SB11-208**, as printed in House journal, May 5, pages 1277-1278. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB11-208

by Senator(s) Schwartz and Hodge, Bacon, Boyd, Brophy, Cadman, Foster, Giron, Grantham, Guzman, Heath, Hudak, Jahn, King S., Kopp, Lambert, Nicholson, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; also Representative(s) Sonnenberg and Gerou, Acree, Barker, Baumgardner, Becker, Beezley, Bradford, Coram, Ferrandino, Gardner B., Hamner, Holbert, Joshi, Labuda, Looper, Massey, McCann, Miklosi, Murray, Nikkel, Priola, Ramirez, Ryden, Schafer S., Scott, Stephens, Summers, Swalm, Swerdfeger, Waller, Wilson--Concerning the consolidation of wildlife entities with parks and outdoor recreation entities under the department of natural resources.

Senator Schwartz moved that the Senate concur in House amendments to **SB11-208**, as printed in House journal, May 5, pages 1277-1278. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

IMMEDIATE RECONSIDERATION OF SB11-208

SB11-208

by Senator(s) Schwartz and Hodge, Bacon, Boyd, Brophy, Cadman, Foster, Giron, Grantham, Guzman, Heath, Hudak, Jahn, King S., Kopp, Lambert, Nicholson, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; also Representative(s) Sonnenberg and Gerou, Acree, Barker, Baumgardner, Becker, Beezley, Bradford, Coram, Ferrandino, Gardner B., Hamner, Holbert, Joshi, Labuda, Looper, Massey, McCann, Miklosi, Murray, Nikkel, Priola, Ramirez, Ryden, Schafer S., Scott, Stephens, Summers, Swalm, Swerdfeger, Waller, Wilson--Concerning the consolidation of wildlife entities with parks and outdoor recreation entities under the department of natural resources.

Senator Morse moved for the immediate reconsideration of the last Senate action, Consideration of Repassage, on **SB11-208**.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-208 by Senator(s) Schwartz and Hodge, Bacon, Boyd, Brophy, Cadman, Foster, Giron, Grantham, Guzman, Heath, Hudak, Jahn, King S., Kopp, Lambert, Nicholson, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; also Representative(s) Sonnenberg and Gerou, Acree, Barker, Baumgardner, Becker, Beezley, Bradford, Coram, Ferrandino, Gardner B., Hamner, Holbert, Joshi, Labuda, Looper, Massey, McCann, Miklosi, Murray, Nikkel, Priola, Ramirez, Ryden, Schafer S., Scott, Stephens, Summers, Swalm, Swerdfeger, Waller, Wilson--Concerning the consolidation of wildlife entities with parks and outdoor recreation entities under the department of natural resources.

Senator Hodge moved for the repassage of **SB11-208**. The motion was **adopted** by the following roll call vote:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB11-111 by Senator(s) King K., Heath, Johnston, Nicholson, Renfroe, Spence; also Representative(s) Massey--Concerning creation of a task force to address the provision of educational services to support students' academic success.

Senator King K. moved that the Senate concur in House amendments to **SB11-111**, as printed in House journal, May 5, page 1284. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsor added: Bacon

SB11-256 by Senator(s) Guzman and King S.; also Representative(s) Kerr J. and Ferrandino-- Concerning graffiti.

Senator Guzman moved that the Senate concur in House amendments to **SB11-256**, as printed in House journal, May 5, page 1285. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsor added: Giron

SB11-232 by Senator(s) Jahn; also Representative(s) Gardner B.--Concerning the child abuse investigation surcharge.

Senator Jahn moved that the Senate concur in House amendments to **SB11-232**, as printed in House journal, May 5, page 1286. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

APPOINTMENTS TO CONFERENCE COMMITTEE

HB11-1211 by Representative(s) Pace; also Senator(s) Tochtrop, Carroll--Concerning restrictions on travel-related expenditures by state-chartered entities on behalf of persons affiliated with such entities.

The President appointed Senators Tochtrop, Chair, Guzman, and Scheffel as Senate conferees on the first conference committee on **HB11-1211**.

HB11-1254 by Representative(s) Priola and Schafer S.; also Senator(s) Steadman--Concerning measures to reduce the frequency of bullying in schools.

The President appointed Senators Steadman, Chair, Spence, and Johnston as Senate conferees on the first conference committee on **HB11-1254**.

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 memorials.

CONSIDERATION OF MEMORIALS

SJM11-002 by Senator(s) Schwartz and White; also Representative(s) Wilson and Baumgardner-- Memorializing Congress to reauthorize the federal "Secure Rural Schools and Community Self-determination Act of 2000".

On motion of Senator Schwartz, the memorial was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, 1
Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., 2
Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, 3
Shaffer B., Spence, Steadman, Tochtrop and Williams S. 4

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate 5
having voted in the affirmative, HB11-1317, HB11-1313, HB11-1310, and HB11-1081 6
were made Special Orders at 3:30 p.m. 7

Committee The hour of 3:30 p.m. having arrived, Senator Johnston moved that the Senate resolve 8
of the Whole itself into the Committee of the Whole for consideration of Special Orders -- Second 9
Reading of Bills and Senator Johnston was called to the Chair to act as Chairman. 10

SPECIAL ORDERS -- SECOND READING OF BILLS -- 11
CONSENT CALENDAR 12

The Committee of the Whole having risen, the Chairman reported that the following bills, 13
reading at length having been dispensed with by unanimous consent, had been considered 14
and action taken thereon as follows: 15

HB11-1317 by Representative(s) Gerou; also Senator(s) Foster and Roberts--Concerning a modification 16
of statutory provisions addressing intergovernmental cooperation in connection with 17
wildland fire mitigation to clarify that such provisions are intended to affect land areas used 18
solely for recreational purposes. 19

Ordered revised and placed on the calendar for third reading and final passage. 20

HB11-1313 by Representative(s) Massey; also Senator(s) Jahn--Concerning the extension beyond June 21
30, 2012, of the one-dollar surcharge collected by each county clerk and recorder for each 22
document received for recording or filing. 23

Ordered revised and placed on the calendar for third reading and final passage. 24

HB11-1310 by Representative(s) Sonnenberg, Brown, Vigil; also Senator(s) Bacon, Schwartz, Renfroe-- 25
Concerning the funding for the restoration of the state capitol dome. 26

Ordered revised and placed on the calendar for third reading and final passage. 27

HB11-1081 by Representative(s) Brown; also Senator(s) Schwartz--Concerning the inclusion of 28
liquefied petroleum gas conversion vehicles in the list of qualified vehicles available for 29
efficient motor vehicle incentives. 30

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment. 31
(Printed in Senate Journal, May 9, page 1113 and placed in members' bill files.) 32

As amended, ordered revised and placed on the calendar for third reading and final 33
passage. 34

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR

On motion of Senator Johnston, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB11-1317, HB11-1313, HB11-1310, HB11-1081 as amended.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB11-1212 and HB11-1315 were made Special Orders at 3:38 p.m.

Committee of the Whole The hour of 3:38 p.m. having arrived, Senator Johnston moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Johnston was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

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:

HB11-1212 by Representative(s) Tyler and Hullinghorst; also Senator(s) Spence--Concerning the inclusion of lean government principles in the performance-based budgeting process.

Ordered revised and placed on the calendar for third reading and final passage.

HB11-1315 by Representative(s) Gardner B.; also Senator(s) Carroll--Concerning a modification of statutory provisions governing the political party affiliation of members of the independent ethics commission to specify that no more than two members of the commission shall be affiliated with the same political party.

Ordered revised and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR

On motion of Senator Johnston, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB11-1315, HB11-1212.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB11-269, SB11-168, SB11-032, SB11-134, HB11-1297, HB11-1072, HB11-1303, HB11-1010, HB11-1311, HB11-1301, HB11-1268, HB11-1217, HB11-1261, HB11-1043, and SB11-268 were made Special Orders at 3:45 p.m.

Committee of the Whole
The hour of 3:45 p.m. having arrived, Senator Johnston moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Johnston was called to the Chair to act as Chairman.

SPECIAL 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:

SB11-269
by Senator(s) Schwartz; also Representative(s) Kerr A. and Miklosi--Concerning the recycling of electronic devices, and, in connection therewith, requiring the processing facilities of processors of electronic devices to be certified, requiring processors of electronic devices to be registered, and making an appropriation.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, May 5, pages 1044-1045 and placed in members' bill files.)

Amendment No. 2, Finance Committee Amendment.
(Printed in Senate Journal, May 9, page 1111 and placed in members' bill files.)

Amendment No. 3, Appropriations Committee Amendment.
(Printed in Senate Journal, May 9, page 1113 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB11-168
by Senator(s) Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Johnston, Morse, Nicholson, Steadman, Tochtrop; also Representative(s) Kefalas, Court, Fields, Fischer, Gardner D., Hullinghorst, Jones, Kagan, Levy, McCann, Miklosi, Pace, Solano, Tyler--Concerning the creation of the Colorado health care authority for the purpose of designing a health care cooperative.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, March 1, page 348 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Aguilar.

Amend printed bill, page 9, after line 16 insert:

"(d) PROJECT THE COSTS FOR HEALTH CARE IN COLORADO WITH
THE COOPERATIVE AS AN INSURANCE OPTION WITHIN THE HEALTH
EXCHANGE;"

Reletter succeeding paragraphs accordingly.

As amended, ordered engrossed 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.)

SB11-032 by Senator(s) Johnston; --Concerning a requirement that the public utilities commission
promulgate rules to establish an on-bill financing program for clean energy improvements to
real property.

Laid over until May 12.

SB11-134 by Senator(s) Kopp; also Representative(s) Murray and Vigil--Concerning the addition of
certain drugs to the statutory list of schedule I controlled substances.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, May 5, pages 1042-1043 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 9, page 1113 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final
passage.

HB11-1297 by Representative(s) Murray; also Senator(s) Cadman--Concerning the statewide internet
portal authority.

Amendment No. 1(L.005), by Senator Carroll.

Amend reengrossed bill, page 3, line 27, strike "(1) (b), (2), and (3)," and
substitute "(1) (b) and (2),".

Page 4, strike lines 14 through 21 and substitute:

"(2) Upon the completion of a financial or performance audit
described in subsection (1) of this section OR IN SECTION 2-3-103 (1) (b),
C.R.S., the state auditor shall submit a written report to the legislative
audit committee, together with any findings and recommendations."

As amended, ordered revised and placed on the calendar for third reading and final
passage.

HB11-1072 by Representative(s) McNulty, Stephens, Liston; also Senator(s) Morse--Concerning the
responsibilities of a designated representative of the proponents of an initiative petition.

Amendment No. 1, Special Orders Amendment.
(Printed in Senate Journal, May 6, page 1086 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final
passage.

HB11-1303	by Representative(s) Gardner B., Labuda, Levy, Murray, Waller; also Senator(s) Brophy, Carroll, Morse, Roberts, Schwartz--Concerning nonsubstantive revisions of statutes in the Colorado Revised Statutes, as amended, and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.	1 2 3 4 5 6 7
	<u>Amendment No. 1(L.005), by Senator Brophy.</u>	8
	Amend reengrossed bill, page 41, strike line 27.	9 10
	Page 42, strike line 1 and substitute:	11 12
	"SECTION 75. Repeal. 26-12-112 (5), Colorado Revised Statutes, is repealed as follows:".	13 14 15
	Page 42, strike lines 16 through 19 and substitute:	16 17
	"(b) Any proceeds from the sale of property pursuant to paragraph (a) of this subsection (5) shall be deposited in the central fund and applied toward projects and programs for state nursing homes."	18 19 20 21
	Page 68, line 13, strike "subsections (2) and (3)" and substitute "subsection (2)".	22 23 24
	Page 68, strike lines 23 and 24 and substitute:	25 26
	"(2) (a) Section 8 of this act shall not take effect if Senate Bill 11-192 is enacted and becomes law.	27 28 29
	(b) Sections 13 and 14 of this act shall not take effect if Senate Bill 11-187 is enacted and becomes law.	30 31
	(c) Section 15 of this act shall not take effect if Senate Bill 11-159 is enacted and becomes law.	32 33
	(d) Section 55 of this act shall take effect July 1, 2012.	34
	(e) Section 68 of this act shall not take effect if Senate Bill 11-105 is enacted and becomes law.	35 36
	(f) Sections 92 and 97 of this act shall take effect January 1, 2012.	37
	(g) The amendment to section 42-4-1301.3 (2) (b) in section 110 of this act shall not take effect if House Bill 11-1268 is enacted and becomes law.	38 39 40
	(h) Section 112 of this act shall not take effect if Senate Bill 11-093 is enacted and becomes law.".	41 42
	As amended, ordered revised and placed on the calendar for third reading and final passage.	43 44 45 46
HB11-1010	by Representative(s) Acree, Baumgardner, Priola; also Senator(s) Brophy--Concerning the incidental use of property owned by a fraternal organization or veterans' organization that is exempt from property tax, and making an appropriation in connection therewith.	47 48 49 50 51
	Ordered revised and placed on the calendar for third reading and final passage.	52 53
HB11-1311	by Representative(s) Swerdfeger and Kerr A., Stephens, Pace; also Senator(s) Giron, Cadman--Concerning the number of project applications that the Colorado economic development commission may approve following approval of two initial projects pursuant to the "Colorado Regional Tourism Act".	54 55 56 57 58 59
	Ordered revised and placed on the calendar for third reading and final passage.	60 61
HB11-1301	by Representative(s) Waller, Gardner B., Murray, Priola, Todd, Fields, Levy, Casso, Schafer S., Stephens; also Senator(s) Schwartz, Williams S.--Concerning statutory changes to increase efficiency in the operations of public institutions of higher education.	62 63 64 65 66

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, May 9, page 1112 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1268 by Representative(s) Levy; also Senator(s) Nicholson--Concerning penalties for traffic offenses involving alcohol and drugs.

Amendment No. 1(L.004), by Senator Morse.

Amend reengrossed bill, page 9, after line 7, insert:

"SECTION 6. 13-21-102.5 (2), (3) (a), and (3) (b), Colorado Revised Statutes, are amended, and the said 13-21-102.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

13-21-102.5. Limitations on damages for noneconomic loss or injury. (2) As used in this section:

(a) "ALCOHOL-RELATED OR DRUG-RELATED DRIVING INCIDENT" MEANS AN INCIDENT IN WHICH A PERSON WHO IS DRIVING UNDER THE INFLUENCE OF ALCOHOL OR ONE OR MORE DRUGS, AS DESCRIBED IN SECTION 42-4-1307 (2) (b), C.R.S., OR DRIVING WHILE HIS OR HER ABILITY IS IMPAIRED, AS DESCRIBED IN SECTION 42-4-1307 (2) (c), C.R.S., CAUSES A LOSS OR INJURY TO ANOTHER PERSON.

(a) (b) "Derivative noneconomic loss or injury" means nonpecuniary harm or emotional stress to persons other than the person suffering the direct or primary loss or injury.

(b) (c) "Noneconomic loss or injury" means nonpecuniary harm for which damages are recoverable by the person suffering the direct or primary loss or injury, including pain and suffering, inconvenience, emotional stress, and impairment of the quality of life. "Noneconomic loss or injury" includes a damage recovery for nonpecuniary harm for actions brought under section 13-21-201 or 13-21-202.

(3) (a) ~~In any civil action other than~~ EXCEPT FOR medical malpractice actions AND ACTIONS CONCERNING DAMAGES RESULTING FROM ALCOHOL-RELATED OR DRUG-RELATED DRIVING INCIDENTS, IN ANY CIVIL ACTION in which damages for noneconomic loss or injury may be awarded, the total of such damages shall not exceed the sum of two hundred fifty thousand dollars, unless the court finds justification by clear and convincing evidence therefor. In no case EXCEPT FOR ACTIONS CONCERNING DAMAGES RESULTING FROM ALCOHOL-RELATED OR DRUG-RELATED DRIVING INCIDENTS shall the amount of noneconomic loss or injury damages exceed five hundred thousand dollars. The damages for noneconomic loss or injury in a medical malpractice action shall not exceed the limitations on noneconomic loss or injury specified in section 13-64-302.

(b) In any civil action OTHER THAN AN ACTION CONCERNING DAMAGES RESULTING FROM AN ALCOHOL-RELATED OR DRUG-RELATED DRIVING INCIDENT, no damages for derivative noneconomic loss or injury may be awarded unless the court finds justification by clear and convincing evidence therefor. In no case shall the amount of such damages exceed two hundred fifty thousand dollars.

(7) NOTWITHSTANDING THE PROVISIONS OF SECTION 42-4-1713, C.R.S., A RECORD OF THE CONVICTION OF ANY DEFENDANT, INCLUDING A PLEA OF GUILTY OR NOLO CONTENDERE, FOR ANY ALCOHOL-RELATED OR DRUG-RELATED TRAFFIC VIOLATION DESCRIBED IN PART 13 OF ARTICLE 4 OF TITLE 42, C.R.S., SHALL BE ADMISSIBLE IN ANY COURT IN ANY CIVIL ACTION SEEKING NONECONOMIC DAMAGES CAUSED BY AN ALCOHOL-RELATED OR DRUG-RELATED DRIVING INCIDENT AS PRIMA FACIE EVIDENCE THAT THE DRIVER WAS DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR DRIVING WHILE HIS OR HER ABILITY WAS IMPAIRED BY ALCOHOL OR DRUGS.

SECTION 7. 13-20-806 (4) (a), Colorado Revised Statutes, is amended to read:

13-20-806. Limitation of damages. (4) (a) In an action asserting personal injury or bodily injury as a result of a construction defect in which damages for noneconomic loss or injury or derivative noneconomic loss or injury may be awarded, such damages shall not exceed the sum of

two hundred fifty thousand dollars. As used in this subsection (4), "noneconomic loss or injury" has the same meaning as set forth in ~~section 13-21-102.5 (2) (b)~~ SECTION 13-21-102.5 (2) (c), and "derivative noneconomic loss or injury" has the same meaning as set forth in ~~section 13-21-102.5 (2) (a)~~ SECTION 13-21-102.5 (2) (b).".

Renumber succeeding section accordingly.

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1217 by Representative(s) Acree, Joshi, Kerr A., Stephens, Summers; also Senator(s) Boyd, Roberts--Concerning measures to expand access to health care throughout the state.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, May 5, pages 1048-1049 and placed in members' bill files.)

Amendment No. 2(L.009), by Senator Boyd.

Amend the Health and Human Services Committee Report, dated May 5, 2011, page 5, after line 2 insert:

"**SECTION 5.** 25.5-4-402.3, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:
25.5-4-402.3. Providers - hospital - provider fees - legislative declaration - federal waiver - fund created - rules - advisory board - repeal. (8) THE STATE DEPARTMENT SHALL EVALUATE LEGISLATION ENACTED BY THE GENERAL ASSEMBLY AFTER JULY 1, 2009, TO DETERMINE WHETHER THE LEGISLATION IMPACTS A PUBLIC MEDICAL ASSISTANCE PROGRAM IN A MANNER THAT LIMITS THE EXPANSION OF ELIGIBILITY FOR PUBLIC MEDICAL ASSISTANCE PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (IV) OF PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION OR CREATES A BARRIER TO ACCESS TO HEALTH CARE FOR THE PERSONS ELIGIBLE FOR PUBLIC MEDICAL ASSISTANCE PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (IV) OF PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION. IF THE STATE DEPARTMENT DETERMINES THAT THE EXPANSION OF ELIGIBILITY IS LIMITED BY THE LEGISLATION OR THAT THE LEGISLATION CREATES A BARRIER TO ACCESS TO HEALTH CARE FOR THOSE ELIGIBLE POPULATIONS, THE STATE DEPARTMENT SHALL NOT IMPLEMENT THE LEGISLATION.".

Renumber succeeding sections accordingly.

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1043 by Representative(s) Massey; also Senator(s) Steadman and Spence--Concerning medical marijuana, and making an appropriation therefor.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, May 3, pages 1002-1005 and placed in members' bill files.)

Amendment No. 2, Finance Committee Amendment.
(Printed in Senate Journal, May 4, page 1016 and placed in members' bill files.)

Amendment No. 3, Appropriations Committee Amendment.
(Printed in Senate Journal, May 6, pages 1078-1079 and placed in members' bill files.)

Amendment No. 4(L.059), by Senator Steadman.

Amend reengrossed bill, page 13, line 9, after the period, add "A PURCHASER MAY ONLY MAKE A PURCHASE USING A COPY OF HIS OR HER APPLICATION FROM 8 A.M. TO 5 P.M., MONDAY THROUGH FRIDAY. IF THE PURCHASER PRESENTS A COPY OF HIS OR HER APPLICATION AT THE TIME OF

PURCHASE, THE EMPLOYEE MUST CONTACT THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO DETERMINE WHETHER THE PURCHASER'S APPLICATION HAS BEEN DENIED. THE EMPLOYEE SHALL NOT COMPLETE THE TRANSACTION IF THE PURCHASER'S APPLICATION HAS BEEN DENIED. IF THE PURCHASER'S APPLICATION HAS BEEN DENIED, THE EMPLOYEE SHALL BE AUTHORIZED TO CONFISCATE THE PURCHASER'S COPY OF THE APPLICATION AND THE DOCUMENTATION OF THE CERTIFIED MAIL RETURN RECEIPT, IF POSSIBLE, AND SHALL, WITHIN SEVENTY-TWO HOURS AFTER THE CONFISCATION, TURN IT OVER TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR LOCAL LAW ENFORCEMENT AGENCY. THE FAILURE TO CONFISCATE THE COPY OF THE APPLICATION AND DOCUMENT OF THE CERTIFIED MAIL RETURN RECEIPT OR TO TURN IT OVER TO THE STATE HEALTH DEPARTMENT OR A STATE OR LOCAL LAW ENFORCEMENT AGENCY WITHIN SEVENTY-TWO HOURS AFTER THE CONFISCATION SHALL NOT CONSTITUTE A CRIMINAL OFFENSE."

Page 20, line 7, strike "DAYS" and substitute "DAYS AND THE EMPLOYEE ASSISTING THE PERSON HAS CONTACTED THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND, AS A RESULT, DETERMINED THE PERSON'S APPLICATION HAS NOT BEEN DENIED."

Page 20, strike lines 8 through 10.

Page 20, line 11, strike "CARE OR RECEIVING CHEMOTHERAPY."

Amendment No. 5(L.057), by Senator Steadman.

Amend reengrossed bill, page 4, line 23, strike "(5)," and substitute "(5) and (7)," and strike "is" and substitute "are".

Page 5, after line 4 insert:

"(7) "Medical marijuana" means marijuana that is grown and sold pursuant to the provisions of this article and for a purpose authorized by section 14 of article XVIII of the state constitution BUT SHALL NOT BE CONSIDERED A NONPRESCRIPTION DRUG FOR PURPOSES OF SECTION 12-22-102 (20) OR SECTION 39-26-717, C.R.S., OR AN OVER-THE-COUNTER MEDICATION FOR PURPOSES OF SECTION 25.5-5-322, C.R.S."

Amendment No. 6(L.055), by Senator Steadman.

Amend reengrossed bill, page 8, line 19, strike "(1.5) (a) OR (1.5)" and substitute "(1) (a) OR (1)".

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1261 by Representative(s) Waller and Levy; also Senator(s) King S. and Boyd--Concerning the establishment of a THC blood content threshold of five nanograms per milliliter of whole blood for the purpose of charging a person with the criminal offense of DUI per se, and making an appropriation in connection therewith.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 19, pages 801-802 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate journal, May 6, page 1078, was **lost**.)

As amended, **lost** on second reading.

Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 8:00 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in recess.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB11-168 by Senator(s) Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Johnston, Morse, Nicholson, Steadman, Tochtrop; also Representative(s) Kefalas, Court, Fields, Fischer, Gardner D., Hullinghorst, Jones, Kagan, Levy, McCann, Miklosi, Pace, Solano, Tyler--Concerning the creation of the Colorado health care authority for the purpose of designing a health care cooperative.

Senator Aguilar moved to amend the Report of the Committee of the Whole to show that SB 11-168, as amended, was laid over to the special orders calendar of May 10, 2011, retaining its place on the calendar.

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	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

HB11-1261 by Representative(s) Waller and Levy; also Senator(s) King S. and Boyd--Concerning the establishment of a THC blood content threshold of five nanograms per milliliter of whole blood for the purpose of charging a person with the criminal offense of DUI per se, and making an appropriation in connection therewith.

Senators Boyd and King S. moved to amend the Report of the Committee of the Whole to show that the Appropriations Committee amendment to HB 11-1261 did pass, and that HB 11-1261 did pass.

Less than 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	20	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	N	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	N
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	N
Cadman	N	Hudak	N	Morse	N	Tochtrop	Y
Carroll	N	Jahn	N	Newell	Y	White	N
Foster	N	Johnston	Y	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Johnston, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-269 as amended, SB11-134 as amended, HB11-1297 as amended, HB11-1072 as amended, HB11-1303 as amended, HB11-1010, HB11-1311, HB11-1301 as amended, HB11-1043 as amended, HB11-1268 as amended, HB11-1217 as amended.

Lost on second reading: HB11-1261 as amended.

Laid over until May 9: SB11-268.

Laid over until May 10: SB11-032, SB11-168 as amended.

Senate in recess. Senate reconvened.

Committee of the Whole reconvened

SPECIAL ORDERS -- SECOND READING OF BILLS -- cont'd

SB11-268 by Senator(s) Heath, Carroll, Schwartz; also Representative(s) Pabon and Vigil--Concerning the congressional redistricting of Colorado.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, May 6, pages 1063-1077 and placed in members' bill files.)

As amended, laid over until later in the day.

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, May 9 was laid over until later in the day, retaining its place on the calendar.

Consideration of Memorials: SJM11-003.
Consideration of House Amendments to Senate Bills: SCR11-001.
Requests for Conference Committee: HB11-1278.

Senate in recess.

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

119th Legislative Day Tuesday, May 10, 2011

Prayer By the chaplain, Rabbi Steven Booth-Nadav of Steamboat Springs and Wisdom House of Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Senator Morse.

Roll Call Present--29
Excused--6, Giron, Heath, Mitchell, Nicholson, Renfroe, Williams S.
Present later--6, Giron, Heath, Mitchell, Nicholson, Renfroe, Williams S.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Guzman, reading of the Journal of Monday, May 9, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of amendments to the Committee of the Whole.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB11-268 by Senator(s) Heath, Carroll, Schwartz; also Representative(s) Pabon and Vigil--Concerning the congressional redistricting of Colorado.

Senator Harvey moved to amend the Report of the Committee of the Whole to show that SB 11-268, as amended, did pass.

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	19	NO	15	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Johnston, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	19	NO	15	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

The Committee of the Whole took the following action:

Passed on second reading: SB11-268 as amended.

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:

HB11-1317 by Representative(s) Gerou; also Senator(s) Foster and Roberts--Concerning a modification of statutory provisions addressing intergovernmental cooperation in connection with wildland fire mitigation to clarify that such provisions are intended to affect land areas used solely for recreational purposes.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Newell

HB11-1313 by Representative(s) Massey; also Senator(s) Jahn--Concerning the extension beyond June 30, 2012, of the one-dollar surcharge collected by each county clerk and recorder for each document received for recording or filing.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: King S., Newell, Steadman and White.

HB11-1310 by Representative(s) Sonnenberg, Brown, Vigil; also Senator(s) Bacon, Schwartz, Renfroe-- Concerning the funding for the restoration of the state capitol dome.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, King S. and Steadman.

HB11-1081 by Representative(s) Brown; also Senator(s) Schwartz--Concerning the inclusion of liquefied petroleum gas conversion vehicles in the list of qualified vehicles available for efficient motor vehicle incentives.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Guzman, Johnston, Newell and Tochtrop.

HB11-1212
by Representative(s) Tyler and Hullinghorst; also Senator(s) Spence--Concerning the inclusion of lean government principles in the performance-based budgeting process.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Boyd, Heath, Hudak, Jahn, King S., Newell and Steadman.

HB11-1315
by Representative(s) Gardner B.; also Senator(s) Carroll--Concerning a modification of statutory provisions governing the political party affiliation of members of the independent ethics commission to specify that no more than two members of the commission shall be affiliated with the same political party.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Aguilar

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:

SB11-269
by Senator(s) Schwartz; also Representative(s) Kerr A. and Miklosi--Concerning the recycling of electronic devices, and, in connection therewith, requiring the processing facilities of processors of electronic devices to be certified, requiring processors of electronic devices to be registered, and making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	19	NO	15	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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, Hudak, Nicholson and Steadman.

SB11-134 by Senator(s) Kopp; also Representative(s) Murray and Vigil--Concerning the addition of certain drugs to the statutory list of schedule I controlled substances.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Bacon, Boyd, Cadman, Grantham, Harvey, Heath, King K., King S., Lambert, Lundberg, Newell, Renfroe, Roberts, Scheffel and White.

HB11-1297 by Representative(s) Murray; also Senator(s) Cadman--Concerning the statewide internet portal authority.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Johnston, King S., Lambert and Newell.

HB11-1072 by Representative(s) McNulty, Stephens, Liston; also Senator(s) Morse--Concerning the responsibilities of a designated representative of the proponents of an initiative petition.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	24	NO	10	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

HB11-1303 by Representative(s) Gardner B., Labuda, Levy, Murray, Waller; also Senator(s) Brophy, Carroll, Morse, Roberts, Schwartz--Concerning nonsubstantive revisions of statutes in the Colorado Revised Statutes, as amended, and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

HB11-1010 by Representative(s) Acree, Baumgardner, Priola; also Senator(s) Brophy--Concerning the incidental use of property owned by a fraternal organization or veterans' organization that is exempt from property tax, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Aguilar, Heath, Jahn, King S., Lundberg, Newell, Roberts and White.

HB11-1311 by Representative(s) Swerdfeger and Kerr A., Stephens, Pace; also Senator(s) Giron, Cadman--Concerning the number of project applications that the Colorado economic development commission may approve following approval of two initial projects pursuant to the "Colorado Regional Tourism Act".

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	23	NO	11	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	N	Lundberg	N	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	Y	Morse	N	Tochtrop	N
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Foster, Guzman, Newell and Nicholson.

HB11-1301 by Representative(s) Waller, Gardner B., Murray, Priola, Todd, Fields, Levy, Casso, Schafer S., Stephens; also Senator(s) Schwartz, Williams S.--Concerning statutory changes to increase efficiency in the operations of public institutions of higher education.

Call of the Senate. Call raised.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Guzman, Heath, Newell and Tochtrop.

RECONSIDERATION OF SB11-134

SB11-134 by Senator(s) Kopp; also Representative(s) Murray and Vigil--Concerning the addition of certain drugs to the statutory list of schedule I controlled substances.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **SB11-134**. The roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

RECONSIDERATION OF HB11-1297

HB11-1297 by Representative(s) Murray; also Senator(s) Cadman--Concerning the statewide internet portal authority.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **HB11-1297**. The roll call was taken with the following result:

YES	19	NO	15	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

RECONSIDERATION OF HB11-1010

HB11-1010 by Representative(s) Acree, Baumgardner, Priola; also Senator(s) Brophy--Concerning the incidental use of property owned by a fraternal organization or veterans' organization that is exempt from property tax, and making an appropriation in connection therewith.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **HB11-1010**. The roll call was taken with the following result:

YES	19	NO	15	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE -- cont'd

HB11-1217 by Representative(s) Acree, Joshi, Kerr A., Stephens, Summers; also Senator(s) Boyd, Roberts--Concerning measures to expand access to health care throughout the state.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	11	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	E
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	E
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Hudak, Newell and Tochtrop.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

May 10, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1323, 1324.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1319, amended as printed in House Journal, May 9, pages 1348-1360.

The House has passed on Third Reading and returns herewith SB11-238, 241, 052.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-166, amended as printed in House Journal, May 9, page1347. SB11-206, amended as printed in House Journal, May 9, page1348.

The House has adopted the First Report of the First Conference Committee on SB11-193, as printed in House Journal, May 9, page 1346, and has repassed the bill as so amended. The bill is returned herewith.

The House has postponed indefinitely SB11-080. The bill is returned herewith.

The House has postponed indefinitely SJR11-011. The resolution is returned herewith.

MESSAGE FROM THE REVISOR OF STATUTES

May 10, 2011

We herewith transmit:

Without comment, HB11-1323 and 1324.
Without comment, as amended, HB11-1319.
Without comment, as amended, SB11-166 and 206.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR11-054 by Senator(s) Morse, Shaffer B., Kopp; also Representative(s) Stephens, McNulty, Pace--
Concerning the appointment of a joint committee to notify the Governor that the First
Regular Session of the Sixty-eighth General Assembly is about to adjourn sine die.

Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

HB11-1312 by Representative(s) Becker; also Senator(s) Hodge--Concerning the reorganization of the
governor's energy office, and making an appropriation in connection therewith.
Local Government
State, Veterans & Military Affairs

HB11-1319 by Representative(s) Balmer, Coram, Nikkel; also Senator(s) Brophy, Scheffel--Concerning
the congressional redistricting of Colorado.
State, Veterans & Military Affairs

HB11-1323 by Representative(s) Massey; also Senator(s) Boyd--Concerning an exemption from state
licensure requirements for a community clinic that is a rural health clinic.
State, Veterans & Military Affairs

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

THIRD READING OF BILLS -- FINAL PASSAGE -- cont'd

HB11-1043 by Representative(s) Massey; also Senator(s) Steadman and Spence--Concerning medical marijuana, and making an appropriation therefor.

A majority of those elected to the Senate having voted in the affirmative, Senator Steadman was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.060), by Senator Steadman.

Amend revised bill, page 14, line 10, before "APPLICATION" insert "NEW".

Page 14, line 16, after the period insert "A PURCHASER MAY NOT PROVIDE A COPY OF A RENEWAL APPLICATION IN ORDER TO MAKE A PURCHASE AT A MEDICAL MARIJUANA CENTER.".

Page 16, strike line 11 and substitute "DONATE TO A PATIENT WHO HAS BEEN DESIGNATED INDIGENT BY THE STATE HEALTH AGENCY OR WHO IS IN HOSPICE CARE:".

Page 16, line 13, strike "PLANTS TO A PATIENT;" and substitute "PLANTS;".

Page 16, line 14, after "SELL" insert "OR DONATE".

Page 16, line 18, strike "PATIENTS WHO" and substitute "PATIENTS.".

Page 16, strike lines 19 through 24.

Page 22, line 25, before "APPLICATION" insert "NEW".

The amendment was **passed** on the following roll call vote:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	27	NO	8	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	Y	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

HB11-1268
by Representative(s) Levy; also Senator(s) Nicholson--Concerning penalties for traffic offenses involving alcohol and drugs.

A majority of those elected to the Senate having voted in the affirmative, Senator Nicholson was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.005), by Senator Nicholson.

Amend revised bill, page 9, strike lines 8 through 27.

Strike page 10.

Page 11, strike lines 1 through 13.

Renumber succeeding section accordingly.

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Giron, Guzman, Heath, Morse, Newell and Steadman.

SB11-134
by Senator(s) Kopp; also Representative(s) Murray and Vigil--Concerning the addition of certain drugs to the statutory list of schedule I controlled substances.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Giron, Guzman, Heath, Morse, Newell and Steadman.

HB11-1297 by Representative(s) Murray; also Senator(s) Cadman--Concerning the statewide internet portal authority.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

HB11-1010 by Representative(s) Acree, Baumgardner, Priola; also Senator(s) Brophy--Concerning the incidental use of property owned by a fraternal organization or veterans' organization that is exempt from property tax, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Foster, Schwartz and Shaffer B.

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 consideration of House amendments to Senate bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-192 by Senator(s) Aguilar and Spence, Boyd, Guzman, Jahn, Newell, White, Williams S.; also Representative(s) Massey, Casso, Priola, Riesberg, Soper--Concerning the continuation of the prescription drug monitoring program, and, in connection therewith, repealing the prescription controlled substance abuse monitoring committee, and making an appropriation.

Senator Aguilar moved that the Senate concur in House amendments to **SB11-192**, as printed in House journal, May 6, page 1313. The motion was **adopted** by the following roll call vote:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

IMMEDIATE RECONSIDERATION OF SB11-192

SB11-192 by Senator(s) Aguilar and Spence, Boyd, Guzman, Jahn, Newell, White, Williams S.; also Representative(s) Massey, Casso, Priola, Riesberg, Soper--Concerning the continuation of the prescription drug monitoring program, and, in connection therewith, repealing the prescription controlled substance abuse monitoring committee, and making an appropriation.

Having voted on the prevailing side, Senator Steadman moved for immediate reconsideration of the last Senate action, Consideration of Repassage, on **SB11-192**.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB11-192 by Senator(s) Aguilar and Spence, Boyd, Guzman, Jahn, Newell, White, Williams S.; also Representative(s) Massey, Casso, Priola, Riesberg, Soper--Concerning the continuation of the prescription drug monitoring program, and, in connection therewith, repealing the prescription controlled substance abuse monitoring committee, and making an appropriation.

Senator Aguilar moved for the repassage of **SB11-192**. The motion was **adopted** by the following roll call vote:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS - cont'd

SB11-187 by Senator(s) Newell; also Representative(s) Fields, Summers--Concerning the continuation of the regulation of mental health professionals, and, in connection therewith, continuing the state boards of psychologist examiners, social work examiners, marriage and family therapist examiners, and licensed professional counselor examiners, continuing the state grievance board, renamed as the state board of registered psychotherapists, creating the state board of addiction counselor examiners, implementing the recommendations contained in the sunset review and report of state-regulated mental health professionals, and making an appropriation.

Senator Newell moved that the Senate concur in House amendments to **SB11-187**, as printed in House journal, May 6, page 1317, and May 9, pages 1333-1335. The motion was **adopted** by the following roll call vote:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB11-177 by Senator(s) Nicholson, Aguilar, Boyd, Carroll, Foster, Newell; also Representative(s) Coram--Concerning the teen pregnancy and dropout prevention program, and, in connection therewith, continuing the program, and making an appropriation.

Senator Nicholson moved that the Senate concur in House amendments to **SB11-177**, as printed in House journal, May 6, page 1317. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	25	NO	10	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	Y	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB11-076 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Becker, Gerou, Ferrandino--Concerning the continuation of a temporary modification to the contribution rates for certain divisions of the public employees' retirement association, and making an appropriation therefor.

Senator Steadman moved that the Senate concur in House amendments to **SB11-076**, as printed in House journal, May 6, page 1314. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB11-047 by Senator(s) Heath; also Representative(s) Gerou and Riesberg--Concerning funding to support innovative industries, and, in connection therewith, creating the "Colorado Bioscience and Clean Technology Innovation Reinvestment Act".

Senator Heath moved that the Senate concur in House amendments to **SB11-047**, as printed in House journal, May 6, page 1314. The motion was **adopted** by the following roll call vote:

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	21	NO	14	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB11-166 by Senator(s) Johnston; also Representative(s) Wilson--Concerning the "Uniform Disclaimer of Property Interests Act".

Senator Johnston moved that the Senate concur in House amendments to **SB11-166**, as printed in House journal, May 9, page 1347. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB11-206 by Senator(s) Boyd; also Representative(s) Bradford--Concerning the exemption of certain noncommercial mortgage-related activities from the "Mortgage Loan Originator Licensing and Mortgage Company Registration Act".

Senator Boyd moved that the Senate concur in House amendments to **SB11-206**, as printed in House journal, May 9, page 1348. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	33	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	*	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senator Harvey.

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB11-193 by Senator(s) Aguilar; also Representative(s) Gardner B. and Kerr J.--Concerning the disclosure of employment information to an employer regarding a person employed to work with a person with a developmental disability, and, in connection therewith, granting immunity from civil liability for the disclosure of information and creating an exception from the prohibition against blacklisting for the disclosure of information.

Senator Aguilar moved for the adoption of the first report of the first conference committee on **SB11-193**, as printed in Senate journal, May 9, page 1093. The motion was **adopted** by the following roll call vote:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

MESSAGE FROM THE HOUSE

May 9, 2011
Mr. President

In response to the request of the Senate, the Speaker has appointed Representatives Acree, chairman, Nikkel, and Kefalas as House conferees on the First Conference Committee on SB11-088.
The House has voted to grant the House conferees on the First Conference Committee on SB11-088 to consider matters not at issue between the two houses.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that **HB11-1014** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 2 through 7.

Renumber succeeding sections accordingly.

Page 3, strike line 6 and substitute:

"**SECTION 2.** 39-26-105 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:
39-26-105. Vendor liable for tax - repeal. (1) (h) (I)
(A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE AMOUNT RETAINED BY A VENDOR WHOSE MONTHLY SALES TAX

	COLLECTED IS TWO THOUSAND DOLLARS OR LESS TO COVER THE VENDOR'S EXPENSE IN COLLECTING AND REMITTING TAX PURSUANT TO THIS SECTION SHALL NOT EXCEED AN AMOUNT EQUAL TO THREE AND THIRTY-THREE ONE-HUNDREDTHS PERCENT OF ALL SALES TAX REPORTED ON ANY RETURN MADE ON OR AFTER JULY 1, 2014, BUT PRIOR TO JULY 1, 2021.	1 2 3 4 5
	(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE AMOUNT RETAINED BY A VENDOR WHOSE MONTHLY SALES TAX COLLECTED IS MORE THAN TWO THOUSAND DOLLARS TO COVER THE VENDOR'S EXPENSE IN COLLECTING AND REMITTING TAX PURSUANT TO THIS SECTION SHALL NOT EXCEED AN AMOUNT EQUAL TO TWO AND TWO HUNDRED NINETEEN ONE-THOUSANDTHS PERCENT OF ALL SALES TAX REPORTED ON ANY RETURN MADE ON OR AFTER JULY 1, 2014, BUT PRIOR TO JULY 1, 2021.	6 7 8 9 10 11 12 13
	(II) THIS PARAGRAPH (h) IS REPEALED, EFFECTIVE DECEMBER 1, 2023.	14 15
	SECTION 3. Effective date - applicability. (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect upon passage.	16 17 18
	(2) Section 1 of this act shall take".	19
	Page 3, strike lines 9 through 11 and substitute:	20 21
	"SECTION 4. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor."	22 23 24 25 26 27 28 29 30 31 32 33 34
Appropriations	After consideration on the merits, the Committee recommends that HB11-1307 be referred to the Committee of the Whole with favorable recommendation.	35 36 37
Appropriations	After consideration on the merits, the Committee recommends that HB11-1300 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend reengrossed bill, page 25, line 3, strike "three thousand three hundred fifty-four". Page 25, line 4, strike "dollars (\$3,354)," and substitute "one thousand nine hundred seventy-four dollars (\$1,974),". Page 26, line 15, strike "two million seven hundred forty-three thousand". Page 26, line 16, strike "two hundred twelve dollars (\$2,743,212)" and substitute "two million seven hundred forty-two thousand nine hundred ninety-one dollars (\$2,742,991)".	38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54
Appropriations	After consideration on the merits, the Committee recommends that HB11-1316 be referred to the Committee of the Whole with favorable recommendation.	55 56 57 58
Appropriations	After consideration on the merits, the Committee recommends that HB11-1298 be referred to the Committee of the Whole with favorable recommendation.	59 60 61 62
Appropriations	After consideration on the merits, the Committee recommends that HB11-1045 be referred to the Committee of the Whole with favorable recommendation.	63 64 65 66
Local Government	After consideration on the merits, the Committee recommends that HB11-1312 be postponed indefinitely.	67 68 69

Finance

After consideration on the merits, the Committee recommends that **HB11-1014** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Strike the Appropriations Committee Report, dated May 10, 2011, and substitute:

"Amend reengrossed bill, strike everything below the enacting clause and substitute:

"SECTION 1. 39-22-121 (1.5) and (6.7), Colorado Revised Statutes, are amended to read:

39-22-121. Credit for child care facilities - repeal. (1.5) For income tax years commencing on or after January 1, 2000, any taxpayer who makes a monetary contribution to promote child care in the state shall be allowed a credit against the income tax imposed by this article in an amount equal to fifty percent of the total value of the contribution except as otherwise provided in ~~subsection (5)~~ SUBSECTIONS (5) AND (6.7) of this section.

(6.7) (a) If the revenue estimate prepared by the staff of the legislative council in December 2010 and each December thereafter THROUGH DECEMBER 2012 indicates that the amount of the total general fund revenues for that particular fiscal year will not be sufficient to grow the total state general fund appropriations by six percent over such appropriations for the previous fiscal year, then the credit authorized in this section shall not be allowed for any income tax year commencing during the calendar year following the year in which the estimate is prepared; except that any taxpayer who would have been eligible to claim a credit pursuant to this section in the income tax year in which the credit is not allowed shall be allowed to claim the credit earned in such income tax year in the next income tax year in which the estimate indicates that the amount of the total general fund revenues will be sufficient to grow the total state general fund appropriations by six percent over such appropriations for the previous fiscal year.

(b) The department of revenue shall, through its web site, specify on or before January 1, 2011, ~~and on or before each January 1 thereafter;~~ JANUARY 1, 2012, AND JANUARY 1, 2013, whether the credit authorized in this section shall be allowed for a given income tax year pursuant to paragraph (a) of this subsection (6.7).

(c) NOTWITHSTANDING ANY OTHER PROVISION, FOR ANY CREDIT AMOUNT ALLOWED PURSUANT TO SUBSECTION (1.5) AND PARAGRAPH (a) OF THIS SUBSECTION (6.7), IN THE INCOME TAX YEAR COMMENCING ON JANUARY 1, 2014, AT LEAST FIFTY PERCENT OF THE TOTAL OF ANY CREDIT AMOUNT ALLOWED SHALL BE CARRIED FORWARD TO THE INCOME TAX YEAR COMMENCING ON JANUARY 1, 2015.

(d) NOTWITHSTANDING ANY OTHER PROVISION, FOR ANY CREDIT AMOUNT ALLOWED PURSUANT TO SUBSECTION (1.5) AND INITIALLY ALLOWED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6.7), IN THE INCOME TAX YEAR COMMENCING ON JANUARY 1, 2015, AT LEAST TWENTY-FIVE PERCENT OF THE TOTAL OF ANY CREDIT AMOUNT ALLOWED SHALL BE CARRIED FORWARD TO THE INCOME TAX YEAR COMMENCING ON JANUARY 1, 2016.

SECTION 2. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor."."

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB11-1323** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, after line 16, insert:

"SECTION 4. Appropriation - adjustments in 2011 long bill.
For the implementation of this act, the cash funds appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the department of public health and environment, division of health facilities and emergency medical services division, for health facilities general licensure program, is decreased by five hundred twenty-nine dollars (\$529). Said sum shall be from the health facilities general licensure cash fund created in section 25-3-103.1 (1), Colorado Revised Statutes."

Renumber succeeding section accordingly.

Page 1, line 102, strike "CLINIC." and substitute "CLINIC, AND MAKING AN APPROPRIATION THEREFORE."

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB11-1324** be referred to the Committee of the Whole with favorable recommendation.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB11-1319** be postponed indefinitely.

Trans-
portation

After consideration on the merits, the Committee recommends that **HB11-1272** be referred to the Committee on Appropriations with favorable recommendation.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

HB11-1324 by Representative(s) Acree; also Senator(s) Brophy--Concerning the applicability of provisions governing the financial obligations of a residential nonprofit corporation upon alteration of the membership status of a member.
State, Veterans & Military Affairs

REPORT OF CONFERENCE COMMITTEES

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-088**

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB11-088, concerning the regulation of direct-entry midwives, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies, and making an appropriation, 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.

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 8, line 16, after the semicolon add "AND".

Page 8, strike line 21 and substitute "SERVICE".

Page 8, strike lines 22 through 27.

Page 12, line 6, strike "rules." and substitute "rules - repeal".

Page 14, after line 5 insert:

"(6) (a) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT THE ISSUE OF WHETHER REGISTRANTS SHOULD BE AUTHORIZED TO PERFORM SUTURING OF PERINEAL TEARS AND, IF SO, WHAT STANDARDS FOR EDUCATION, TRAINING, AND PRACTICE SHOULD BE ESTABLISHED FOR THE EXERCISE OF THAT AUTHORITY, IS AN ISSUE REQUIRING THOROUGH STUDY AND CONSIDERATION. THEREFORE, AS SOON AS IS PRACTICABLE, REPRESENTATIVES OF THE MEDICAL COMMUNITY, THE MIDWIFE COMMUNITY, THE DEPARTMENT OF REGULATORY AGENCIES, AND OTHER INTERESTED PARTIES SHALL MEET AND DISCUSS THE ISSUE IN AN EFFORT TO REACH AN ACCORD ON WHAT LEGISLATIVE AND REGULATORY CHANGES ARE APPROPRIATE TO ENSURE GREATER CLIENT CHOICE WITHOUT UNDULY COMPROMISING CLIENT SAFETY. THE PARTIES TO THESE MEETINGS AND DISCUSSIONS SHALL MAKE THE RESULTS PUBLICLY AVAILABLE THROUGH POSTING ON THE DIVISION'S WEB SITE OR BY OTHER APPROPRIATE MEANS.

(b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2013."

Respectfully submitted,

Senate Committee:
(signed)
Morgan Carroll, Chairman
Irene Aguilar
Kevin Lundberg

House Committee:
(signed)
Cindy Acree, Chairman
B.J. Nikkel
John Kefalas

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB11-1211

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB11-1211, concerning restrictions on travel-related expenditures by state-chartered entities on behalf of persons affiliated with such entities, has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 3, line 26, strike "ONE AND ONE-HALF" and

substitute "TWO".
Page 4, line 7, strike "ONE AND ONE-HALF" and substitute "TWO".
Respectfully submitted,

House Committee:
(signed)
Mark Waller, Chairman
Sal Pace
Keith Swerdfeger

Senate Committee:
(signed)
Lois Tochtrop, Chairman
Lucia Guzman
Mark Scheffel

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

SB11-088 by Senator(s) Carroll and Lundberg, Boyd, Mitchell; also Representative(s) Acree-- Concerning the regulation of direct-entry midwives, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies, and making an appropriation.

Senator Carroll moved for the adoption of the first report of the first conference committee on **SB11-088**, as printed in Senate journal, May 10, pages 1153-1154. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	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 two-thirds majority of those elected to the Senate having voted in the affirmative, HB11-1045, HB11-1298, HB11-1316, HB11-1300, HB11-1307 were made Special Orders at 7:05 p.m.

Committee of the Whole The hour of 7:05 p.m. having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the chair to act as Chairman.

SPECIAL 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:

HB11-1045 by Representative(s) Kefalas; also Senator(s) Newell--Concerning modifications to the Colorado innovation investment tax credit, and making an appropriation in connection therewith.

Ordered revised and placed on the calendar for third reading and final passage.

HB11-1298 by Representative(s) Tyler and Vaad, Barker, Brown, Fischer, Gardner D., Hamner, Hullinghorst, Kerr A., Looper, Pabon, Peniston, Ramirez, Scott, Williams A.; also Senator(s) Spence, Bacon, Hudak, Johnston, King K., King S., Renfroe, Schwartz, Tochtrop, White, Williams S.--Concerning the creation of a special license plate for Craig hospital, and making an appropriation therefor.

Ordered revised and placed on the calendar for third reading and final passage.

HB11-1316 by Representative(s) Priola, Duran; also Senator(s) Johnston--Concerning the creation of certain sports special license plates for Kroenke sports charities, and making an appropriation therefor.

Ordered revised and placed on the calendar for third reading and final passage.

HB11-1300 by Representative(s) Looper, Acree, DelGrosso, Priola, Swalm; also Senator(s) Grantham and Nicholson, Jahn--Concerning the resolution of a disputed claim for a state income tax credit for a donation of a perpetual conservation easement that includes a process that allows a taxpayer to waive an expedited administrative hearing for the purpose of appealing directly to a district court, and making an appropriation therefor.

Amendment No. 1(L.018), by Senator Grantham.

Amend reengrossed bill, page 12, line 3, strike "OR" and substitute "AND".

Page 12, line 16, strike "OR" and substitute "AND".

Page 16, line 9, after "DESIGNATION." insert "THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES ON OR BEFORE SEPTEMBER 1, 2011, SPECIFYING THE PROCEDURES FOR A CHANGE TO THE TAX MATTERS REPRESENTATIVE'S DESIGNATION WHEN THE EXECUTIVE DIRECTOR DETERMINES THAT THE TAX MATTERS REPRESENTATIVE IS UNAVAILABLE OR UNWILLING TO ACT AS THE TAX MATTERS REPRESENTATIVE."

Page 19, line 5, after "APPEAL." insert "THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES ON OR BEFORE SEPTEMBER 1, 2011, SPECIFYING THE PROCEDURES FOR A CHANGE TO THE TAX MATTERS REPRESENTATIVE'S DESIGNATION WHEN THE EXECUTIVE DIRECTOR DETERMINES THAT THE TAX MATTERS REPRESENTATIVE IS UNAVAILABLE OR UNWILLING TO ACT AS THE TAX MATTERS REPRESENTATIVE."

Amendment No. 2(L.016), by Senators Nicholson and Grantham.

Amend reengrossed bill, page 10, line 24, strike "CONTRIBUTION" and substitute "CONTRIBUTION.".

Page 10, strike lines 25 and 26.

Page 10, line 27, strike "SECTION.".

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1307 by Representative(s) Becker, Gerou, Ferrandino; also Senator(s) Steadman, Hodge, Lambert--Concerning recovery audits.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, May 9, page 1111 and placed in members' bill files.)

Amendment No. 2(L.006), by Senator Steadman.

Amend reengrossed bill, page 7, line 19, strike "AUDITS." and substitute "AUDITS CONDUCTED PURSUANT TO THIS SECTION.".

As amended, ordered revised and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB11-1045, HB11-1298, HB11-1316, HB11-1300 as amended, HB11-1307 as amended.

MESSAGE FROM THE GOVERNOR

May 9, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-231 CONCERNING OPERATION OF THE COLORADO CHANNEL AUTHORITY, AND, IN CONNECTION THEREWITH, ALLOWING THE AUTHORITY TO MAKE AVAILABLE VIA THE INTERNET AUDIO RECORDINGS OF PROCEEDINGS OF THE GENERAL ASSEMBLY AND REQUIRING CERTAIN MEMBERS OF THE BOARD OF DIRECTORS OF THE AUTHORITY TO BE SERVING MEMBERS OF THE GENERAL ASSEMBLY AND TO REPRESENT THE MAJOR POLITICAL PARTIES IN EACH HOUSE

Approved May 9, 2011 at 2:52 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

SENATE SERVICES REPORT

Correctly Printed: SJR11-054.
Correctly Engrossed: SB11-134 and 269; SJM11-002 and 004; SJR11-005, 040 and 047.
Correctly Reengrossed: SB11-251, 263, 267, 270, 271, 272 and 273.
Correctly Revised: HB11-1010, 1043, 1072, 1081, 1212, 1217, 1268, 1297, 1301, 1303, 1310, 1311, 1313, 1315 and 1317.
Correctly Rerevised: HB11-1032, 1091, 1105, 1157, 1188, 1195, 1242, 1250, 1265, 1277, 1288, 1293, 1295 and 1305.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-089, 090, 092, 173, 180, 195, 197, 219, 230, 169, HB11-1071, 1281, 1315, HJR11-1018, 1020.

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

REQUEST FOR PRINTING IN SENATE JOURNAL

Pursuant to Senate Rule 27 (g), amendment L.004 to SB11-268, which was lost on Special Orders -- Second Reading of Bills on May 9, has been requested to be printed in the Senate Journal.

SB268 L.004
Amend printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. 2-1-101 (1), Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:
2-1-101. Congressional districts. (1) FOR THE ELECTION OF REPRESENTATIVES TO CONGRESS, THE STATE OF COLORADO IS DIVIDED

INTO SEVEN CONGRESSIONAL DISTRICTS AS FOLLOWS:

(a) THE FIRST CONGRESSIONAL DISTRICT CONSISTS OF THE CITY AND COUNTY OF DENVER AND THE FOLLOWING PORTIONS OF THE FOLLOWING COUNTIES:

(I) ADAMS COUNTY: BLOCK 1010 OF BLOCK GROUP 1, BLOCKS 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, AND 2034 OF BLOCK GROUP 2, AND BLOCK GROUP 3 OF TRACT 8200; AND BLOCKS 1012 AND 1024 OF BLOCK GROUP 1 OF TRACT 8308.

(II) ARAPAHOE COUNTY: BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1022, 1023, 1024, 1025, 1027, AND 1028 OF BLOCK GROUP 1 AND BLOCK GROUPS 2 AND 3 OF TRACT 5553; BLOCKS 2007, 2008, 2009, 2011, 2012, 2021, AND 2022 OF BLOCK GROUP 2 OF TRACT 5612; BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1022, AND 1036 OF BLOCK GROUP 1 OF TRACT 5619; BLOCK GROUPS 1 AND 2 AND BLOCKS 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3022, 3023, 3024, 3032, 3035, 3036, 3037, 3038, AND 3039 OF BLOCK GROUP 3 OF TRACT 6400; BLOCKS 3000, 3001, 3002, 3003, 3005, AND 3008 OF BLOCK GROUP 3 AND BLOCK 4000 OF BLOCK GROUP 4 OF TRACT 6601; BLOCK 2000 OF BLOCK GROUP 2 OF TRACT 6712; BLOCKS 2013 AND 2016 OF BLOCK GROUP 2 OF TRACT 6858; BLOCK GROUP 1, BLOCKS 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, AND 2013 OF BLOCK GROUP 2, AND BLOCK 3001 OF BLOCK GROUP 3 OF TRACT 7201; BLOCK GROUPS 1, 2, AND 3 AND BLOCKS 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, AND 4020 OF BLOCK GROUP 4 OF TRACT 86800; AND BLOCKS 1001, 1002, 1003, 1006, 1007, AND 1010 OF BLOCK GROUP 1 AND BLOCK GROUP 2 OF TRACT 86900.

(III) JEFFERSON COUNTY: BLOCKS 2024, 2025, AND 2026 OF BLOCK GROUP 2 OF TRACT 11904; AND BLOCK GROUP 1 AND BLOCKS 2000, 2001, 2002, 2003, AND 2004 OF BLOCK GROUP 2 OF TRACT 12050.

(b) THE SECOND CONGRESSIONAL DISTRICT CONSISTS OF THE CITY AND COUNTY OF BROOMFIELD, THE COUNTIES OF CLEAR CREEK, EAGLE, GILPIN, GRAND, AND SUMMIT, AND THE FOLLOWING PORTIONS OF THE FOLLOWING COUNTIES:

(I) ADAMS COUNTY: BLOCKS 1041, 1048, 1054, 1055, 1056, 1057, 1060, 1061, 1099, AND 1100 OF BLOCK GROUP 1 OF TRACT 8523; BLOCKS 1016, 1090, 1092, 1095, 1099, 1100, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1118, 1123, 1124, 1125, 1126, 1127, 1172, 1185, 1186, AND 1188 OF BLOCK GROUP 1 OF TRACT 8535; BLOCKS 1000, 1001, 1002, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1057, 1058, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, AND 1198 OF BLOCK GROUP 1 OF TRACT 8541; BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, AND 1093 OF BLOCK GROUP 1 OF TRACT 8551; BLOCKS 3011, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029,

3030, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042,	1
3044, 3045, 3046, 3053, 3060, 3061, 3062, 3063, 3064, 3096, 3101, 3102,	2
3103, 3104, 3105, 3133, 3134, AND 3135 OF BLOCK GROUP 3 OF TRACT	3
8802; BLOCKS 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009,	4
1013, AND 1014 OF BLOCK GROUP 1 AND BLOCKS 2000, 2001, 2002, 2003,	5
2004, 2005, 2006, 2007, 2008, 2009, 2010, 2022, 2023, 2024, 2025, 2026,	6
2027, 2028, 2029, 2030, 2031, 2032, 2033, 2036, 2037, 2038, 2039, 2040,	7
2041, 2042, 2043, 2044, AND 2053 OF BLOCK GROUP 2 OF TRACT 9001;	8
BLOCKS 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4018, AND	9
4035 OF BLOCK GROUP 4 OF TRACT 9002; BLOCK GROUP 1 AND BLOCKS	10
2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012,	11
2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024,	12
2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036,	13
2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048,	14
AND 2049 OF BLOCK GROUP 2 OF TRACT 9103; BLOCKS 1000, 1001, 1002,	15
1003, 1004, AND 1010 OF BLOCK GROUP 1 OF TRACT 9306; BLOCKS 1000,	16
1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012,	17
1013, 1014, 1015, 1020, 1021, AND 1022 OF BLOCK GROUP 1 OF TRACT	18
9307; BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008,	19
1009, 1011, 1012, 1013, 1014, AND 1018 OF BLOCK GROUP 1 AND BLOCKS	20
2006, 2008, AND 2010 OF BLOCK GROUP 2 OF TRACT 9309; BLOCK GROUPS	21
1 AND 2 OF TRACT 9316; BLOCK GROUP 1 AND BLOCKS 2000, 2001, 2002,	22
2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, AND	23
2014 OF BLOCK GROUP 2 OF TRACT 9318; BLOCK GROUP 2 OF TRACT 9320;	24
BLOCK GROUP 2 OF TRACT 9501; BLOCKS 2002, 2003, 2004, 2005, 2006,	25
2007, 2008, 2009, 2010, 2011, 2012, 2013, 2022, AND 2023 OF BLOCK	26
GROUP 2 AND BLOCK 3003 OF BLOCK GROUP 3 OF TRACT 9502; BLOCKS	27
1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011,	28
1012, 1013, 1014, 1015, AND 1031 OF BLOCK GROUP 1 OF TRACT 9606;	29
BLOCK GROUP 1, BLOCKS 2002, 2005, 2006, 2007, AND 2008 OF BLOCK	30
GROUP 2, AND BLOCKS 3000, 3001, 3002, 3003, 3004, 3005, 3006, AND	31
3008 OF BLOCK GROUP 3 OF TRACT 9607; BLOCKS 1002, 1003, AND 1018	32
OF BLOCK GROUP 1 OF TRACT 9608; AND BLOCKS 1000, 1001, 1002, 1005,	33
1006, 1007, 1008, 1009, 1010, 1021, 1027, 1028, 1036, 1037, 1038, 1048,	34
AND 1049 OF BLOCK GROUP 1 OF TRACT 15000.	35
(II) BOULDER COUNTY: BLOCKS 1020, 1021, 1022, 1023, 1028,	36
1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040,	37
1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1051, 1060, 1061, 1062,	38
1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074,	39
1075, 1076, AND 1078 OF BLOCK GROUP 1 OF TRACT 13201; BLOCK GROUP	40
1, BLOCKS 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014,	41
2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026,	42
2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038,	43
2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050,	44
2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062,	45
2063, 2064, 2065, 2066, AND 2067 OF BLOCK GROUP 2, AND BLOCK GROUP	46
3 OF TRACT 13205; BLOCKS 1017, 1018, 1019, 1020, 1021, 1022, 1023,	47
AND 1028 OF BLOCK GROUP 1 OF TRACT 13207; BLOCK 1051 OF BLOCK	48
GROUP 1 AND BLOCKS 2000, 2021, 2043, 2044, 2045, 2046, 2051, 2052,	49
2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064,	50
2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2074, 2075, 2076, 2077,	51
2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089,	52
2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101,	53
2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113,	54
2114, AND 2115 OF BLOCK GROUP 2 OF TRACT 13211; BLOCKS 2017, 2029,	55
2030, 2031, 2032, 2033, 2036, 2037, 2040, AND 2041 OF BLOCK GROUP 2	56
OF TRACT 13212; BLOCKS 1028, 1033, 1035, 1036, 1037, 1038, 1039,	57
1040, 1043, 1044, 1045, 1047, 1048, 1052, 1054, 1055, 1056, 1057, 1058,	58
1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070,	59
AND 1071 OF BLOCK GROUP 1 AND BLOCKS 3001, 3002, 3003, 3004, 3005,	60
3006, 3007, 3008, 3009, 3016, AND 3017 OF BLOCK GROUP 3 OF TRACT	61
13213; AND BLOCKS 2021, 2022, AND 2024 OF BLOCK GROUP 2 OF TRACT	62
13402.	63
(III) JEFFERSON COUNTY: BLOCK 1001 OF BLOCK GROUP 1 AND	64
BLOCKS 2000, 2003, 2006, AND 2009 OF BLOCK GROUP 2 OF TRACT 9815;	65
BLOCK GROUPS 1 AND 2, BLOCKS 3000, 3001, 3002, 3003, 3004, 3005,	66
3006, 3007, 3008, 3009, 3012, 3013, 3014, 3015, 3016, AND 3017 OF	67
BLOCK GROUP 3, AND BLOCK GROUP 4 OF TRACT 9828; BLOCKS 2000, 2001,	68
2002, AND 2003 OF BLOCK GROUP 2 OF TRACT 9832; BLOCKS 1001, 1002,	69

1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014,	1
1015, 1016, 1018, AND 1019 OF BLOCK GROUP 1 OF TRACT 9834; BLOCKS	2
2007, 2008, AND 2010 OF BLOCK GROUP 2 OF TRACT 9835; BLOCKS 1000,	3
1001, 1002, 1003, 1004, AND 1021 OF BLOCK GROUP 1 OF TRACT 10208;	4
BLOCKS 1007, 1010, 1011, 1012, 1013, 1015, 1016, 1017, AND 1018 OF	5
BLOCK GROUP 1, BLOCKS 2007, 2008, AND 2019 OF BLOCK GROUP 2,	6
BLOCKS 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009,	7
3010, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023,	8
3024, 3025, 3026, 3027, 3028, 3029, AND 3030 OF BLOCK GROUP 3, AND	9
BLOCKS 4010, 4011, 4012, 4013, 4014, AND 4015 OF BLOCK GROUP 4 OF	10
TRACT 10209; AND BLOCK GROUP 1 AND BLOCKS 3000, 3001, 3002, 3003,	11
3004, 3011, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030,	12
3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3077, 3078, 3100, 3109,	13
AND 3110 OF BLOCK GROUP 3 OF TRACT 60500.	14
(IV) PARK COUNTY: BLOCK GROUPS 1 AND 2 AND BLOCKS 3000,	15
3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012,	16
3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024,	17
3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036,	18
3037, 3038, 3039, 3040, 3042, 3044, 3045, 3057, 3058, 3059, 3060, 3061,	19
3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073,	20
3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085,	21
3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097,	22
3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109,	23
3110, 3111, 3115, 3116, 3121, 3122, 3123, 3124, 3125, 3129, 3144, 3145,	24
3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157,	25
3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169,	26
3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3180, 3181, 3182,	27
3183, AND 3184 OF BLOCK GROUP 3 OF TRACT 100; AND BLOCK GROUP 1	28
AND BLOCKS 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009,	29
2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021,	30
2022, 2023, 2024, 2025, 2030, 2031, 2032, 2033, 2034, 2035, 2040, 2064,	31
2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2090,	32
2091, 2092, 2101, 2103, AND 2104 OF BLOCK GROUP 2 OF TRACT 200.	33
(V) PITKIN COUNTY: BLOCK 1018 OF BLOCK GROUP 1 OF TRACT	34
100.	35
(VI) WELDCOUNTY: BLOCKS 1117, 1122, 1123, 1124, 1125, 1126,	36
1127, 1131, 1132, 1133, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143,	37
1144, 1145, 1146, 1147, 1148, 1151, 1152, 1153, 1157, 1158, 1160, 1161,	38
1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173,	39
1175, 1176, 1177, 1180, AND 1181 OF BLOCK GROUP 1 OF TRACT 1800;	40
BLOCKS 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1028,	41
1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040,	42
1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052,	43
1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064,	44
1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076,	45
1077, 1078, 1079, 1080, 1081, 1082, 1111, 1112, 1113, 1114, 1115, 1116,	46
1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130,	47
1131, 1132, 1133, 1136, 1137, 1149, 1150, 1151, 1152, 1153, 1154, 1155,	48
1156, 1157, 1158, 1159, 1160, 1164, 1165, 1166, 1167, 1168, 1169, 1170,	49
1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183,	50
1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195,	51
1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207,	52
1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219,	53
1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231,	54
1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243,	55
1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255,	56
1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267,	57
1268, 1269, 1270, 1272, 1274, 1275, 1277, 1278, 1279, 1280, 1281, 1282,	58
1283, 1284, 1285, 1286, 1287, 1288, AND 1289 OF BLOCK GROUP 1 AND	59
BLOCK GROUP 2 OF TRACT 1902; BLOCKS 1000, 1001, 1002, 1003, 1004,	60
1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016,	61
1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028,	62
1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040,	63
1041, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053,	64
1054, 1055, 1057, 1058, 1059, 1060, 1061, 1062, 1067, 1068, 1069, 1070,	65
1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1090, 1091, 1104, 1120,	66
1121, 1122, 1131, 1132, AND 1139 OF BLOCK GROUP 1 AND BLOCK GROUPS	67
2 AND 3 OF TRACT 1907; BLOCKS 1001, 1002, 1003, 1004, 1006, 1007,	68
1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019,	69

1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031,	1
1032, 1033, 1034, 1035, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045,	2
1046, 1047, 1048, 1049, 1052, 1058, 1059, 1060, 1061, 1062, 1064, 1065,	3
1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077,	4
1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089,	5
1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101,	6
1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113,	7
1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125,	8
1126, AND 1127 OF BLOCK GROUP 1 OF TRACT 2010; BLOCKS 1001, 1002,	9
1005, 1007, 1008, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018,	10
1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1029, 1032, 1033,	11
1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045,	12
1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057,	13
1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069,	14
1070, 1071, 1072, 1073, 1074, 1075, AND 1076 OF BLOCK GROUP 1 AND	15
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3026, 3027, 3029, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044,	17
3045, 3046, 3047, 3094, 3095, 3098, 3099, 3100, 3108, 3109, 3110, 3111,	18
3112, 3113, 3114, 3115, 3116, 3117, 3120, 3129, 3130, 3131, 3132, 3133,	19
3134, 3135, 3137, 3138, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149,	20
3150, 3151, AND 3154 OF BLOCK GROUP 3 OF TRACT 2103; AND BLOCKS	21
1057, 1058, 1059, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093,	22
1103, 1104, 1105, 1106, 1117, 1118, 1119, 1120, 1121, 1122, 1123, AND	23
1124 OF BLOCK GROUP 1 OF TRACT 2502.	24
(c) THE THIRD CONGRESSIONAL DISTRICT CONSISTS OF THE	25
COUNTIES OF ALAMOSA, ARCHULETA, CHAFFEE, CONEJOS, COSTILLA,	26
CUSTER, DELTA, DOLORES, GARFIELD, GUNNISON, HINSDALE, HUERFANO,	27
JACKSON, LA PLATA, LAKE, LAS ANIMAS, MESA, MINERAL, MOFFAT,	28
MONTENZUMA, MONTROSE, OURAY, PUEBLO, RIO BLANCO, RIO GRANDE,	29
ROUTT, SAGUACHE, SAN JUAN, AND SAN MIGUEL, AND THE FOLLOWING	30
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(I) FREMONT COUNTY: BLOCKS 3037, 3038, 3039, 3040, 3041,	32
3042, 3043, 3052, 3053, 3054, 3055, 3059, AND 3060 OF BLOCK GROUP 3	33
OF TRACT 978100; BLOCKS 1002, 1003, 1049, 1050, 1051, 1052, AND 1088	34
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TRACT 978200; AND BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006,	36
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1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149,	41
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1266, 1268, AND 1269 OF BLOCK GROUP 1 OF TRACT 979400.	47
(II) PITKIN COUNTY: BLOCKS 1000, 1001, 1002, 1003, 1004, 1005,	48
1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017,	49
1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030,	50
1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042,	51
1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054,	52
1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066,	53
1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078,	54
1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090,	55
1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102,	56
1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, AND	57
1114 OF BLOCK GROUP 1 AND BLOCK GROUPS 2, 3, 4, AND 5 OF TRACT 100.	58
(d) THE FOURTH CONGRESSIONAL DISTRICT CONSISTS OF THE	59
COUNTIES OF BACA, BENT, CHEYENNE, CROWLEY, KIOWA, KIT CARSON,	60
LARIMER, LINCOLN, LOGAN, MORGAN, OTERO, PHILLIPS, PROWERS,	61
SEDGWICK, WASHINGTON, AND YUMA, AND THE FOLLOWING PORTIONS OF	62
THE FOLLOWING COUNTIES:	63
(I) BOULDER COUNTY: BLOCKS 1000, 1001, 1002, 1003, 1004,	64
1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016,	65
1017, 1018, 1019, 1024, 1025, 1026, 1027, 1049, 1050, 1052, 1053, 1054,	66
1055, 1056, 1057, 1058, 1059, 1077, 1079, 1080, 1081, 1082, 1083, 1084,	67
1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096,	68
1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108,	69

1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120,	1
AND 1121 OF BLOCK GROUP 1 OF TRACT 13201; BLOCKS 2000, 2001, 2002,	2
2003, AND 2004 OF BLOCK GROUP 2 OF TRACT 13205; BLOCKS 1000, 1001,	3
1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013,	4
1014, 1015, 1016, 1024, 1025, 1026, 1027, 1029, 1030, 1031, 1032, 1033,	5
1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045,	6
1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, AND 1054 OF BLOCK	7
GROUP 1 AND BLOCK GROUPS 2 AND 3 OF TRACT 13207; BLOCKS 1000,	8
1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012,	9
1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024,	10
1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036,	11
1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048,	12
1049, 1050, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061,	13
AND 1062 OF BLOCK GROUP 1, BLOCKS 2001, 2002, 2003, 2004, 2005,	14
2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017,	15
2018, 2019, 2020, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030,	16
2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042,	17
2047, 2048, 2049, 2050, AND 2073 OF BLOCK GROUP 2, AND BLOCK GROUP	18
3 OF TRACT 13211; BLOCK GROUP 1, BLOCKS 2000, 2001, 2002, 2003,	19
2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015,	20
2016, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028,	21
2034, 2035, 2038, AND 2039 OF BLOCK GROUP 2, AND BLOCK GROUP 3 OF	22
TRACT 13212; BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007,	23
1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019,	24
1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1029, 1030, 1031, 1032,	25
1034, 1041, 1042, 1046, 1049, 1050, 1051, 1053, AND 1072 OF BLOCK	26
GROUP 1, BLOCK GROUP 2, AND BLOCKS 3000, 3010, 3011, 3012, 3013,	27
3014, 3015, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027,	28
3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039,	29
3040, 3041, 3042, 3043, 3044, 3045, AND 3046 OF BLOCK GROUP 3 OF	30
TRACT 13213; AND BLOCK GROUP 1, BLOCKS 2000, 2001, 2002, 2003,	31
2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015,	32
2016, 2017, 2018, 2019, 2020, AND 2023 OF BLOCK GROUP 2, AND BLOCK	33
GROUPS 3, 4, AND 5 OF TRACT 13402.	34
(II) WELD COUNTY: BLOCKS 1000, 1001, 1002, 1003, 1004, 1005,	35
1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017,	36
1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029,	37
1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041,	38
1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053,	39
1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065,	40
1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077,	41
1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089,	42
1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101,	43
1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113,	44
1114, 1115, 1116, 1118, 1119, 1120, 1121, 1128, 1129, 1130, 1134, 1135,	45
1149, 1150, 1154, 1155, 1156, 1159, 1174, 1178, 1179, 1182, AND 1183	46
OF BLOCK GROUP 1 AND BLOCK GROUP 2 OF TRACT 1800; BLOCKS 1000,	47
1001, 1002, 1003, 1004, 1005, 1006, 1016, 1017, 1018, 1019, 1020, 1021,	48
1022, 1023, 1024, 1025, 1026, 1027, 1083, 1084, 1085, 1086, 1087, 1088,	49
1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100,	50
1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1117, 1118,	51
1134, 1135, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147,	52
1148, 1161, 1162, 1163, 1171, AND 1276 OF BLOCK GROUP 1 OF TRACT	53
1902; BLOCKS 1000, 1005, 1036, 1037, 1050, 1051, 1053, 1054, 1055,	54
1056, 1057, AND 1063 OF BLOCK GROUP 1 OF TRACT 2010; BLOCKS 1000,	55
1003, 1004, 1006, 1009, 1028, 1030, AND 1031 OF BLOCK GROUP 1 OF	56
TRACT 2019; BLOCK GROUPS 1 AND 2, BLOCKS 3000, 3001, 3002, 3003,	57
3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015,	58
3016, 3017, 3018, 3019, 3020, 3021, 3028, 3030, 3031, 3032, 3033, 3034,	59
3035, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058,	60
3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070,	61
3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082,	62
3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3096,	63
3097, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3118, 3119, 3121, 3122,	64
3123, 3124, 3125, 3126, 3127, 3128, 3136, 3139, 3140, 3141, 3152, AND	65
3153 OF BLOCK GROUP 3, AND BLOCK GROUP 4 OF TRACT 2103; AND	66
BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009,	67
1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021,	68
1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033,	69

1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045,
1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1060,
1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072,
1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084,
1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1107, 1108, 1109,
1110, 1111, 1112, 1113, 1114, 1115, 1116, 1125, AND 1126 OF BLOCK
GROUP 1 AND BLOCK GROUPS 2 AND 3 OF TRACT 2502.

(e) THE FIFTH CONGRESSIONAL DISTRICT CONSISTS OF THE
COUNTIES OF EL PASO, ELBERT, AND TELLER, AND THE FOLLOWING
PORTIONS OF THE FOLLOWING COUNTIES:

(I) FREMONT COUNTY: BLOCK GROUPS 1 AND 2, BLOCKS 3000,
3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012,
3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024,
3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036,
3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3056, 3057, 3058, 3061,
AND 3062 OF BLOCK GROUP 3, AND BLOCK GROUP 4 OF TRACT 978100;
BLOCKS 1000, 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011,
1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023,
1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035,
1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047,
1048, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063,
1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075,
1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087,
AND 1089 OF BLOCK GROUP 1, BLOCK GROUP 2, AND BLOCKS 3002, 3003,
3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015,
3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027,
3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039,
3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051,
3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063,
3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, AND
3075 OF BLOCK GROUP 3 OF TRACT 978200; AND BLOCKS 1041, 1042,
1043, 1044, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1054, 1055, 1056,
1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068,
1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080,
1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092,
1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104,
1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116,
1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1151, 1153, 1154,
1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166,
1167, 1168, 1169, 1173, 1201, 1202, 1204, 1205, 1206, 1207, 1208, 1209,
1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1233,
1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1245, 1247, 1249,
1250, 1260, 1261, 1262, 1264, 1267, 1270, 1271, 1272, AND 1273 OF
BLOCK GROUP 1 OF TRACT 979400.

(II) PARK COUNTY: BLOCKS 3041, 3043, 3046, 3047, 3048, 3049,
3050, 3051, 3052, 3053, 3054, 3055, 3056, 3112, 3113, 3114, 3117, 3118,
3119, 3120, 3126, 3127, 3128, 3130, 3131, 3132, 3133, 3134, 3135, 3136,
3137, 3138, 3139, 3140, 3141, 3142, 3143, AND 3179 OF BLOCK GROUP 3
OF TRACT 100; AND BLOCKS 2026, 2027, 2028, 2029, 2036, 2037, 2038,
2039, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051,
2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063,
2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087,
2088, 2089, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, AND 2102
OF BLOCK GROUP 2 OF TRACT 200.

(f) THE SIXTH CONGRESSIONAL DISTRICT CONSISTS OF DOUGLAS
COUNTY AND THE FOLLOWING PORTIONS OF ARAPAHOE COUNTY: BLOCKS
1020 AND 1026 OF BLOCK GROUP 1 OF TRACT 5553; BLOCK GROUP 1 AND
BLOCKS 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2010, 2013, 2014,
2015, 2016, 2017, 2018, 2019, 2020, 2023, 2024, 2025, 2026, 2027, 2028,
2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040,
2041, 2042, 2043, 2044, 2045, 2046, 2047, AND 2048 OF BLOCK GROUP 2
OF TRACT 5612; BLOCKS 1011, 1012, 1020, 1021, 1023, 1024, 1025, 1026,
1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, AND 1035 OF BLOCK
GROUP 1 AND BLOCK GROUPS 2, 3, AND 4 OF TRACT 5619; BLOCKS 3021,
3025, 3026, 3027, 3028, 3029, 3030, 3031, 3033, AND 3034 OF BLOCK
GROUP 3 OF TRACT 6400; BLOCK GROUPS 1 AND 2, BLOCKS 3004, 3006,
3007, 3009, AND 3010 OF BLOCK GROUP 3, AND BLOCKS 4001, 4002, 4003,
4004, 4005, 4006, AND 4007 OF BLOCK GROUP 4 OF TRACT 6601; BLOCK
GROUP 1 AND BLOCKS 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008,

2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020,	1
2021, 2022, AND 2023 OF BLOCK GROUP 2 OF TRACT 6712; BLOCK GROUP	2
1, BLOCKS 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009,	3
2010, 2011, 2012, 2014, AND 2015 OF BLOCK GROUP 2, AND BLOCK GROUP	4
3 OF TRACT 6858; BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006,	5
1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018,	6
1019, 1020, 1021, 1022, 1023, AND 1030 OF BLOCK GROUP 1 OF TRACT	7
7103; BLOCK 1050 OF BLOCK GROUP 1 AND BLOCKS 3028, 3029, 3030,	8
3031, 3032, 3033, 3034, 3036, 3037, 3038, 3039, 3040, 3045, 3046, AND	9
3047 OF BLOCK GROUP 3 OF TRACT 7104; BLOCKS 2099, 2100, 2101, 2102,	10
2103, 2115, AND 2116 OF BLOCK GROUP 2 OF TRACT 7105; BLOCK GROUP	11
1 AND BLOCKS 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010,	12
2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, AND 2020 OF	13
BLOCK GROUP 2 OF TRACT 80000; BLOCKS 1000, 1001, 1002, 1003, 1004,	14
1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017,	15
1018, 1019, 1020, 1021, 1022, 1023, 1024, AND 1025 OF BLOCK GROUP 1	16
AND BLOCK GROUP 2 OF TRACT 80900; BLOCK GROUPS 1, 2, AND 4 OF	17
TRACT 82600; BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008,	18
1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020,	19
1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1033, 1034,	20
1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046,	21
1047, 1048, 1049, 1050, 1051, 1052, 1053, AND 1054 OF BLOCK GROUP 1	22
OF TRACT 83000; BLOCKS 4000, 4001, AND 4021 OF BLOCK GROUP 4 OF	23
TRACT 86800; AND BLOCKS 1000, 1004, 1005, 1008, AND 1009 OF BLOCK	24
GROUP 1 OF TRACT 86900.	25
(g) THE SEVENTH CONGRESSIONAL DISTRICT CONSISTS OF THE	26
FOLLOWING PORTIONS OF THE FOLLOWING COUNTIES:	27
(I) ADAMS COUNTY: BLOCKS 1000, 1001, 1002, 1003, 1004, 1005,	28
1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018,	29
1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030,	30
1031, 1032, AND 1033 OF BLOCK GROUP 1 AND BLOCK 2022 OF BLOCK	31
GROUP 2 OF TRACT 8200; BLOCKS 1000, 1001, 1002, 1003, 1004, 1005,	32
1006, 1007, 1008, 1009, 1010, 1011, 1013, 1014, 1015, 1016, 1017, 1018,	33
1019, 1020, 1021, 1022, 1023, 1025, 1026, 1027, 1028, 1029, 1030, 1031,	34
1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043,	35
1044, 1045, AND 1046 OF BLOCK GROUP 1 AND BLOCK GROUPS 2 AND 3 OF	36
TRACT 8308; BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007,	37
1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019,	38
1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031,	39
1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1042, 1043, 1044,	40
1045, 1046, 1047, 1049, 1050, 1051, 1052, 1053, 1058, 1059, 1062, 1063,	41
1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075,	42
1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087,	43
1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1101,	44
1102, AND 1103 OF BLOCK GROUP 1 AND BLOCK GROUPS 2, 3, AND 4 OF	45
TRACT 8523; BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007,	46
1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018, 1019, 1020,	47
1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032,	48
1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044,	49
1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056,	50
1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068,	51
1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080,	52
1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1091, 1093, 1094,	53
1096, 1097, 1098, 1101, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117,	54
1119, 1120, 1121, 1122, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135,	55
1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147,	56
1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159,	57
1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171,	58
1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184,	59
1187, AND 1189 OF BLOCK GROUP 1 OF TRACT 8535; BLOCKS 1003, 1004,	60
1005, 1006, 1056, 1059, 1060, 1061, 1062, 1063, AND 1064 OF BLOCK	61
GROUP 1 OF TRACT 8541; BLOCK 1092 OF BLOCK GROUP 1 OF TRACT 8551;	62
BLOCK GROUPS 1 AND 2 AND BLOCKS 3000, 3001, 3002, 3003, 3004, 3005,	63
3006, 3007, 3008, 3009, 3010, 3012, 3031, 3043, 3047, 3048, 3049, 3050,	64
3051, 3052, 3054, 3055, 3056, 3057, 3058, 3059, 3065, 3066, 3067, 3068,	65
3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080,	66
3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092,	67
3093, 3094, 3095, 3097, 3098, 3099, 3100, 3106, 3107, 3108, 3109, 3110,	68
3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122,	69

3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, AND 3132 OF	1
BLOCK GROUP 3 OF TRACT 8802; BLOCKS 1001, 1010, 1011, 1012, 1015,	2
1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027,	3
1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039,	4
1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, AND 1049 OF	5
BLOCK GROUP 1 AND BLOCKS 2011, 2012, 2013, 2014, 2015, 2016, 2017,	6
2018, 2019, 2020, 2021, 2034, 2035, 2045, 2046, 2047, 2048, 2049, 2050,	7
2051, 2052, 2054, AND 2055 OF BLOCK GROUP 2 OF TRACT 9001; BLOCK	8
GROUPS 1, 2, AND 3, BLOCKS 4009, 4010, 4011, 4012, 4013, 4014, 4015,	9
4016, 4017, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028,	10
4029, 4030, 4031, 4032, 4033, AND 4034 OF BLOCK GROUP 4, AND BLOCK	11
GROUP 5 OF TRACT 9002; BLOCK 2000 OF BLOCK GROUP 2 OF TRACT 9103;	12
BLOCKS 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015,	13
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(IV) WELD COUNTY: BLOCKS 1271 AND 1273 OF BLOCK GROUP 1 OF TRACT 1902; AND BLOCKS 1042, 1056, 1063, 1064, 1065, 1066, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1133, 1134, 1135, 1136, 1137, AND 1138 OF BLOCK GROUP 1 OF TRACT 1907.

SECTION 2. 2-1-101 (2) and (8), Colorado Revised Statutes, are amended to read:

2-1-101. Congressional districts. (2) ~~The general assembly recognizes that the city and county of Broomfield was created after the most recent federal census was conducted; consequently, for the purposes of this section, the definition of areas to be included in each congressional district is by reference to counties and to official census tracts, census block groups, and census blocks created by the United States bureau of the census to which fixed population counts have been assigned as of the year 2000:~~

(8) ~~The provisions of This section shall apply~~ APPLIES to the general election in 2004 and subsequent years ELECTIONS until the congressional districts are again reapportioned.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

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On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB11-1014, HB11-1323, and HB11-1324 were made Special Orders at 8:30 p.m.

Committee of the Whole The hour of 8:30 p.m. having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman.

SPECIAL 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:

HB11-1014 by Representative(s) DelGrosso; also Senator(s) Roberts and Hudak--Concerning the repeal of a limiting trigger associated with the child care contribution income tax credit.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, May 10, pages 1151-1152 and placed in members' bill files.)

Amendment No. 2, Finance Committee Amendment.
(Printed in Senate Journal, May 10, page 1153 and placed in members' bill files.)

Amendment No. 3(L.021), by Senators Steadman and Hodge.

Amend the Finance Committee Report, dated May 10, 2011, page 1, strike lines 15 and 16 and substitute "legislative council in December 2010 and each December thereafter 2011 indicates that the amount of the total general".

Page 2, strike lines 8 and 9 and substitute "on or before January 1, 2011, and on or before each January 1 thereafter, AND JANUARY 1, 2012, whether the credit authorized".

Page 2, line 15, strike "2014," and substitute "2013,".

Page 2, line 17, strike "2015." and substitute "2014.".

Page 2, line 21, strike "2015," and substitute "2014,".

Page 2, line 24, strike "2016." and substitute "2015.".

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1323 by Representative(s) Massey; also Senator(s) Boyd--Concerning an exemption from state licensure requirements for a community clinic that is a rural health clinic.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, May 10, pages 1153-1154 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

HB11-1324 by Representative(s) Acree; also Senator(s) Brophy--Concerning the applicability of provisions governing the financial obligations of a residential nonprofit corporation upon alteration of the membership status of a member.

Ordered revised and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB11-1014 as amended, HB11-1323 as amended, HB11-1324.

RECONSIDERATION OF SB11-088

SB11-088 by Senator(s) Carroll and Lundberg, Boyd, Mitchell; also Representative(s) Acree-- Concerning the regulation of direct-entry midwives, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies, and making an appropriation.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Consideration of Repassage, on **SB11-088**.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

RECONSIDERATION OF SB11-088

SB11-088 by Senator(s) Carroll and Lundberg, Boyd, Mitchell; also Representative(s) Acree-- Concerning the regulation of direct-entry midwives, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies, and making an appropriation.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Consideration of Conference Committee Reports, on **SB11-088**.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB11-088 by Senator(s) Carroll and Lundberg, Boyd, Mitchell; also Representative(s) Acree-- Concerning the regulation of direct-entry midwives, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies, and making an appropriation.

Laid over until Wednesday, May 11, retaining its place on the calendar.

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

- HB11-1223** by Representative(s) Scott, Balmer, Baumgardner, Brown, Conti, Kerr J., Ramirez; also Senator(s) King S.--Concerning the composition of the Colorado oil and gas conservation commission, and making an appropriation in connection therewith.
State, Veterans & Military Affairs
Local Government
- HB11-1263** by Representative(s) Priola; also Senator(s) Scheffel--Concerning property tax exemptions for business personal property.
Local Government
State, Veterans & Military Affairs
- HB11-1264** by Representative(s) Priola and Williams A.; also Senator(s) White and Tochtrop--Concerning the application of vehicle laws to powersports vehicles that operate on roadways.
State, Veterans & Military Affairs
Local Government
- HB11-1273** by Representative(s) Nikkel and Stephens, Gardner B., Acree, Barker, Baumgardner, Becker, Beezley, Bradford, Brown, Conti, Coram, DelGrosso, Gerou, Holbert, Joshi, Kerr J., Liston, Looper, Massey, McNulty, Murray, Priola, Ramirez, Scott, Sonnenberg, Summers, Swalm, Swerdfeger, Szabo, Vaad, Waller; also Senator(s) Kopp, Harvey, Brophy, Cadman, Grantham, King K., King S., Lambert, Lundberg, Mitchell, Renfroe, Roberts, Scheffel, Spence, White--Concerning the enactment of the "Health Care Opportunity and Patient Empowerment Act" to authorize the state to negotiate with other states to develop an interstate compact for purposes of allowing the signatory states to opt out of federal law so as to regulate health care at the state level.
Local Government
State, Veterans & Military Affairs
- HB11-1280** by Representative(s) Beezley and DelGrosso, Acree, Balmer, Barker, Baumgardner, Becker, Bradford, Brown, Conti, Coram, Gardner B., Gerou, Holbert, Joshi, Kerr J., Liston, Looper, Massey, McNulty, Murray, Nikkel, Priola, Ramirez, Scott, Sonnenberg, Stephens, Summers, Swalm, Swerdfeger, Szabo, Vaad, Waller; also Senator(s) Brophy, Harvey, Grantham, Cadman, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Renfroe, Roberts, Scheffel, Spence, White--Concerning the use of moneys in the state general fund above a newly established limit on total state general fund appropriations.
Local Government
State, Veterans & Military Affairs
- HB11-1299** by Representative(s) Barker, Gardner B., Brown, DelGrosso, Holbert, Joshi, Sonnenberg, Waller; also Senator(s) King K.--Concerning the repeal of the Colorado estate tax.
State, Veterans & Military Affairs
Local Government
- HB11-1302** by Representative(s) Waller; also Senator(s) Williams S.--Concerning the creation of a program within the department of state for the purpose of training judges in the management of business-related litigation, and making an appropriation therefor.
State, Veterans & Military Affairs
Local Government
- HB11-1309** by Representative(s) Baumgardner, Scott; also Senator(s) Renfroe--Concerning enactment of the "Unauthorized Employment Act".
Local Government
State, Veterans & Military Affairs

HB11-1314	by Representative(s) Sonnenberg; also Senator(s) Jahn--Concerning a repeal of the requirement that a taxpayer located in an enterprise zone obtain pre-certification prior to engaging in an activity for which the taxpayer intends to claim an enterprise zone tax credit.	1 2 3 4 5 6 7
	State, Veterans & Military Affairs	8
	Local Government	9
HB11-1318	by Representative(s) Stephens and Schafer S., Priola, Wilson, DelGrosso, Brown, Looper, Waller, Williams A.; also Senator(s) Spence and Brophy--Concerning the policy of the state of Colorado regarding notification of use taxes due on sales made by out-of-state retailers, and making an appropriation therefor.	10 11 12 13 14 15
	State, Veterans & Military Affairs	16
	Local Government	17
HB11-1321	by Representative(s) Looper; also Senator(s) Cadman--Concerning the ability of a uniformed services elector to verbally provide a commissioned officer with the information necessary for the commissioned officer to request a mail-in ballot on behalf of the uniformed services elector.	18 19 20 21 22 23 24
	State, Veterans & Military Affairs	25
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	On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, May 10 was laid over until Wednesday, May 11, retaining its place on the calendar.	29 30 31 32 33 34 35
	General Orders -- Second Reading of Bills: SB11-168.	36
	Consideration of Memorials: SJM11-003.	37
	Consideration of House Amendments to Senate Bills: SCR11-001.	38
	Conference Committees to Report: HB11-1254.	39
	Requests for Conference Committee: HB11-1278.	40 41 42 43 44
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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

120th Legislative Day

Wednesday, May 11, 2011

Prayer By the chaplain, Rabbi Eliot J. Baskin, Jewish Family Services of Colorado, Denver.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Roberts.

Roll Call Present--33
 Absent--1, Giron.
 Excused--1, Shaffer B.
 Present later--2, Giron, Shaffer B.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Guzman, reading of the Journal of Tuesday, May 10, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

REPORT OF CONFERENCE COMMITTEES

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB11-1254

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB11-1254, concerning measures to reduce the frequency of bullying in schools, has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 8, line 4, strike "MAY INCLUDE:" and substitute "INCLUDES:".

Page 12, strike line 15 and substitute "SCHOOL DISTRICT IS ENCOURAGED TO ENSURE THAT ITS POLICY, AT A MINIMUM, INCORPORATES THE BIENNIAL".

Page 13, line 8, strike "STUDENT," and substitute "STUDENT. BULLYING IS PROHIBITED AGAINST ANY STUDENT FOR ANY REASON,".

Page 13, strike lines 12 through 17 and substitute "DESCRIBED IN SECTION 22-32-109 (1) (II) (I). THIS DEFINITION IS NOT INTENDED TO INFRINGE UPON ANY RIGHT GUARANTEED TO ANY PERSON BY THE FIRST AMENDMENT

TO THE UNITED STATES CONSTITUTION OR TO PREVENT THE EXPRESSION
 OF ANY RELIGIOUS, POLITICAL, OR PHILOSOPHICAL VIEWS."

Page 16, line 4, strike "MAY" and substitute "IS ENCOURAGED TO".

Respectfully submitted,

House Committee:
(signed)
Kevin Priola, Chairman
Sue Schafer
Amy Stephens

Senate Committee:
(signed)
Pat Steadman, Chairman
Nancy Spence
Mike Johnston

MESSAGE FROM THE HOUSE

May 10, 2011

Mr. President:

The House has voted to concur in the Senate amendments to HB11-1163, 1109,
 1237, 1188, 1265, 1293, 1275, 1277, 1301, 1303, and has repassed the bills as so amended.

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:

SB11-268 by Senator(s) Heath, Carroll, Schwartz; also Representative(s) Pabon and Vigil--Concerning
 the congressional redistricting of Colorado.

Laid over until May 12.

HB11-1045 by Representative(s) Kefalas; also Senator(s) Newell--Concerning modifications to the
 Colorado innovation investment tax credit, and making an appropriation in connection
 therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	25	NO	9	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	N
Carroll	N	Jahn	N	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill
 was passed.

IMMEDIATE RECONSIDERATION OF HB11-1045

HB11-1045 by Representative(s) Kefalas; also Senator(s) Newell--Concerning modifications to the Colorado innovation investment tax credit, and making an appropriation in connection therewith.

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **HB11-1045**.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE -- cont'd

HB11-1045 by Representative(s) Kefalas; also Senator(s) Newell--Concerning modifications to the Colorado innovation investment tax credit, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	26	NO	8	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	N
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Heath, Jahn, Johnston, King S. and Williams S.

HB11-1298 by Representative(s) Tyler and Vaad, Barker, Brown, Fischer, Gardner D., Hamner, Hullinghorst, Kerr A., Looper, Pabon, Peniston, Ramirez, Scott, Williams A.; also Senator(s) Spence, Bacon, Hudak, Johnston, King K., King S., Renfroe, Schwartz, Tochtrop, White, Williams S.--Concerning the creation of a special license plate for Craig hospital, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	29	NO	5	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Guzman, Newell and Nicholson.

HB11-1316 by Representative(s) Priola, Duran; also Senator(s) Johnston--Concerning the creation of certain sports special license plates for Kroenke sports charities, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	28	NO	6	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	N	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	N	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	E
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Giron, King S., Spence, Tochtrop and Williams S.

IMMEDIATE RECONSIDERATION OF HB11-1316

HB11-1316 by Representative(s) Priola, Duran; also Senator(s) Johnston--Concerning the creation of certain sports special license plates for Kroenke sports charities, and making an appropriation therefor.

Senator Morse moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **HB11-1316**.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE -- cont'd

HB11-1316 by Representative(s) Priola, Duran; also Senator(s) Johnston--Concerning the creation of certain sports special license plates for Kroenke sports charities, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	28	NO	7	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	N	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	N	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Giron, Guzman, King S., Newell, Spence, Tochtrop and Williams S.

HB11-1300 by Representative(s) Looper, Acree, DelGrosso, Priola, Swalm; also Senator(s) Grantham and Nicholson, Jahn--Concerning the resolution of a disputed claim for a state income tax credit for a donation of a perpetual conservation easement that includes a process that allows a taxpayer to waive an expedited administrative hearing for the purpose of appealing directly to a district court, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	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, Giron, Heath, Hodge, King S., Newell, Schwartz, Shaffer B., Spence and Williams S.

HB11-1307 by Representative(s) Becker, Gerou, Ferrandino; also Senator(s) Steadman, Hodge, Lambert--Concerning recovery audits.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor added: Newell

HB11-1323 by Representative(s) Massey; also Senator(s) Boyd--Concerning an exemption from state licensure requirements for a community clinic that is a rural health clinic, and making an appropriation therefore.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsors added: Aguilar, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, King K., King S., Lundberg, Newell, Nicholson, Roberts, Schwartz, Shaffer B., Steadman, Tochtrop, White and Williams S.

HB11-1324 by Representative(s) Acree; also Senator(s) Brophy--Concerning the applicability of provisions governing the financial obligations of a residential nonprofit corporation upon alteration of the membership status of a member.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Third Reading of Bills -- Final Passage Calendar (HB11-1014) of Wednesday, May 11 was laid over until later in the day, retaining its place on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB11-1211 by Representative(s) Pace; also Senator(s) Tochtrop, Carroll--Concerning restrictions on travel-related expenditures by state-chartered entities on behalf of persons affiliated with such entities.

Senator Tochtrop moved for the adoption of the first report of the first conference committee on **HB11-1211**, as printed in Senate journal, May 10, pages 1155-1156. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	29	NO	6	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

CONSIDERATION OF GOVERNOR'S VETO

(Governor's veto message printed in Senate Journal, May 6, pages 1088-1091.)

Senator Hodge moved that the following footnotes remain a part of **SB11-209** and become law, notwithstanding the Governor's veto.

Footnote 7, page 36; footnote 8, page 36; footnote 9, page 36; footnote 23, page 92; footnote 28, page 93; footnote 32, page 93; footnote 48a, page 148; footnote 52, page 201.

The roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A constitutional two-thirds majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**.

SENATE ADHERE ON HB11-1278

HB11-1278 by Representative(s) Gardner B.; also Senator(s) Morse--Concerning sex offender registration.

Senator Morse moved that the Senate adhere to its position on **HB11-1278**. The motion was **adopted** by the following roll call vote:

YES	20	NO	15	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB11-1254 by Representative(s) Priola and Schafer S.; also Senator(s) Steadman--Concerning measures to reduce the frequency of bullying in schools.

Senator Steadman moved for the adoption of the first report of the first conference committee on **HB11-1254**, as printed in Senate journal, May 11, page(s) 1173-1174. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	24	NO	11	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

THIRD READING OF BILLS -- FINAL PASSAGE -- cont'd

HB11-1014 by Representative(s) DelGrosso; also Senator(s) Roberts and Hudak--Concerning the repeal of a limiting trigger associated with the child care contribution income tax credit.

A majority of those elected to the Senate having voted in the affirmative, Senator Johnston was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.022), by Senator Johnston.

Amend revised bill, page 3, strike lines 8 through 20 and substitute:

"(c) NOTWITHSTANDING ANY OTHER PROVISION, AND SUBJECT TO THE LIMITATIONS IN SUBSECTIONS (5) AND (6) OF THIS SECTION, IN THE INCOME TAX YEAR COMMENCING ON JANUARY 1, 2013, A TAXPAYER MAY CLAIM NO MORE THAN FIFTY PERCENT OF ANY CREDIT ALLOWED PURSUANT TO SUBSECTION (1.5) AND PARAGRAPH (a) OF SUBSECTION (6.7) OF THIS SECTION, AND ANY CREDIT CARRIED FORWARD PURSUANT TO SUBSECTION (6) OF THIS SECTION. THE REMAINDER OF ALL CREDITS ALLOWED AS DESCRIBED IN THIS PARAGRAPH (c) SHALL BE CARRIED FORWARD TO THE INCOME TAX YEAR COMMENCING JANUARY 1, 2014.

(d) NOTWITHSTANDING ANY OTHER PROVISION, AND SUBJECT TO THE LIMITATIONS IN SUBSECTIONS (5) AND (6) OF THIS SECTION, IN THE INCOME TAX YEAR COMMENCING ON JANUARY 1, 2014, A TAXPAYER MAY CLAIM NO MORE THAN SEVENTY-FIVE PERCENT OF ANY CREDIT ALLOWED PURSUANT TO SUBSECTION (1.5) AND ANY CREDIT CARRIED FORWARD PURSUANT TO SUBSECTION (6) OF THIS SECTION AND PARAGRAPH (c) OF THIS SUBSECTION (6.7). THE REMAINDER OF ALL CREDITS ALLOWED AS DESCRIBED IN THIS PARAGRAPH (d) SHALL BE CARRIED FORWARD TO THE INCOME TAX YEAR COMMENCING JANUARY 1, 2015."

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	23	NO	12	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	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, Giron, Guzman, Heath, Hodge, Johnston, King S., Morse, Newell, Nicholson, Schwartz, Steadman and Williams S.

CONSIDERATION OF RESOLUTIONS

SJR11-054 by Senator(s) Morse, Shaffer B., Kopp; also Representative(s) Stephens, McNulty, Pace-- Concerning the appointment of a joint committee to notify the Governor that the First Regular Session of the Sixty-eighth General Assembly is about to adjourn sine die.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Boyd, Cadman and Lundberg.

The President appointed Senators Bacon, Aguilar, and Scheffel to serve on the committee to notify the Governor.

SENATE SERVICES REPORT

Correctly Engrossed: SB11-268.
Correctly Reengrossed: SB11-134 and 269.
Correctly Revised: HB11-1014, 1045, 1298, 1300, 1307, 1316, 1323 and 1324.
Correctly Rerevised: HB11-1010, 1043, 1072, 1081, 1212, 1217, 1268, 1297, 1301, 1303, 1310, 1311, 1313, 1315 and 1317.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

May 11, 2011
Mr. President:
The House has voted to over ride the Governor's partial veto on SB11-209. The Act is returned herewith.
The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1276, amended as printed in House Journal, May 10, page 1389.
The House has passed on Third Reading and returns herewith SB11-235, 176, 264, 245, 240, 261, 263, 134.
The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-051, amended as printed in House Journal, May 10, pages 1381.
SB11-266, amended as printed in House Journal, May 10, pages 1381-1382.

MESSAGE FROM THE REVISOR OF STATUTES

May 11, 2011
We herewith transmit:

Without comment, as amended, HB11-1276.
Without comment, as amended, SB11-051 and 266.

COMMITTEE OF REFERENCE REPORTS

Appropriations	After consideration on the merits, the Committee recommends that HB11-1272 be postponed indefinitely.
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1223 be postponed indefinitely.
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1264 be postponed indefinitely.

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1299 be postponed indefinitely.	1
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1302 be postponed indefinitely.	6
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1318 be postponed indefinitely.	11
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1314 be postponed indefinitely.	16
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB11-1321 be postponed indefinitely.	21
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Local Government	After consideration on the merits, the Committee recommends that HB11-1280 be postponed indefinitely.	26
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Local Government	After consideration on the merits, the Committee recommends that HB11-1309 be postponed indefinitely.	31
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Local Government	After consideration on the merits, the Committee recommends that HB11-1273 be postponed indefinitely.	36
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Local Government	After consideration on the merits, the Committee recommends that HB11-1263 be postponed indefinitely.	41
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SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-060.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-051	by Senator(s) Giron; also Representative(s) Swerdfeger--Concerning an intercept of a person's winnings for the purpose of paying an unpaid debt due to the state, and making an appropriation therefor.	56
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	Senator Giron moved that the Senate concur in House amendments to SB11-051 , as printed in House journal, May 11, page 1381. The motion was adopted by the following roll call vote:	66
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YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsor added: Heath

SB11-266 by Senator(s) Bacon and King K.; also Representative(s) Ramirez and Kerr A.--Concerning background checks for employees of entities that contract to perform services for public schools, and making an appropriation therefor.

Senator Bacon moved that the Senate concur in House amendments to **SB11-266**, as printed in House journal, May 10, pages 1381-1382. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SENATE ADHERE ON SCR11-001

SCR11-001 by Senator(s) Shaffer B. and Spence, Kopp, Brophy, Heath, Jahn, King S., Morse, Roberts, Schwartz, Steadman, Tochtrop, White; also Representative(s) Murray and Court, McNulty, Acree, Barker, Baumgardner, Becker, Brown, Casso, Conti, Coram, Duran, Ferrandino, Fields, Fischer, Gardner D., Hamner, Hullinghorst, Kagan, Kefalas, Kerr A., Labuda, Lee, Levy, Liston, Massey, McCann, McKinley, Miklosi, Pace, Peniston, Priola, Riesberg, Ryden, Schafer S., Scott, Solano, Sonnenberg, Soper, Summers, Swerdfeger, Todd, Tyler, Vigil, Williams A., Wilson--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution concerning ballot measures, and, in connection therewith, increasing the number of votes needed to pass a constitutional amendment from a majority to at least sixty percent of the votes cast; allowing a constitutional amendment passed prior to 2013 to be repealed by a majority of the votes cast; adding a requirement that a minimum number of petition signatures for a citizen-initiated constitutional amendment be gathered from voters who reside in each Colorado congressional district; and increasing the requirement from a majority to at least a sixty percent vote of the state legislature to change, repeal, or supersede a citizen-initiated statutory law for three years after it becomes effective.

Senator Shaffer B. moved that the that the Senate adhere to its position on **SCR11-001**. The motion was **adopted** by the following roll call vote:

YES	28	NO	7	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	N
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	N
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

May 11, 2011

Mr. President:

The House has passed on Third Reading and returns herewith SB11-254, 273, 251.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-045, amended as printed in House Journal, May 10, pages 1378-1379. SB11-085, amended as printed in House Journal, May 10, page 1379. SB11-260, amended as printed in House Journal, May 10, page 1389.

The House has postponed indefinitely SB11-269. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB11-088, as printed in House Journal, May 6, page 1298, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on HB11-1211, as printed in House Journal, April 28, page 925, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB11-1254, as printed in House Journal, March 23, page 730, and has repassed the bill as amended.

The House has voted to recede from its position and discharge the First Conference Committee on HB11-1278. The House voted to concur in Senate amendments, and has repassed the bill as amended. The House requests return of the bill.

MESSAGE FROM THE REVISOR OF STATUTES

May 11, 2011

We herewith transmit:

Without comment, as amended, SB11-045, 085, and 260.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Wednesday, May 11, 2011, at 10:24 a.m.: SB11-060 and 169.

To the Governor for signature on Wednesday, May 11, 2011, at 1:59 p.m.: SB11-089, 090, 092, 108, 124, 165, 173, 179, 180, 188, 195, 197, 210, 219, 225, 226 and 230.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-045 by Senator(s) Johnston; also Representative(s) Levy--Concerning a streamlined process for securing governmental approval for the siting of electric transmission facilities, and, in connection therewith, creating a task force.

Senator Johnston moved that the Senate concur in House amendments to **SB11-045**, as printed in House journal, May 10, pages 1378-1379 . The motion was **adopted** by the following roll call vote:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	N
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

IMMEDIATE RECONSIDERATION OF SB11-045

SB11-045 by Senator(s) Johnston; also Representative(s) Levy--Concerning a streamlined process for securing governmental approval for the siting of electric transmission facilities, and, in connection therewith, creating a task force.

Senator Johnston moved for immediate reconsideration of the last Senate action, Consideration of House Amendments to Senate Bills, on **SB11-045**. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0	
Aguilar		Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon		Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd		Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy		Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman		Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll		Y	Jahn	Y	Newell	Y	White	Y
Foster		Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron		Y	King K.	Y	Renfroe	Y	President	Y
Grantham		Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-045 by Senator(s) Johnston; also Representative(s) Levy--Concerning a streamlined process for securing governmental approval for the siting of electric transmission facilities, and, in connection therewith, creating a task force.

Senator Johnston moved that the Senate concur in House amendments to **SB11-045**, as printed in House journal, May 10, pages 1378-1379 . The motion was **adopted** by the following roll call vote:

YES	33	NO	1	EXCUSED	0	ABSENT	0	
Aguilar		Y	Guzman	Y	Kopp	*	Scheffel	Y
Bacon		Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd		Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy		Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman		Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll		Y	Jahn	Y	Newell	Y	White	Y
Foster		Y	Johnston	Y	Nicholson	Y	Williams S.	N
Giron		Y	King K.	Y	Renfroe	Y	President	Y
Grantham		Y	King S.	Y	Roberts	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senator Kopp.

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	26	NO	8	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	*	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	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, as amended, was **repassed**.

Co-sponsors added: Jahn and Schwartz.

SB11-085 by Senator(s) Shaffer B.; also Representative(s) McCann--Concerning increasing the enforcement of prohibitions against certain prostitution-related offenses, and, in connection therewith, authorizing the creation of a program for certain first-time offenders of such offenses.

Senator Shaffer B. moved that the Senate concur in House amendments to **SB11-085**, as printed in House journal, May 10, page 1379 . The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB11-260 by Senator(s) Morse; also Representative(s) Lee--Concerning safety procedures related to the towing of vehicles.

Senator Morse moved that the Senate concur in House amendments to **SB11-260**, as printed in House journal, May 10, page 1389. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB11-088 by Senator(s) Carroll and Lundberg, Boyd, Mitchell; also Representative(s) Acree-- Concerning the regulation of direct-entry midwives, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies, and making an appropriation.

Senator Carroll moved for the adoption of the first report of the first conference committee on **SB11-088**, as printed in Senate journal, , pages 1154-1155. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	N
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

MESSAGE FROM THE HOUSE

May 11, 2011

Mr. President:

The House has adopted and returns herewith SJR11-009, SJR11-054, SJR11-050.

The House has adopted and transmits herewith HJR11-1025.

The House has adopted and transmits herewith SJR11-054. Pursuant to SJR11-054, the Speaker has appointed Representatives Massey and Swerdfeger, and Solano as House members on the joint committee to notify the Governor of adjournment sine die.

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

MESSAGE FROM THE HOUSE

May 11, 2011

Mr. President:

The House has passed on Third Reading and returns herewith SB11-272, 267.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-078, amended as printed in House Journal, May 10, page 1387.

The House has voted to concur in the Senate amendments to HB11-1166, and has repassed the bills as so amended.

MESSAGE FROM THE REVISOR OF STATUTES

May 11, 2011

We herewith transmit:

Without comment, as amended, SB11-078.

SENATE ADHERE ON SB11-078

SB11-078 by Senator(s) Morse, Carroll, Roberts, Schwartz; also Representative(s) Gardner B., Labuda, Levy, Murray, Waller--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

Senator Morse moved that the conference committee on **SB11-078** be dissolved, that the Senate conferees be discharged, and that the Senate adhere to its position. The motion was **adopted** by the following roll call vote:

YES	21	NO	14	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

IMMEDIATE RECONSIDERATION OF SB11-078

SB11-078 by Senator(s) Morse, Carroll, Roberts, Schwartz; also Representative(s) Gardner B., Labuda, Levy, Murray, Waller--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, Senate Adherence, on **SB11-078**. The roll call was taken with the following result:

YES	15	NO	20	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

Less than a majority of all members elected to the Senate having voted in the affirmative, the motion for reconsideration was **lost**.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

HJR11-1025 by Representative(s) Looper; also Senator(s) King K.--Concerning the promulgation of cost-effective rules for the control of nutrients in Colorado waters by the Colorado department of public health and environment pursuant to authority under the "Federal Water Pollution Control Act", and, in connection therewith, encouraging legislative review of Colorado's implementation strategy for cost-effective nitrogen and phosphorus regulations in a manner that actively involves stakeholders, integrates ongoing studies, considers basin-specific conditions, and complies with executive orders.
Agriculture, Natural Resources, and Energy

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1005, 1064, 1091, 1121, 1199, HJR11-1019, 1022.

Senate in recess. Senate reconvened.

SENATE ADHERE ON HB11-1217

HB11-1217 by Representative(s) Acree, Joshi, Kerr A., Stephens, Summers; also Senator(s) Boyd, Roberts--Concerning measures to expand access to health care throughout the state.

Senator Boyd moved that the Senate adhere to its position. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

MESSAGE FROM THE HOUSE

May 11, 2011

Mr. President:

The House has postponed indefinitely SB11-186. The bill is returned herewith.

The House has voted to concur in the Senate amendments to HB11-1093, 1105, 1157, 1195, 1250, 1295, 1072, 1081, 1297, 1043, 1300, 1307, 1323, and has repassed the bills as so amended.

The House has adopted and returns herewith SJR11-040, SJR11-046, SJR11-045.

The House voted to adhere to its position on HB11-1217. The bill is transmitted herewith.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, and Energy After consideration on the merits, the Committee recommends that **HJR11-1025** be referred to the Senate for final action.

CONSIDERATION OF RESOLUTIONS

HJR11-1025 by Representative(s) Looper; also Senator(s) King K.--Concerning the promulgation of cost-effective rules for the control of nutrients in Colorado waters by the Colorado department of public health and environment pursuant to authority under the "Federal Water Pollution Control Act", and, in connection therewith, encouraging legislative review of Colorado's implementation strategy for cost-effective nitrogen and phosphorus regulations in a manner that actively involves stakeholders, integrates ongoing studies, considers basin-specific conditions, and complies with executive orders.

Amendment No. 1(L.002), by Senator Schwartz.

Amend engrossed joint resolution, page 2, line 5, strike "pressing" and substitute "encouraging" and strike "highly restrictive,".

Page 2, line 17, strike "pressure," and substitute "requirements,".

The amendment was **passed** on the following roll call vote:

YES	19	NO	16	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	N
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

On motion of Senator King K., the resolution, as amended, was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Brophy, Grantham, Jahn, King S., Kopp, Lundberg, Mitchell, Renfroe, Roberts, Scheffel and White.

MESSAGE FROM THE HOUSE

May 11, 2011

Mr. President:

The House has voted to concur in the Senate amendments to HB11-1014, 1242, 1267, 1219, and has repassed the bills as so amended.

The House has voted to recede from its position on SB11-078 and has repassed the bill. The bill is returned herewith.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

May 11, 2011

Mr. President:

The House has adopted and transmits herewith HJR11-1024, HJR11-1027.

The House has voted to concur in the Senate amendments to HJR11-1025 and has repassed the resolution as so amended.

The House has voted to concur in the Senate amendments to HB11-1032 and has repassed the bills as so amended.

The House has passed on Third Reading and returns herewith SB11-243.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-184, amended as printed in House Journal, May 10, pages 1380-1381 SB11-109 amended as printed in House Journal, May 10, page 1381.

MESSAGE FROM THE REVISOR OF STATUTES

May 11, 2011

We herewith transmit:

Without comment, as amended, SB11-109 and 184.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1188, 1212.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

HJR11-1024 by Representative(s) Bradford, Scott; also Senator(s) King S.--Concerning the restriction of research, development, and demonstration of oil shale resources in Colorado. State, Veterans & Military Affairs

Senate in recess. Senate reconvened.

RECONSIDERATION OF HB11-1217

HB11-1217 by Representative(s) Acree, Joshi, Kerr A., Stephens, Summers; also Senator(s) Boyd, Roberts--Concerning measures to expand access to health care throughout the state.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Consideration of Adherence, on HB11-1217.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

SENATE ADHERE ON HB11-1217

HB11-1217 by Representative(s) Acree, Joshi, Kerr A., Stephens, Summers; also Senator(s) Boyd, Roberts--Concerning measures to expand access to health care throughout the state.

Senator Boyd moved that the conference committee on **HB11-1217** be dissolved and that the Senate adhere to its position. The motion was **adopted** by the following roll call vote:

YES	21	NO	14	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

COMMITTEE OF REFERENCE REPORTS

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HJR11-1024** be postponed indefinitely.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-109 by Senator(s) Shaffer B.; also Representative(s) Solano--Concerning the creation of a voluntary contribution designation benefiting the public education fund to appear on the state individual income tax return forms, and making an appropriation therefor.

Senator Shaffer B. moved that the Senate concur in House amendments to **SB11-109**, as printed in House journal, May 10, page 1381. The motion was **adopted** by the following roll call vote:

YES	32	NO	3	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	26	NO	9	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-184 by Senator(s) Steadman, Bacon, Boyd, Carroll, Giron, Guzman, Hodge, Hudak, Johnston, Morse, Nicholson, Shaffer B., Tochtrop; also Representative(s) Ferrandino, Duran, Fields, Hullinghorst, Kagan, Kefalas, Labuda, McCann, Pabon, Pace--Concerning tax reporting, and making an appropriation therefor.

Senator Steadman moved that the Senate concur in House amendments to **SB11-184**, as printed in House journal, May 10, pages 1380-1381. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	23	NO	12	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsors added: Aguilar, Foster, Heath, Schwartz and Williams S.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR11-1027 by Representative(s) Stephens, McNulty, Pace; also Senator(s) Morse, Shaffer B., Kopp-- Concerning the adjournment sine die of the First Regular Session of the Sixty-eighth General Assembly.

On motion of Senator Morse, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

Co-sponsors added: Aguilar, Bacon, Boyd, Cadman, Foster, Grantham, Guzman, Heath, Hudak, Jahn, Johnston, King S., Lambert, Lundberg, Newell, Renfroe, Scheffel, Spence, Tochtrop, White and Williams S.

TRIBUTES

Honoring:

- Alyssa Kaspersen, Boettcher Scholar -- by Senator Aguilar.
- Richard Maez, Boettcher Scholar -- by Senator Aguilar.
- Indian Ridge Elementary School 4th Graders -- by Senator Spence.
- Joshua Eddie Howard -- by Senator Carroll.
- Kathy Reeves-Howard -- by Senator Carroll.
- Bethany Geneva Howard -- by Senator Carroll.
- John Anderstrom -- by Senator Carroll.
- Rachel Mizenko -- by Senator Kopp.
- Kristine Padgett -- by Senator Kopp.
- Andrew Hodge -- by Senator Morse.
- Regis Jesuit Basketball Team and Coach Ken Shaw -- by Senator Spence.
- Sally Symanski, Colorado State Auditor -- by Senator Tochtrop.
- Cindi Stetson, Colorado Deputy State Auditor -- by Senator Tochtrop.
- Regan Smith and the #78 Furniture Row Car Team, NASCAR Winners -- by Senator Brophy.
- Jamie Katuna, Parade Magazine's All-American Basketball Team -- by Senator Shaffer.

On motion of Senator Morse, and with the unanimous consent of those elected to the Senate having voted in the affirmative, the First Regular Session of the Sixty-eighth General Assembly adjourned *sine die* at 8:18 p.m., May 11, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

Addendum

(As authorized by Section 26, Article V of
the Constitution of the State of Colorado)

Contains all sections following adjournment *sine die* of the
Second Regular Session, Sixty-eighth General Assembly

MESSAGE FROM THE HOUSE

May 11, 2011

Mr. President:

The House took no final action on the following resolutions: SJR11-004, 005,
015, 024, 036, 047. The resolutions are returned herewith.

The House took no final action on the following memorials: SJM11-002, 004.
The memorials are returned herewith.

The House took no final action on the following senate bills: SB11-070, 253, 258,
270, 271. The bills are returned herewith.

The House took no final action on SCR11-001. The concurrent resolution is returned
herewith.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Thursday, May 12, 2011, at 2:10 p.m.: SB11-078.

MESSAGE FROM THE GOVERNOR

May 13, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State
the following Acts:

SB11-060 CONCERNING THE ALCOHOL CONTENT OF ALCOHOL BEVERAGES THAT ARE AVAILABLE FOR CONSUMPTION ON A LICENSED PREMISES

Approved May 13, 2011 at 3:21 p.m.

SB11-169 CONCERNING THE REGULATION OF PEOPLE WORKING WITHIN A PHYSICAL THERAPIST'S SCOPE OF PRACTICE, AND MAKING AN APPROPRIATION THEREFOR

Approved May 13, 2011 at 3:26 p.m.

SB11-078 CONCERNING IMPLEMENTATION OF RECOMMENDATIONS OF THE COMMITTEE ON LEGAL SERVICES IN CONNECTION WITH LEGISLATIVE REVIEW OF RULES AND REGULATIONS OF STATE AGENCIES

Approved May 13, 2011 at 5:15 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

SENATE SERVICES REPORT

Correctly Engrossed: SJR11-054.
Correctly Revised: HJR11-1025 and 1027.
Correctly Rerevised: HB11-1014, 1045, 1298, 1300, 1307, 1316, 1323 and 1324.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-078; HB11-1095, 1115, 1138, 1219, 1254, 1305.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-045, 047, 050, 052, 066, 076, 091, 102, 105, 111, 125, 133, 166, 176, 177, 178, 182, 189, 191, 192, 193, 199, 200, 201, 203, 204, 208, 227, 232, 234, 235, 238, 239, 241, 242, 245, 247, 250, 251, 254, 260, 261, 266 and 273; HB11-1109, 1163, 1211, 1237, 1265, 1275, 1278, 1288, 1293, 1295, 1310, 1311, 1313, 1317.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-109, 206, 240, 243, 263, 267 and 272.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-051, 085, 134, 184, 213, 256, 264 and 265; HB11-1010, 1032, 1045, 1093, 1105, 1157, 1166, 1242, 1250, 1267, 1277, 1298, 1300, 1307, 1316.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Wednesday, May 18, 2011, at 9:10 a.m.:
SB11-045, 047, 050, 052, 066, 076, 091, 102, 105, 111, 125, 133, 166, 176, 177, 178, 182,
189, 191, 192, 199, 200, 201, 203, 204, 208, 227, 232, 234, 235, 238, 239, 241, 242, 245,
247, 250, 251, 254, 260, 261, 266 and 273.

MESSAGE FROM THE GOVERNOR

May 19, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State
the following Acts:

SB11-092 CONCERNING THE CONTINUATION OF VESSEL REGULATION BY
THE DIVISION OF PARKS AND OUTDOOR RECREATION, AND, IN
CONNECTION THEREWITH, IMPLEMENTING THE SUNSET REVIEW
RECOMMENDATIONS OF THE DEPARTMENT OF REGULATORY AGENCIES

Approved May 19, 2011 at 1:10 p.m.

SB11-124 CONCERNING THE TRANSFER OF UNSPENT COUNTY TANF
RESERVES TO A COUNTY, AND MAKING AN APPROPRIATION IN
CONNECTION THEREWITH

Approved May 19, 2011 at 1:10 p.m.

SB11-165 CONCERNING THE "COLORADO UNIFORM ESTATE TAX
APPORTIONMENT ACT"

Approved May 19, 2011 at 1:11 p.m.

SB11-179 CONCERNING ALTERNATIVE IDENTIFICATION THAT AN
EMPLOYEE ENGAGED IN WORK AT AN OFF-SITE PREMISES MAY PROVIDE
FOR PURPOSES OF ENSURING WORK SITE SECURITY

Approved May 19, 2011 at 1:12 p.m.

SB11-188 CONCERNING INCREASING THE STATE'S OVERSIGHT OF THE
PROGRAM THAT ALLOWS THE FINANCING OF CAPITAL CONSTRUCTION FOR
QUALIFIED CHARTER SCHOOLS

Approved May 19, 2011 at 1:14 p.m.

SB11-210 CONCERNING THE ELIMINATION OF THE SUPPLEMENTAL OLD
AGE PENSION HEALTH AND MEDICAL CARE PROGRAM, AND, IN
CONNECTION THEREWITH, PROVIDING FOR THE TRANSFER OF THE FUND
BALANCE OF THE SUPPLEMENTAL OLD AGE PENSION HEALTH AND
MEDICAL CARE FUND TO THE GENERAL FUND, AUTHORIZING THE USE OF
MONEYS IN THE TOBACCO TAX CASH FUND TO PROVIDE SERVICES UNDER
MEDICAID FOR THE MEDICAL CARE OF OLD AGE PENSIONERS, AND
MAKING AN APPROPRIATION

Approved May 19, 2011 at 1:14 p.m.

SB11-219 CONCERNING MONEYS APPROPRIATED IN THE 2011-12 FISCAL YEAR FOR HEALTH CLINICS, AND MAKING AN APPROPRIATION THEREFOR

Approved May 19, 2011 at 1:15 p.m.

SB11-225 CONCERNING THE SHORT-TERM INNOVATIVE HEALTH PROGRAM GRANT FUND, AND, IN CONNECTION THEREWITH, TRANSFERRING THE BALANCE OF THE GRANT FUND TO THE GENERAL FUND AT THE END OF THE 2011-12 FISCAL YEAR AND TERMINATING ALL EXISTING STATUTORY TRANSFERS TO THE GRANT FUND OTHER THAN ITS PERCENTAGE-BASED BASE ALLOCATION OF TOBACCO LITIGATION SETTLEMENT MONEYS AFTER THE 2010-11 FISCAL YEAR

Approved May 19, 2011 at 1:15 p.m.

SB11-226 CONCERNING THE AUGMENTATION OF THE GENERAL FUND THROUGH TRANSFERS OF CERTAIN MONEYS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH

Approved May 19, 2011 at 1:15 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

SENATE SERVICES REPORT

Correctly Enrolled: SB11-045, 047, 050, 051, 052, 066, 076, 078, 085, 088, 091, 102, 105, 109, 111, 125, 133, 134, 166, 176, 177, 178, 182, 184, 187, 189, 191, 192, 193, 199, 200, 201, 203, 204, 206, 208, 213, 227, 232, 234, 235, 238, 239, 240, 241, 242, 243, 245, 247, 250, 251, 254, 256, 260, 261, 263, 264, 265, 266, 267, 272 and 273; SJR11-009, 032, 040, 045, 046, 050, 052, 053 and 054; SR11-005.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-088 and 187; HB11-1195, 1297, 1301, 1324.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Thursday, May 19, 2011, at 11:45 a.m.: SB11-051, 085, 088, 109, 134, 184, 187, 193, 206, 213, 240, 243, 256, 263, 264, 265, 267 and 272.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1014, 1043, 1072, 1081, 1268, 1303, 1323, HJR11-1025, 1027.

MESSAGE FROM THE GOVERNOR

May 23, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-199 CONCERNING WORKERS’ COMPENSATION

Approved May 23, 2011 at 1:07 p.m.

SB11-232 CONCERNING THE CHILD ABUSE INVESTIGATION SURCHARGE

Approved May 23, 2011 at 1:12 p.m.

SB11-245 CONCERNING EDUCATOR PREPARATION PROGRAMS AT INSTITUTIONS OF HIGHER EDUCATION

Approved May 23, 2011 at 1:13 p.m.

SB11-234 CONCERNING RESIDENTIAL REAL PROPERTY TRANSFER FEE COVENANTS

Approved May 23, 2011 at 1:11 p.m.

SB11-091 CONCERNING CONTINUATION OF THE STATE BOARD OF VETERINARY MEDICINE, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE SUNSET REVIEW OF THE BOARD AND ITS FUNCTIONS, AND MAKING AN APPROPRIATION

Approved May 23, 2011 at 1:18 p.m.

SB11-125 CONCERNING MEDICAID NURSING FACILITY PROVIDER FEES, AND, IN CONNECTION THEREWITH, INCREASING THE CAP ON THE MEDICAID NURSING FACILITY PROVIDER FEE, CHANGING THE PRIORITY OF USES FOR SUPPLEMENTAL PAYMENTS FROM THE MEDICAID NURSING FACILITY CASH FUND, AND MAKING AN APPROPRIATION

Approved May 23, 2011 at 1:18 p.m.

SB11-066 CONCERNING THE ISSUANCE OF SPECIAL EVENT PERMITS TO SERVE ALCOHOL BEVERAGES

Approved May 23, 2011 at 1:17 p.m.

SB11-076 CONCERNING THE CONTRIBUTION OF A TEMPORARY MODIFICATION TO THE CONTRIBUTION RATES FOR CERTAIN DIVISIONS OF THE PUBLIC EMPLOYEES’ RETIREMENT ASSOCIATION, AND MAKING AN APPROPRIATION THEREFOR

Approved May 23, 2011 at 1:15 p.m.

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SB11-166 CONCERNING THE “UNIFORM DISCLAIMER OF PROPERTY INTERESTS ACT”

Approved May 23, 2011 at 1:14 p.m.

SB11-111 CONCERNING CREATION OF A TASK FORCE TO ADDRESS THE PROVISION OF EDUCATIONAL SERVICES TO SUPPORT STUDENTS’ ACADEMIC SUCCESS

Approved May 23, 2011 at 1:14 p.m.

SB11-133 CONCERNING A STUDY OF DISCIPLINARY ACTIONS TAKEN IN PUBLIC SCHOOLS

Approved May 23, 2011 at 5:30 p.m.

SB11-195 CONCERNING THE RESIDENCY OF A HEALTH CARE PROVIDER WHO VERIFIES A PERSON’S DISABILITY FOR PURPOSES OF OBTAINING CREDENTIALS ENTITLING THE PERSON TO PARK A VEHICLE IN SPACES RESERVED FOR USE BY PERSONS WITH DISABILITIES

Approved May 23, 2011 at 9:48 a.m.

SB11-191 CONCERNING ENACTMENT OF THE “COLORADO UNIFORM LIMITED COOPERATIVE ASSOCIATION ACT”, AND MAKING AN APPROPRIATION THEREFOR

Approved May 23, 2011 at 1:08 p.m.

SB11-261 CONCERNING THE PUBLICATION OF THE COLORADO REVISED STATUTES BY PERSONS OTHER THAN THE GENERAL ASSEMBLY

Approved May 23, 2011 at 1:15 p.m.

SB11-241 CONCERNING CHANGES RELATED TO THE OPERATION OF THE PAROLE BOARD, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH

Approved May 23, 2011 at 1:13 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR11-009.

May 26, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-047 CONCERNING OPERATION OF THE COLORADO CHANNEL AUTHORITY, AND, IN CONNECTION THEREWITH, ALLOWING THE AUTHORITY TO MAKE AVAILABLE VIA THE INTERNET AUDIO RECORDINGS OF PROCEEDINGS OF THE GENERAL ASSEMBLY AND REQUIRING CERTAIN MEMBERS OF THE BOARD OF DIRECTORS OF THE AUTHORITY TO BE SERVING MEMBERS OF THE GENERAL ASSEMBLY AND TO REPRESENT THE MAJOR POLITICAL PARTIES IN EACH HOUSE

Approved May 26, 2011 at 4:56 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

May 27, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-052 CONCERNING EXPECTATIONS FOR HIGHER EDUCATION INSTITUTIONS IN COLORADO, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH

Approved May 27, 2011 at 3:41 p.m.

SB11-102 CONCERNING THE VOLUNTARY CONTRIBUTION DESIGNATION BENEFITING THE FAMILIES IN ACTION FOR MENTAL HEALTH FUND THAT APPEARS ON THE STATE INDIVIDUAL INCOME TAX RETURN FORMS, AND MAKING AN APPROPRIATION THEREFOR

Approved May 27, 2011 at 3:56 p.m.

SB11-189 CONCERNING THE ADJUSTMENT OF CERTAIN DATES RELATED TO THE ADMINISTRATION OF ELECTIONS IN ORDER TO COMPLY WITH THE FEDERAL "MILITARY AND OVERSEAS VOTER EMPOWERMENT (MOVE) ACT" BUT EXCLUDING THE ADJUSTMENT OF ANY DATES RELATED TO VOTER REGISTRATION

Approved May 27, 2011 at 4:05 p.m.

SB11-242 CONCERNING RETIRED VOLUNTEER NURSE LICENSURE

Approved May 27, 2011 at 4:06 p.m.

SB11-247 CONCERNING THE REPEAL OF THE COLORADO EARLY CHILDHOOD COUNCIL ADVISORY TEAM, AND MAKING AN APPROPRIATION THEREFOR

Approved May 27, 2011 at 3:58 p.m.

SB11-251 CONCERNING THE AUTHORITY OF THE DIVISION OF FIRE SAFETY
WITHIN THE DEPARTMENT OF PUBLIC SAFETY, AND MAKING AN
APPROPRIATION IN CONNECTION THEREWITH

Approved May 27, 2011 at 4:01 p.m.

SB11-266 CONCERNING BACKGROUND CHECKS FOR EMPLOYEES OF
ENTITIES THAT CONTRACT TO PERFORM SERVICES FOR PUBLIC SCHOOLS,
AND MAKING AN APPROPRIATION THEREFOR

Approved May 27, 2011 at 4:02 p.m.

SB11-273 CONCERNING AUTHORIZATION TO CONSUME ALCOHOL
BEVERAGES WITHIN A COMMON CONSUMPTION AREA

Approved May 27, 2011 at 3:44 p.m.

SB11-178 CONCERNING THE MANNER IN WHICH A STATUTORY LOCAL
GOVERNMENT MAY ADOPT A SALES TAX EXEMPTION

Approved May 27, 2011 at 2:48 p.m.

SB11-201 CONCERNING CLARIFYING THE ELEMENTS OF THE CRIMINAL
OFFENSE OF CRIMINAL IMPERSONATION

Approved May 27, 2011 at 2:48 p.m.

SB11-239 CONCERNING THE REPEAL OF A REQUIREMENT THAT THE
DIVISION OF LOCAL GOVERNMENT ANNUALLY REPORT ABOUT
INFORMATION RELATED TO INCORPORATED MUNICIPALITIES TO THE
CLERK OF EACH INCORPORATED MUNICIPALITY

Approved May 27, 2011 at 2:49 p.m.

SB11-250 CONCERNING CHANGING THE ELIGIBILITY FOR CERTAIN
PREGNANT WOMEN FROM THE CHILDREN'S BASIC HEALTH PLAN TO
MEDICAID

Approved May 27, 2011 at 2:49 p.m.

SB11-182 CONCERNING THE ESTABLISHMENT OF AN INSURABLE INTEREST
REQUIREMENT FOR LIFE INSURANCE POLICIES

Approved May 27, 2011 at 2:54 p.m.

SB11-203 CONCERNING THE SPECIES CONSERVATION TRUST FUND, AND, IN
CONNECTION THEREWITH, APPROVING THE SPECIES CONSERVATION
ELIGIBILITY LIST

Approved May 27, 2011 at 2:55 p.m.

SB11-192 CONCERNING THE CONTINUATION OF THE PRESCRIPTION DRUG
MONITORING PROGRAM, AND, IN CONNECTION THEREWITH, REPEALING
THE PRESCRIPTION CONTROLLED SUBSTANCE ABUSE MONITORING
COMMITTEE, AND MAKING AND APPROPRIATION

Approved May 27, 2011 at 2:55 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

May 31, 2011

The Honorable Colorado Senate
Sixty-Eighth General Assembly
State Capitol Building
Denver, Colorado 80203

Ladies and Gentlemen:

This is to inform you that I am vetoing Senate Bill 11-213 Concerning Enrollee Cost-Sharing for Children Enrolled in the Children’s Basic Health Plan, and Making an Appropriation Therefor.

We respect the General Assembly’s intention to reduce the budget impact of increasing Child Health Plan Plus (CHP+) costs and the goal of encouraging personal responsibility by CHP+ recipients for a reasonable share of these costs. Expecting low-income families in Colorado to contribute when it comes to providing for, and placing a priority upon, their health care, makes sense. What is troubling about this legislation, however, is not the policy intent, but the practical, and negative impact, it will have on children in low-income families.

While the legislation was not intended to put children at risk, we have determined that the bill poses adverse consequences on children’s access to health insurance through the CHP+ program. Further evaluation of the program is necessary and underway in our administration. The Department of Health Care Policy and Financing will be conducting an analysis of cost-sharing and evaluating possible changes this summer and fall. As a result of that work, there will be changes in the annual enrollment fee and potentially other cost-sharing measures. The focus will be to implement a change that is minimally disruptive, administratively efficient, effective and elegant, and supports the goal of ensuring that kids have access to coverage. Because the expected timeline of SB11-213 would have been sometime in 2012, the process we will follow will implement a cost-sharing structure on a similar or earlier timeline. The Department will share these proposals to the JBC for approval on or before November 1 as required in C.R.S. 25.5-8-107(b).

The fees required by SB11-213 represent a 1000% increase in the cost of the current CHP+ program to enrollees in the 205% of federal poverty level (FPL) to 250% FPL income bracket. The Department of Health Care Policy and Financing (the Department) modeled potential impacts of the bill and estimates that approximately 20% of the children currently enrolled in the CHP+ program, or 2,500 kids, would drop off the program because of the dramatic increase in cost.

Research from across the country and in Colorado indicates that if children drop off the CHP+ program, they would likely become uninsured. Increasing the number of uninsured children in the state will result in a rise in uncompensated costs in the health care system thereby increasing cost shifting to those with insurance. At a time when employers large and small are struggling to continue to provide health insurance to workers, it doesn’t make sense to heap additional costs on the health care system in the form of uncompensated care.

We appreciate the work of the General Assembly and understand that the intention of legislators was to make sure that we are appropriately utilizing scarce state resources in these challenging economic times. We share these goals and will work with the General Assembly to develop policies that bend the cost curve, improve efficiencies and protect children. Put bluntly, we believe the cost savings to taxpayers contemplated in SB11-213 are out-weighted by the unintended costs of children going without access to affordable care and ending up instead, in emergency clinics.

Instead of allowing SB 11-213 to become law, we would rather work with the Joint Budget Committee and the General Assembly to develop a better approach.

Sincerely,
(signed)
John Hickenlooper

June 1, 2011
To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203
Ladies and Gentlemen:
I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-200 CONCERNING A COLORADO HEALTH BENEFIT EXCHANGE, AND, IN CONNECTION THEREWITH, CREATING A PROCESS FOR THE IMPLEMENTATION OF A HEALTH BENEFIT EXCHANGE IN COLORADO

Approved June 1, 2011 at 10:50 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

June 2, 2011
To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203
Ladies and Gentlemen:
I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-085 CONCERNING INCREASING THE ENFORCEMENT OF PROHIBITIONS AGAINST CERTAIN PROSTITUTION-RELATED OFFENSES, AND, IN CONNECTION THEREWITH, AUTHORIZING THE CREATION OF A PROGRAM FOR CERTAIN FIRST-TIME OFFENDERS OF SUCH OFFENSES

Approved June 2, 2011 at 5:05 p.m.

SB11-134 CONCERNING THE ADDITION OF CERTAIN DRUGS TO THE STATUTORY LIST OF SCHEDULE I CONTROLLED SUBSTANCES

Approved June 2, 2011 at 5:09 p.m.

SB11-206 CONCERNING THE EXEMPTION OF CERTAIN NONCOMMERCIAL MORTGAGE-RELATED ACTIVITIES FROM THE “MORTGAGE LOAN ORIGINATOR LICENSING AND MORTGAGE COMPANY REGISTRATION ACT”

Approved June 2, 2011 at 4:55 p.m.

SB11-256 CONCERNING GRAFFITI

Approved June 2, 2011 at 4:57 p.m.

SB11-089 CONCERNING THE CONTINUATION OF THE AUTHORITY OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE TO ISSUE WRITTEN RESPONSES UPON REQUEST OF A TAXPAYER

Approved June 2, 2011 at 5:09 p.m.

SB11-108 CONCERNING THE REPEAL OF THE “IDENTITY THEFT AND FINANCIAL FRAUD DETERRENCE ACT”

Approved June 2, 2011 at 4:54 p.m.

SB11-180 CONCERNING AUTHORITY FOR TAXICABS TO PICK UP PASSENGERS OUTSIDE THEIR ASSIGNED GEOGRAPHIC AREAS

Approved June 2, 2011 at 4:47 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

June 2, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-254 CONCERNING STATUTORY CHANGES TO IMPROVE PRACTICES FOR PERSONS UNDER COMMUNITY SUPERVISION

Approved June 2, 2011 at 5:14 p.m.

SB11-105 CONCERNING IN-HOME SUPPORT SERVICES, AND, IN CONNECTION THEREWITH, EXTENDING THE IN-HOME SUPPORT SERVICES PROGRAM

Approved June 2, 2011 at 5:15 p.m.

SB11-264 CONCERNING A CLARIFICATION OF THE STATE LAW GOVERNING THE CIRCUMSTANCES UNDER WHICH A NOTICE OF LIS PENDENS MUST BE RECORDED IN CONNECTION WITH THE FILING OF A DEBT SECURITY INSTRUMENT AS A SUBSTITUTE FOR THE FILING OF CERTAIN LIENS

Approved June 2, 2011 at 5:15 p.m.

SB11-263 CONCERNING CLARIFICATION OF THE STATE SALES TAX EXEMPTION FOR SALES OF MEDICAL PRODUCTS

Approved June 2, 2011 at 5:15 p.m.

SB11-243 CONCERNING THE REPEAL OF THE CIVIL PENALTY FOR DOCUMENT FRAUD

Approved June 2, 2011 at 5:16 p.m.

SB11-240 CONCERNING THE IMPLEMENTATION OF SUNSET REVIEW OF THE REGULATION OF PRIVATE OCCUPATIONAL SCHOOLS, AND, IN CONNECTION THEREWITH, REQUIRING THE DEPARTMENT OF REGULATORY AGENCIES TO REVIEW THE FUNCTIONS OF THE PRIVATE OCCUPATIONAL SCHOOL DIVISION AND THE PRIVATE OCCUPATIONAL SCHOOL BOARD AND SCHEDULING A FUTURE REPEAL OF THE LAWS RELATED TO REGULATION OF PRIVATE OCCUPATIONAL SCHOOLS

Approved June 2, 2011 at 5:16 p.m.

SB11-193 CONCERNING THE DISCLOSURE OF EMPLOYMENT INFORMATION TO AN EMPLOYER REGARDING A PERSON EMPLOYED TO WORK WITH A PERSON WITH A DEVELOPMENTAL DISABILITY, AND, IN CONNECTION THEREWITH, GRANTING IMMUNITY FROM CIVIL LIABILITY FOR THE DISCLOSURE OF INFORMATION AND CREATING AN EXCEPTION FROM THE PROHIBITION AGAINST BLACKLISTING FOR THE DISCLOSURE OF INFORMATION

Approved June 2, 2011 at 5:16 p.m.

SB11-187 CONCERNING THE CONTINUATION OF THE REGULATION OF MENTAL HEALTH PROFESSIONALS, AND, IN CONNECTION THEREWITH, CONTINUING THE STATE BOARDS OF PSYCHOLOGIST EXAMINERS, SOCIAL WORK EXAMINERS, MARRIAGE AND FAMILY THERAPIST EXAMINERS, AND LICENSED PROFESSIONAL COUNSELOR EXAMINERS, CONTINUING THE STATE GRIEVANCE BOARD, RENAMED AS THE STATE BOARD OF REGISTERED PSYCHOTHERAPISTS, CREATING THE STATE BOARD OF ADDICTION COUNSELOR EXAMINERS, IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE SUNSET REVIEW AND REPORT OF STATE-REGULATED MENTAL HEALTH PROFESSIONALS, AND MAKING AN APPROPRIATION

Approved June 2, 2011 at 5:17 p.m.

SB11-109 CONCERNING THE CREATION OF A VOLUNTARY CONTRIBUTION DESIGNATION BENEFITING THE PUBLIC EDUCATION FUND TO APPEAR ON THE STATE INDIVIDUAL INCOME TAX RETURN FORMS, AND MAKING AN APPROPRIATION THEREFOR

Approved June 2, 2011 at 5:17 p.m.

SB11-088 CONCERNING THE REGULATION OF DIRECT-ENTRY MIDWIVES, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE SUNSET REVIEW RECOMMENDATIONS OF THE DEPARTMENT OF REGULATORY AGENCIES, AND MAKING AN APPROPRIATION

Approved June 2, 2011 at 5:17 p.m.

SB11-051 CONCERNING AN INTERCEPT OF A PERSON’S WINNINGS FOR THE PURPOSE OF PAYING AN UNPAID DEBT DUE TO THE STATE, AND MAKING AN APPROPRIATION THEREFOR

Approved June 2, 2011 at 5:18 p.m.

SB11-272 CONCERNING THE VOLUNTARY CONTRIBUTION DESIGNATION BENEFITING THE ADULT STEM CELLS CURE FUND THAT APPEARS ON THE STATE INDIVIDUAL INCOME TAX RETURN FORMS, AND, IN CONNECTION THEREWITH, EXTENDING THE PERIOD FOR THE CONTRIBUTION DESIGNATION

Approved June 2, 2011 at 5:18 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

June 3, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-045 CONCERNING A STREAMLINED PROCESS FOR SECURING GOVERNMENTAL APPROVAL FOR THE SITING OF ELECTRIC TRANSMISSION FACILITIES, AND, IN CONNECTION THEREWITH, CREATING A TASK FORCE

Approved June 3, 2011 at 9:43 a.m.

SB11-176 CONCERNING APPROPRIATE USE OF RESTRICTIVE CONFINEMENT, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH

Approved June 3, 2011 at 9:49 a.m.

SB11-184 CONCERNING TAX REPORTING, AND MAKING AN APPROPRIATION THEREFOR

Approved June 3, 2011 at 9:57 a.m.

SB11-197 CONCERNING THE CREATION OF A GIRL SCOUTS CENTENNIAL SPECIAL LICENSE PLATE, AND MAKING AN APPROPRIATION THEREFOR

Approved June 3, 2011 at 10:03 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

June 3, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SJR11-009 CONCERNING THE DECLARATION OF A STATE FISCAL
EMERGENCY PURSUANT TO SECTION 21 (7) OF ARTICLE X OF THE STATE
CONSTITUTION

Approved June 3, 2011 at 11:05 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

June 6, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-265 CONCERNING CHANGING THE NAME OF MESA STATE COLLEGE
TO COLORADO MESA UNIVERSITY

Approved June 6, 2011 at 8:59 a.m.

SB11-208 CONCERNING THE CONSOLIDATION OF WILDLIFE ENTITIES WITH
PARKS AND OUTDOOR RECREATION ENTITIES UNDER THE DEPARTMENT OF
NATURAL RESOURCES

Approved June 6, 2011 at 3:05 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

June 7, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-227 CONCERNING A REPEAL OF THE EXCEPTION TO THE CHILD RESTRAINT SYSTEM LAW FOR CHILDREN WEIGHING MORE THAN FORTY POUNDS WHO ARE BEING TRANSPORTED IN A MOTOR VEHICLE WITH A REAR SEAT THAT WAS NOT EQUIPPED WITH COMBINATION BELTS AT THE TIME OF MANUFACTURE

Approved June 7, 2011 at 2:19 p.m.

SB11-260 CONCERNING SAFETY PROCEDURES RELATED TO THE TOWING OF VEHICLES

Approved June 7, 2011 at 5:37 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

June 8, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-238 CONCERNING THE EXTENSION OF THE ANNUAL TRANSFERS OF FEDERAL MINERAL LEASE REVENUES TO THE WILDFIRE PREPAREDNESS FUND

Approved June 8, 2011 at 8:25 a.m.

SB11-090 CONCERNING THE CONTINUATION OF THE ISSUANCE OF PERMITS FOR WEATHER MODIFICATION OPERATIONS, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE SUNSET REVIEW RECOMMENDATIONS OF THE DEPARTMENT OF REGULATORY AGENCIES

Approved June 8, 2011 at 8:33 a.m.

SB11-177 CONCERNING THE TEEN PREGNANCY AND DROPOUT PREVENTION PROGRAM, AND, IN CONNECTION THEREWITH, CONTINUING THE PROGRAM, AND MAKING AN APPROPRIATION

Approved June 8, 2011 at 11:09 a.m.

SB11-267 CONCERNING MEASURES TO PROMOTE FOREST HEALTH, AND, IN CONNECTION THEREWITH, CREATING THE COLORADO FOREST BIOMASS USE WORK GROUP AND PROMOTING THE CREATION OF SUSTAINABLE MARKET-BASE MODELS FOR FOREST MANAGEMENT AND WOODY BIOMASS ENERGY DEVELOPMENT

Approved June 8, 2011 at 11:01 a.m.

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SB11-050 CONCERNING A REQUIREMENT THAT A CONDEMNING
AUTHORITY PAY FAIR MARKET VALUE FOR LAND SUBJECT TO A
CONSERVATION EASEMENT

Approved June 8, 2011 at 1:46 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

June 9, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State
the following Acts:

SB11-230 CONCERNING THE FINANCING OF PUBLIC SCHOOLS, AND MAKING
AN APPROPRIATION THEREFOR

Approved June 9, 2011 at 3:11 p.m.

SB11-235 CONCERNING METHODS TO REDUCE THE AIR QUALITY PERMIT
APPLICATION BACKLOG, AND, IN CONNECTION THEREWITH, AUTHORIZING
THE USE OF NONGOVERNMENTAL AIR QUALITY MODELING ENGINEERS
FOR PURPOSES OF PERMIT APPLICATION APPROVALS AND MAKING AN
APPROPRIATION

Approved June 9, 2011 at 6:02 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

June 10, 2011

To the Honorable Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State
the following Acts:

SB11-204 CONCERNING THE ROLE OF CERTAIN SOUTHERN COLORADO
UNIVERSITY CAMPUSES

Approved June 10, 2011 at 8:24 a.m.

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SB11-173 CONCERNING INTEROPERABLE COMMUNICATIONS IN SCHOOL

Approved June 10, 2011 at 10:43 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

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