

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

17th Legislative Day Friday, January 28, 2011

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Prayer	By the chaplain, Pastor Charles Johnson, Heart of Worship Ministries, Colorado Springs.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator Morse.	15
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Roll Call	Present--33	17
	Excused--2, Aguilar, Boyd.	18
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Quorum	The President announced a quorum present.	21
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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.	23
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COMMITTEE OF REFERENCE REPORTS

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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:	33
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EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES

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

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Judiciary	The Committee on <u>Judiciary</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	47
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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.

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Judiciary	The Committee on <u>Judiciary</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	61
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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

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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, 2011.

Approved:

Brandon C. Shaffer
 President of the Senate

Attest:

Cindi Markwell
 Secretary of the Senate

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