

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.	1
Call to Order	By the President at 9:00 a.m.	2
Pledge	By Senator Lambert.	3
Roll Call	Present--31 Excused--4, Harvey, Johnston, Kopp, Mitchell. Present later--3, Harvey, Johnston, Kopp.	4 5 6
Quorum	The President announced a quorum present.	7
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.	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26

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:

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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.

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(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

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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

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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.

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(2) The provisions of this act shall apply to the regulation of storm water on or after the applicable effective date of this act."

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.

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.

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".

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.

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.

Renumber succeeding sections accordingly.

Page 9, strike lines 21 through 27 and substitute "SUCH DETERMINATION. UPON RECEIPT OF SUCH NOTICE, THE COMMISSIONER".

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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."

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Page 10, line 13, after "EDUCATION," insert "CHARTER SCHOOL,".

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Page 11, line 3, strike "MAKING A".

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Page 11, strike line 4 and substitute "REVOKING OR NOT RENEWING THE CHARTER OF A QUALIFIED".

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Page 11, line 24, strike "IF THE QUALIFIED".

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Page 11, strike lines 25 through 27.

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Page 12, strike lines 1 and 2.

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Page 12, line 3, strike "INSTITUTE BOARD," and substitute "UPON RECEIPT OF SUCH NOTICE,".

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Page 12, line 12, strike "ORDERED THE".

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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."

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Page 12, line 15, after "BOARD," insert "CHARTER SCHOOL,".

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Page 13, line 5, strike "MAKING A DETERMINATION TO REVOKE OR".

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Page 13, line 6, strike "NOT RENEW" and substitute "REVOKING OR NOT RENEWING".

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Page 13, strike lines 8 through 27.

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Page 14, strike lines 1 through 4.

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Renumber succeeding sections accordingly.

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State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB11-181** be postponed indefinitely.

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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.

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State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB11-1007** be postponed indefinitely.

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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.

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Amend reengrossed bill, page 2, line 15, strike "THE" and substitute "IF AN AUTOPSY IS PERFORMED, THE" .

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Page 2, line 17, strike "OR WITHIN THE TWELVE MONTHS PRECEDING DEATH".

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Page 2, line 23, strike "THE" and substitute "IF AN AUTOPSY IS PERFORMED, THE".

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Page 2, line 24, strike "DEATH OR WITHIN THE TWELVE MONTHS" and substitute "DEATH,".

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Page 2, line 25, strike "PRECEDING DEATH".

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Page 3, line 4, strike "THE" and substitute "IF AN AUTOPSY IS PERFORMED, THE".

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Page 3, line 5, strike "OR".

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Page 3, line 6, strike "WITHIN THE TWELVE MONTHS PRECEDING DEATH".

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Page 3, line 16, strike "A" and substitute "IF AN AUTOPSY IS PERFORMED, a".

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Page 3, line 18, strike "death OR WITHIN THE TWELVE MONTHS PRECEDING DEATH." and substitute "death.".

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Page 3, line 21, strike "OR WITHIN TWELVE MONTHS".

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Page 3, line 22, strike "PRECEDING DEATH".

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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.

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Amend reengrossed bill, page 2, after line 1 insert:

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SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

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(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

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(b) Coroners should avoid all possible conflicts of interest when complying with the provisions of this act."

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Renumber succeeding sections accordingly.

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Page 3, line 3, before "qualifications" insert "jurisdiction -".

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Page 3, line 4, after "(1)" insert "(a)".

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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".

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Page 3, after line 10 insert:

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"(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."

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Page 4, after line 1 insert:

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"(e) FOR PURPOSES OF THIS SUBSECTION (2), "DIRECT SUPERVISION" MEANS SUPERVISION THAT IS WITHIN THE FACILITY WHERE

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A PATHOLOGY RESIDENT OR FORENSIC PATHOLOGY FELLOW IS PRACTICING AND THAT REQUIRES A BOARD-CERTIFIED FORENSIC PATHOLOGIST'S PRESENCE AND AVAILABILITY FOR PROMPT CONSULTATION."

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.

Amend reengrossed bill, page 2, line 7, strike "BEEN AT LEAST TWICE PREVIOUSLY".

Page 2, strike lines 8 through 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."

Page 3, line 8, strike "IF THE COURT".

Page 3, strike lines 9 and 10.

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.

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.

Amend reengrossed bill, page 2, line 12, strike "SENTENCE ALTERNATIVE," and substitute "SENTENCE,".

Page 3, line 2, strike "THE FOLLOWING NEW SUBSECTIONS" and substitute "A NEW SUBSECTION".

Page 3, strike lines 8 through 21 and substitute:

"(b) PROVIDE SUFFICIENT INFORMATION TO ALLOW THE COURT TO CONSIDER:

(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

(II) THE APPROPRIATE CONDITIONS TO IMPOSE IF A DEFENDANT IS SENTENCED TO PROBATION."

Reletter succeeding paragraph accordingly.

Page 3, line 22, strike "RATES OF RECIDIVISM AND".

Page 3, line 24, strike "COURT." and substitute "COURT; AND".

Page 3, strike lines 25 through 27 and substitute:

"(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.

SECTION 3. The introductory portion to 18-1.3-203 (1), Colorado Revised Statutes, is amended to read:

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

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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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