

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

8th Legislative Day

Wednesday, January 19, 2011

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Prayer	By Senator Lundberg.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator King S.	15
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Roll Call	Present--32	17
	Absent--0	18
	Excused-- 3, Harvey, Lambert, Mitchell.	19
	Present later--2, Harvey, Mitchell.	20
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Quorum	The President announced a quorum present.	23
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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.	25
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INTRODUCTION OF RESOLUTIONS

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

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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.	37
	State, Veterans & Military Affairs	38
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INTRODUCTION OF BILLS -- FIRST READING

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

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SB11-043	by Senator(s) Steadman; --Concerning a requirement that pharmaceutical manufacturers develop plans for the safe disposal of sharps intended for home use.	49
	Health and Human Services	50
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SB11-044	by Senator(s) Steadman; --Concerning the collateral consequences of a conviction.	53
	Judiciary	54
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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.	56
	Agriculture and Natural Resources	57
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SB11-046	by Senator(s) King S.; --Concerning the mandatory post-enactment review by legislative service agencies of the implementation of enacted bills.	60
	State, Veterans & Military Affairs	61
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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".	64
	Business, Labor and Technology	65
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- 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
- SB11-049** by Senator(s) Williams S.; also Representative(s) Ryden--Concerning the use of restraints
 on persons.
 Judiciary
- 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
- 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
- SB11-052** by Senator(s) Heath, Bacon, King K.; also Representative(s) Massey, Ferrandino--
 Concerning expectations for higher education institutions in Colorado.
 Education
- 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
- 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
- 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
- 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
- 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
- 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
- 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
- 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

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Senate in recess.

Senate reconvened.

INTRODUCTION OF BILLS -- FIRST READING

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

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| SB11-062 | by Senator(s) Cadman; also Representative(s) Murray--Concerning the administrative duties of the office of information technology.
Business, Labor and Technology | 6
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| 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 | 10
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| 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 | 15
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| 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 | 22
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| SB11-066 | by Senator(s) Jahn; --Concerning the issuance of special event permits to serve alcohol beverages.
Local Government and Energy | 26
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| SB11-067 | by Senator(s) Jahn; also Representative(s) Massey--Concerning registered interior designers.
Business, Labor and Technology | 30
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| SB11-068 | by Senator(s) Carroll; also Representative(s) Solano--Concerning an increase in consumer protection under the "Colorado Consumer Protection Act".
Judiciary | 34
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| SB11-069 | by Senator(s) Hudak, Bacon, Guzman; --Concerning educational management organizations.
Education | 38
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| SB11-070 | by Senator(s) Hudak, Bacon, Williams S.; --Concerning providing postsecondary opportunities to students with special needs.
Education | 42
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| SB11-071 | by Senator(s) Mitchell; --Concerning measures to reduce energy costs for Colorado consumers.
State, Veterans & Military Affairs | 46
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| 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 | 50
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| SB11-073 | by Senator(s) Mitchell; --Concerning the modification of policies that result in increased payments to the state.
State, Veterans & Military Affairs | 55
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| 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 | 59
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| 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 | 64
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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

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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 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

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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 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

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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 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

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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
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

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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:

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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