

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.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator Guzman.	15
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Roll Call	Present--33	17
	Excused--2, Kopp, Mitchell.	18
	Present later--1, Kopp.	19
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Quorum	The President announced a quorum present.	21
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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.	23
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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.

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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.

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- Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, April 15, page 770 and placed in members' bill files.) 1
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As amended, ordered revised and placed on the calendar for third reading and final 4
passage. 5
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- HB11-1146** by Representative(s) Massey; also Senator(s) Steadman--Concerning a requirement that a 8
residence be integral to an agricultural operation in determining whether two acres or less 9
associated with the residence satisfies the definition of agricultural land for property tax 10
purposes. 11
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Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment. 13
(Printed in Senate Journal, April 15, page 771 and placed in members' bill files.) 14
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As amended, ordered revised and placed on the calendar for third reading and final 16
passage. 17
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- SB11-051** by Senator(s) Giron; also Representative(s) Swerdfeger--Concerning an intercept of a 20
person's winnings for the purpose of paying an unpaid debt due to the state. 21
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Laid over until Thursday, April 21, retaining its place on the calendar. 23
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- SB11-047** by Senator(s) Heath; also Representative(s) Gerou and Riesberg--Concerning funding to 26
support innovative industries, and, in connection therewith, creating the "Colorado 27
Clean Technology Innovation Reinvestment Act". 28
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Amendment No. 1, Business, Labor & Technology Committee Amendment. 30
(Printed in Senate Journal, February 9, pages 126-127 and placed in members' bill files.) 31
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Amendment No. 2, Appropriations Committee Amendment. 33
(Printed in Senate Journal, April 15, pages 772-773 and placed in members' bill files.) 34
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As amended, ordered engrossed and placed on the calendar for third reading and final 36
passage. 37
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- SB11-177** by Senator(s) Nicholson, Aguilar, Boyd, Carroll, Foster, Newell; also Representative(s) 40
Nikkel--Concerning the teen pregnancy and dropout prevention program, and, in connection 41
therewith, continuing the program, and making an appropriation. 42
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Amendment No. 1, Appropriations Committee Amendment. 44
(Printed in Senate Journal, April 15, pages 773-774 and placed in members' bill files.) 45
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As amended, ordered engrossed and placed on the calendar for third reading and final 47
passage. 48
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- SB11-125** by Senator(s) White, Guzman, Jahn, Tochtrop; also Representative(s) Sonnenberg, Pace-- 51
Concerning medicaid nursing facility provider fees, and, in connection therewith, increasing 52
the cap on the medicaid nursing facility provider fee and changing the priority of uses for 53
supplemental payments from the medicaid nursing facility cash fund. 54
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Laid over until Thursday, April 21, retaining its place on the calendar. 56
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- SB11-105** by Senator(s) Guzman, Aguilar, Boyd, Carroll, Foster, Lundberg, Newell, Roberts; also 59
Representative(s) Levy--Concerning in-home support services, and, in connection therewith, 60
extending the in-home support services program. 61
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Amendment No. 1, Health & Human Services Committee Amendment. 63
(Printed in Senate Journal, February 11, page 171 and placed in members' bill files.) 64
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Amendment No. 2, Appropriations Committee Amendment. 66
(Printed in Senate Journal, April 15, page 774 and placed in members' bill files.) 67
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As amended, ordered engrossed and placed on the calendar for third reading and final 69
passage. 70
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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. 1
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Amendment No. 1, Judiciary Committee Amendment. 4
(Printed in Senate Journal, February 8, pages 118-120 and placed in members' bill files.) 5
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Amendment No. 2, Appropriations Committee Amendment. 8
(Printed in Senate Journal, April 15, pages 774-775 and placed in members' bill files.) 9
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As amended, ordered engrossed and placed on the calendar for third reading and final 11
passage. 12
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- SB11-185** by Senator(s) Johnston; also Representative(s) Duran--Concerning a clause in state contracts 15
that requires a vendor to notify the state if the vendor outsources duties performed pursuant 16
to the contract to a locale outside the United States. 17
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Amendment No. 1, Local Government Committee Amendment. 19
(Printed in Senate Journal, March 25, pages 580-581 and placed in members' bill files.) 20
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As amended, ordered engrossed and placed on the calendar for third reading and final 22
passage. 23
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- HB11-1201** by Representative(s) Hamner, Todd, Massey, Fischer, Kerr A., Peniston, Scott, Solano; also 26
Senator(s) Nicholson and White--Concerning measures to facilitate the issuance of educator 27
licenses. 28
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Amendment No. 1, Education Committee Amendment. 30
(Printed in Senate Journal, March 31, pages 612-613, was **lost**.) 31
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Amendment No. 2, Appropriations Committee Amendment. 33
(Printed in Senate Journal, April 15, page 775, was **lost**.) 34
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Ordered revised and placed on the calendar for third reading and final passage. 36
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- HB11-1145** by Representative(s) McCann, Labuda, Levy, Pabon; also Senator(s) Tochtrop--Concerning 39
requirements surrounding background checks for child care facilities, and making an 40
appropriation therefor. 41
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Amendment No. 1, Education Committee Amendment. 43
(Printed in Senate Journal, April 1, page 632 and placed in members' bill files.) 44
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Amendment No. 2, Appropriations Committee Amendment. 46
(Printed in Senate Journal, April 15, page 776 and placed in members' bill files.) 47
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As amended, ordered revised and placed on the calendar for third reading and final 49
passage. 50
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- HB11-1076** by Representative(s) Riesberg; also Senator(s) Roberts--Concerning time payment fees in 53
judicial matters. 54
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Amendment No. 1, Judiciary Committee Amendment. 56
(Printed in Senate Journal, March 24, page 561 and placed in members' bill files.) 57
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As amended, ordered revised and placed on the calendar for third reading and final 59
passage. 60
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- SB11-192** by Senator(s) Aguilar and Spence, Boyd, Guzman, Jahn, Newell, White, Williams S.; also 63
Representative(s) Massey, Casso, Priola, Riesberg, Soper--Concerning the continuation of 64
the prescription drug monitoring program, and, in connection therewith, repealing the 65
prescription controlled substance abuse monitoring committee. 66
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Amendment No. 1, Health & Human Services Committee Amendment. 68
(Printed in Senate Journal, April 1, pages 633-636 and placed in members' bill files.) 69
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Amendment No. 2, Appropriations Committee Amendment. 71
(Printed in Senate Journal, April 15, page 776 and placed in members' bill files.) 72

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.".

Re-number 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

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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.

Amend printed bill, page 13, after line 4 insert:

"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."

Re-number succeeding section accordingly.

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.

Amend printed bill, page 7, line 14, before "MEMBERS" insert "NON-LEGISLATIVE".

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."

Page 9, strike lines 14 through 16 and substitute:

"(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."

Page 10, after line 5 insert:

"(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."

Re-number succeeding subsection accordingly.

Page 10, strike lines 13 through 15.

Page 10, after line 19 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."

Re-number succeeding section accordingly.

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.

Amend the Judiciary Committee Report, dated March 23, 2011, page 3, strike lines 1 through 4.

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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 through 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:

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"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.

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.

Finance

After consideration on the merits, the Committee recommends that **HB11-1005** be referred to the Committee on Appropriations with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that **HB11-1241** be referred to the Committee on Appropriations with favorable recommendation.

Trans-
portation

After consideration on the merits, the Committee recommends that **HB11-1002** be referred to the Committee on Appropriations with favorable recommendation.

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.

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 Appropriations with favorable recommendation.

Amend printed bill, page 7, line 20, strike "OF EACH TYPE".

Page 10, line 1, strike "TERMS" and substitute "TERM".

Page 10, line 2, strike "TERMS" and substitute "TERM".

Page 10, line 3, strike "EXPIRE" and substitute "EXPIRES".

Page 10, line 4, strike "THESE BOARD MEMBERS ARE" and substitute "THIS BOARD MEMBER IS".

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)".

Page 10, line 11, strike "TERM" and substitute "TERMS".

Page 10, line 12, strike "TERM" and substitute "TERMS".

Page 10, line 13, strike "EXPIRES" and substitute "EXPIRE".

Page 10, line 14, strike "THIS BOARD MEMBER IS" and substitute "THESE BOARD MEMBERS ARE".

Page 10, line 17, strike "THIS BOARD MEMBER'S TERM," and substitute "THESE BOARD MEMBERS' TERMS,".

Page 10, line 18, strike "MEMBER'S POSITION" and substitute "MEMBERS' POSITIONS".

Page 10, line 22, strike "DUTY AFTER GIVING THE" and substitute "DUTY.".

Page 10, strike line 23.

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Page 10, line 24, strike "OPPORTUNITY TO BE HEARD."	1
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Page 15, line 19, strike "RENEWABLE." and substitute "RENEWABLE, UNLESS THE BOARD, IN ITS DISCRETION, GRANTS THE CANDIDATE AN EXTENSION."	3
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Page 15, line 21, after "APPLYING" insert "TO THIS BOARD OR".	7
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Page 17, line 13, strike "RENEWABLE." and substitute "RENEWABLE, UNLESS THE BOARD, IN ITS DISCRETION, GRANTS THE CANDIDATE AN EXTENSION."	9
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Page 17, line 15, after "APPLYING" insert "TO THIS BOARD OR".	13
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Page 19, line 3, after "RECEIPT" insert "AND REVIEW".	15
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Page 19, line 4, strike "SHALL INCLUDE" and substitute "MAY APPROVE".	17
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Page 19, line 5, strike "REGISTERED PSYCHOTHERAPIST" and substitute "PSYCHOTHERAPIST FOR REGISTRATION".	19
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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".	22
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Page 23, line 12, strike "(1) (i),".	26
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Page 23, line 20, strike "PLEADED" and substitute "PLED".	28
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Page 23, line 21, strike "felony." and substitute "felony".	30
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Page 23, line 23, strike "article." and substitute "article OR RECEIVED A DEFERRED SENTENCE TO A FELONY CHARGE.".	32
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Page 24, line 21, strike "INCLUDE" and substitute "MAY INCLUDE, AT THE BOARD'S DISCRETION,".	35
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Page 25, strike lines 3 through 6.	38
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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".	40
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Page 29, line 14, strike "UNPROFESSIONAL CONDUCT." and substitute "ACTIVITIES PROHIBITED PURSUANT TO SECTION 12-43-222." and strike "IS AN ADMINISTRATIVE".	44
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Page 29, line 15, strike "ACTION AND".	48
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Page 42, line 20, after "HOLDER" insert "WHO IS A MEMBER OF OR IS".	50
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Page 55, line 25, strike "AND, IN THE".	52
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Page 55, line 26, strike "OPINION OF THE BOARD, SHOULD BE DISMISSED,".	54
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Page 55, line 27, strike "POSSIBLE ERRANT".	56
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Page 57, line 4, after "THE" insert "MEMBERS OF THE".	58
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Page 63, strike line 13 and substitute:	60
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"(c) PROVIDING CLINICAL INFORMATION TO BE UTILIZED IN LEGAL PROCEEDINGS.".	62
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Page 67, strike lines 6 and 7.	65
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Page 67, line 8, strike "(a)" and substitute "(7)".	67
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Page 67, line 12, strike "BOARD; OR" and substitute "BOARD.".	69

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.

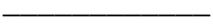
Consideration of House Amendments to Senate Bills: SCR11-001, SB11-213.

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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