

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

52nd Legislative Day

Friday, March 4, 2011

Prayer	By the chaplain, Pastor Rexford Louth, Peakview Church of God, Colorado Springs.	1
Call to Order	By the President at 9:00 a.m.	2
Pledge	By attendees of Girls With Goals Day, lead by Abby Scott of Durango, Colorado.	3
Roll Call	Present--35	4
Quorum	The President announced a quorum present.	5
Reading of Journal	On motion of Senator Guzman, reading of the Journal of Thursday, March 3, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.	6

MESSAGE FROM THE HOUSE

March 3, 2011

Mr. President:

The House has adopted the First Report of the First Conference Committee on SB11-136, as printed in House Journal, March 2, page 525, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB11-137, as printed in House Journal, March 2, pages 525-526, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB11-141, as printed in House Journal, March 2, page 526, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB11-142, as printed in House Journal, March 2, pages 526-527, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB11-144, as printed in House Journal, March 2, page 527, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB11-159, as printed in House Journal, March 2, pages 527-528, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB11-164, as printed in House Journal, March 2, pages 528-529, and has repassed the bill as so amended. The bill is returned herewith.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR11-019, 020 and 021.

SENATE SERVICES REPORT

Correctly Printed: SB11-185.

INTRODUCTION OF BILLS -- FIRST READING

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

- HB11-1042** by Representative(s) Levy; also Senator(s) Nicholson--Concerning the classification of residential land when the residential improvement is temporarily removed.
Local Government
- HB11-1071** by Representative(s) Hamner; also Senator(s) Bacon--Concerning the voluntary contribution designation benefiting the Roundup River Ranch fund that appears on the state individual income tax return forms, and making an appropriation therefor.
Finance
- HB11-1082** by Representative(s) Vaad, Beezley, DelGrosso, Nikkel, Sonnenberg; also Senator(s) Renfroe--Concerning a requirement that ozone levels in certain counties exceed a specified threshold in order for the air quality control commission in the department of public health and environment to include those counties in the automobile inspection and readjustment program, and in connection therewith, adjusting appropriations in the fiscal year 2011-12 long bill.
Agriculture, Natural Resources, and Energy
- HB11-1084** by Representative(s) Baumgardner, Murray, Acree, Barker, Becker, Bradford, Brown, Conti, Coram, DelGrosso, Gardner B., Holbert, Joshi, Looper, McKinley, McNulty, Nikkel, Priola, Scott, Stephens, Swerdfeger, Vaad, Waller; also Senator(s) Grantham, Harvey, Scheffel, Lambert, Cadman, Roberts, King K., Renfroe, Lundberg, White, Mitchell, Spence, Aguilar, King S.--Concerning modification of the fee for late registration of a vehicle, and making an appropriation therefor.
State, Veterans & Military Affairs
- HB11-1101** by Representative(s) Swalm; also Senator(s) Morse--Concerning an exemption from state licensure requirements for a community clinic that is a federally qualified health center, and making an appropriation in connection therewith.
Health and Human Services
- HB11-1144** by Representative(s) Solano, Casso, Duran, Kerr A., Todd; also Senator(s) Tochtrop--Concerning fetal alcohol spectrum disorders, and, in connection therewith, expanding the number of members of the fetal alcohol spectrum disorders commission and encouraging evaluation and expanded use of health warning information.
Health and Human Services
- HB11-1178** by Representative(s) Looper; also Senator(s) Williams S.--Concerning the regulation of persons who dispose of human remains in the ordinary course of lawful business.
Local Government
- HB11-1181** by Representative(s) Kefalas; also Senator(s) Newell--Concerning the department of human services child fatality review team.
Health and Human Services

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- HB11-1186** by Representative(s) Ryden, Kerr A., McCann, Vigil; also Senator(s) Guzman--Concerning reimbursement by health insurance carriers for acupuncture services.
Health and Human Services
- HB11-1189** by Representative(s) Fields, Schafer S., Todd, Vigil; also Senator(s) King K.--Concerning bail bond conditions for those arrested for subsequent substance abuse driving offenses.
Judiciary
- HB11-1192** by Representative(s) Coram; also Senator(s) Brophy--Concerning the addition of specified highway segments to those for which a person may apply to the department of transportation for permission to operate a longer vehicle combination under existing law.
Transportation
- HB11-1203** by Representative(s) Lee, Ferrandino, Levy, Tyler; also Senator(s) Nicholson--Concerning a requirement that private custodians of criminal records remove records from their databases when a court orders the criminal records sealed.
Judiciary
- HB11-1210** by Representative(s) Hamner, Levy, McCann, Tyler; also Senator(s) Nicholson--Concerning a requirement that the department of transportation recommend to the general assembly actions that can be taken in the short-term to improve mobility in the interstate 70 mountain corridor.
Transportation
- HB11-1226** by Representative(s) Conti, Acree, Brown, Kerr J., Scott, Summers; also Senator(s) Spence--Concerning the information provided on a disabled veteran's property tax exemption application form.
State, Veterans & Military Affairs
- HB11-1260** by Representative(s) DelGrosso; also Senator(s) Jahn--Concerning the due date for tax installment payments when the due date falls on a legal federal holiday.
Finance

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of conference committee reports.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

- SB11-136** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of corrections.

Senator Hodge moved for the adoption of the first report of the first conference committee on **SB11-136**, as printed in Senate journal, March 3, page 355. The motion was **adopted** by the following roll call vote:

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

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

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

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

SB11-137

by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of education.

Senator Steadman moved for the adoption of the first report of the first conference committee on **SB11-137**, as printed in Senate journal, March 3, page 356. The motion was **adopted** by the following roll call vote:

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

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

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

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

SB11-141

by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of human services.

Senator Lambert moved for the adoption of the first report of the first conference committee on **SB11-141**, as printed in Senate journal, March 3, pages 356-357. The motion was **adopted** by the following roll call vote:

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

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

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

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

SB11-142 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the judicial department.

Senator Steadman moved for the adoption of the first report of the first conference committee on **SB11-142**, as printed in Senate journal, March 3, page 357. The motion was **adopted** by the following roll call vote:

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

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

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

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

SB11-144 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of law.

Senator Hodge moved for the adoption of the first report of the first conference committee on **SB11-144**, as printed in Senate journal, March 3, pages 357-358. The motion was **adopted** by the following roll call vote:

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	Y	Morse	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

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

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

SB11-159 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning the distribution of fifty percent of the balance remaining in the limited gaming fund that is allocated to the state general fund or such other fund as the general assembly provides as specified in section 9 (5) (b) (II) of article XVIII of the state constitution, and making an appropriation in connection therewith.

Laid over to Monday, March 7, retaining its place on the calendar.

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

Senator Lambert moved for the adoption of the first report of the first conference committee on **SB11-164**, as printed in Senate journal, March 3, page 359. The motion was **adopted** by the following roll call vote:

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

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR11-022 by Senator(s) Morse; also Representative(s) Stephens--Concerning modifications to the Joint Rules of the Senate and the House of Representatives.

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

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

Co-sponsor added: Hudak

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

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

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB11-1040 by Representative(s) Brown; also Senator(s) Tochtrop--Concerning an increase in the length of terms served by members of the state conservation board.

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

HB11-1017 by Representative(s) Duran; also Senator(s) Steadman--Concerning the manner in which a member of an advisory committee of the board of directors of the Auraria higher education center is replaced.

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

- SB11-165**

by Senator(s) Guzman; --Concerning the "Colorado Uniform Estate Tax Apportionment Act".

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

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- SB11-108**

by Senator(s) Jahn, Aguilar, Harvey, Mitchell, Tochtrop, White, Williams S.; also Representative(s) Szabo--Concerning the repeal of the "Identity Theft and Financial Fraud Deterrence Act".

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

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- SB11-089**

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

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

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- HB11-1060**

by Representative(s) Todd, Acree, Hamner, Massey, Murray, Peniston, Priola, Riesberg, Schafer S., Solano, Summers; also Senator(s) Renfroe, Bacon, Heath, Hudak, King K., Kopp, Spence--Concerning term lengths for the governor appointments to the board of trustees of the university of northern Colorado.

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

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- HB11-1019**

by Representative(s) Kagan; also Senator(s) Boyd--Concerning the waiver of copayments and deductibles by school-based health centers.

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

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- HB11-1102**

by Representative(s) Summers; also Senator(s) Newell--Concerning portability of fingerprint-based criminal history records checks for employees of separately licensed child care facilities owned by a single parent entity.

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

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- HB11-1073**

by Representative(s) Barker; also Senator(s) Morse--Concerning peace officer designation for United States marshals.

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

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- HB11-1036**

by Representative(s) Gardner D.; also Senator(s) King S.--Concerning the creation of an emergency alert system to notify the public immediately of the imminent danger posed by a suspect who has killed or seriously injured a peace officer.

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

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**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

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

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

The Committee of the Whole took the following action:

Passed on second reading: SB11-165, SB11-108, SB11-089, HB11-1040, HB11-1017, HB11-1060, HB11-1019, HB11-1102, HB11-1073, HB11-1036.
Laid over to the beginning of the General Orders -- Second Reading of Bills calendar, Friday, March 8: SB11-037.

Committee of the Whole

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

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB11-037

by Senator(s) Heath; also Representative(s) Kerr J.--Concerning the creation of a world war II special license plate, and making an appropriation therefor.

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

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, February 25, page 316 and placed in members' bill files.)

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

SB11-055

by Senator(s) Lundberg, Lambert, Kopp, Renfroe; also Representative(s) Joshi, Holbert, Nikkel, Scott--Concerning notices required prior to the use of security scanning systems in the state.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 2, page 97 and placed in members' bill files.)

Amendment No. 2(L.002), by Senator Morse.

Amend printed bill, page 3, after line 12 insert:

"(3) THE GENERAL ASSEMBLY RECOGNIZES THE NEED IN THIS CHALLENGING ECONOMIC TIME TO NOT BURDEN OTHER LEVELS OF GOVERNMENT WITH ADDITIONAL REQUIREMENTS WITHOUT PROVIDING THE FUNDING TO MEET THOSE REQUIREMENTS, AND, THEREFORE, THE STATE SHALL PROVIDE FUNDING TO EVERY COUNTY OR MUNICIPALITY THAT MUST MEET THE REQUIREMENTS OUTLINED IN THIS PART 19."

Amendment No. 3(L.004), by Senator Lundberg.

Amend printed bill, page 4, strike lines 14 and 15.

Reletter succeeding paragraphs accordingly.

Page 4, strike lines 22 and 23.

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Reletter succeeding paragraphs accordingly.

Page 5, strike lines 6 through 8.

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was referred to the Committee on Appropriations.

SB11-015 by Senator(s) Foster; also Representative(s) Miklosi--Concerning the requirements for a homeowner's insurance company to take adverse action on existing insurance coverage for a home based on claims experience.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, February 18, pages 235-236 and placed in members' bill files.)

Amendment No. 2(L.002), by Senator Foster.

Amend printed bill, page 3, line 9, strike "THIRTY-SIX MONTHS." and substitute "FIVE YEARS."

Page 3, line 10, strike "THIRTY-SIX MONTHS:" and substitute "FIVE YEARS:".

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

(For further action, see amendments to the report of the Committee of the Whole.)

SB11-050 by Senator(s) Roberts; also Representative(s) Gerou--Concerning a requirement that a condemning authority pay fair market value for land subject to a conservation easement.

Laid over until Monday, March 7, retaining its place on the calendar.

SB11-107 by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident.

Laid over until Monday, March 7, retaining its place on the calendar.

SB11-060 by Senator(s) Boyd and White; also Representative(s) Gardner B. and Kerr A.--Concerning the alcohol content of alcohol beverages that are available for consumption on a licensed premises.

Laid over until Friday, March 11, retaining its place on the calendar.

SB11-102 by Senator(s) Williams S., King S., Foster, Guzman, Jahn, Morse, Newell, Nicholson, White; also Representative(s) Todd, Murray, Brown, Fields, Looper, Peniston, Ramirez, Schafer S., Solano, Stephens--Concerning the voluntary contribution designation benefiting the Families in Action for Mental Health fund that appears on the state individual income tax return forms, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, February 25, pages 315-316 and placed in members' bill files.)

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

SB11-057 by Senator(s) Harvey; also Representative(s) McNulty--Concerning the designation of which eligible electors residing in a metropolitan district must automatically receive mail-in ballots from the designated election official for a metropolitan district mail ballot election.

Amendment No. 1, State, Veterans, & Military Affairs Committee Amendment.
(Printed in Senate journal, February 17, pages 214-215, was **lost**.)

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IMMEDIATE RECONSIDERATION OF AMENDMENT TO SB11-057

- SB11-057** by Senator(s) Harvey; also Representative(s) McNulty--Concerning the designation of which eligible electors residing in a metropolitan district must automatically receive mail-in ballots from the designated election official for a metropolitan district mail ballot election.
- Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, consideration of the State, Veterans, and Military Affairs Committee Amendment (printed in Senate Journal, February 17, pages 214-215), on **SB11-057**.
- A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.
-
- SB11-057** by Senator(s) Harvey; also Representative(s) McNulty--Concerning the designation of which eligible electors residing in a metropolitan district must automatically receive mail-in ballots from the designated election official for a metropolitan district mail ballot election.
- Amendment No. 1, State, Veterans, & Military Affairs Committee Amendment.
(Printed in Senate Journal, February 17, pages 214-215 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-003** by Senator(s) Spence; also Representative(s) Tyler--Concerning the creation of a special license plate for Craig hospital, and making an appropriation therefor.
- Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, January 26, page 62 and placed in members' bill files.)
- Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, February 25, page 317 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-090** by Senator(s) Schwartz, Giron, Guzman; also Representative(s) Baumgardner--Concerning the continuation of the issuance of permits for weather modification operations, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies.
- Laid over until Friday, March 11, retaining its place on the calendar.
- SB11-126** by Senator(s) Giron and Johnston, Bacon, Foster, Guzman, Heath, Hodge, Morse, Nicholson, Shaffer B., Steadman, Williams S.; also Representative(s) Miklosi and Williams A., Duran, Fields, Hullinghorst, Levy, Pabon, Solano--Concerning classification as an unsubsidized in-state student for tuition purposes at state institutions of higher education.
- Laid over until Wednesday, March 9, retaining its place on the calendar.
- HB11-1105** by Representative(s) Acree, Balmer, Barker, Baumgardner, Court, Fields, Holbert, Joshi, Kagan, Kerr J., Looper, Massey, McCann, Priola, Todd; also Senator(s) White, Kopp, King S., Tochtrop--Concerning assaults against medical care providers.
- Laid over until Monday, March 7, retaining its place on the calendar.
- SB11-170** by Senator(s) Aguilar; also Representative(s) Ferrandino--Concerning the limit on the growth of the general fund share of rates for reimbursing nursing home providers under the "Colorado Medical Assistance Act".
- Laid over until Monday, March 7, retaining its place on the calendar.

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SB11-168 by Senator(s) Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Johnston, Morse, Nicholson, Steadman, Tochtrop; also Representative(s) Kefalas, Court, Fields, Fischer, Gardner D., Hullinghorst, Jones, Kagan, Levy, McCann, Miklosi, Pace, Solano, Tyler-- Concerning the creation of the Colorado health care authority for the purpose of designing a health care cooperative.

Laid over until Monday, March 7, retaining its place on the calendar.

HB11-1027 by Representative(s) Looper; also Senator(s) Newell--Concerning the creation of the department of defense quality child care standards pilot program.

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

HB11-1177 by Representative(s) Sonnenberg and Jones; also Senator(s) Schwartz and White-- Concerning an extension of the ability to make voluntary contributions via income tax to the Colorado healthy rivers fund.

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

HB11-1031 by Representative(s) Miklosi; also Senator(s) Foster--Concerning the creation of creative districts, and, in connection therewith, authorizing specified local governments to designate a portion of their territory as a creative district subject to certification by the creative industries division within the Colorado office of economic development.

Amendment No. 1, Local Government Committee Amendment.

(Printed in Senate Journal, February 23, pages 286-287 and placed in members' bill files.)

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB11-015 by Senator(s) Foster; also Representative(s) Miklosi--Concerning the requirements for a homeowner's insurance company to take adverse action on existing insurance coverage for a home based on claims experience.

Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following amendment to **SB11-015** did pass.

Amend printed bill, page 3, after line 27 add:

"(V) THE GENERAL ASSEMBLY RECOGNIZES THE NEED IN THIS CHALLENGING ECONOMIC TIME TO NOT BURDEN THE PRIVATE SECTOR WITH ADDITIONAL REQUIREMENTS THAT MAY INCREASE THE COSTS OF DOING BUSINESS. A BUSINESS MAY OPT OUT OF THE PROVISIONS OF THIS PARAGRAPH (b) IF THE BUSINESS CAN SHOW ITS COSTS OF DOING BUSINESS HAVE INCREASED DUE TO THE PROVISIONS OF THIS PARAGRAPH (b)."

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	14	NO	19	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	*	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	E	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senator Heath.

Senator Harvey moved to amend the Report of the Committee of the Whole to show that SB 11-015, as amended, did not pass.

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	14	NO	19	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	*	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	E	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senator Heath.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

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

The Committee of the Whole took the following action:

Passed on second reading: SB11-037 as amended, SB11-015 as amended, SB11-102 as amended, SB11-057 as amended, SB11-003 as amended, HB11-1027, HB11-1177, HB11-1031 as amended.

Laid over until March 7: SB11-050, SB11-107, HB11-1105, SB11-170, SB11-168.

Laid over until March 9: SB11-126.

Laid over until March 11: SB11-060, SB11-090.

Referred to Committee on Appropriations: SB11-055.

COMMITTEE OF REFERENCE REPORTS

Education

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

MEMBERS OF THE
BOARD OF TRUSTEES FOR
WESTERN STATE COLLEGE OF COLORADO

for terms expiring December 31, 2014:

Linda A. Clark of Denver, Colorado, a Democrat, appointed;

Todd M. Wheeler of Castle Rock, Colorado, a Republican, appointed.

Education

After consideration on the merits, the Committee recommends that **HB11-1053** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Education

After consideration on the merits, the Committee recommends that **HB11-1089** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 3, after line 15 insert:

"(c) IF A CHARTER SCHOOL INTENDS TO APPLY FOR A GRANT THAT THE SCHOOL'S AUTHORIZING SCHOOL DISTRICT IS ALSO INTENDING TO APPLY FOR, THE CHARTER SCHOOL SHALL SEEK TO COLLABORATE WITH THE SCHOOL DISTRICT IN THE APPLICATION AND TO SUBMIT THE APPLICATION JOINTLY. IF THE CHARTER SCHOOL AND THE SCHOOL DISTRICT ARE UNABLE TO AGREE TO COLLABORATE IN APPLYING FOR THE GRANT, THE CHARTER SCHOOL MAY APPLY FOR THE GRANT PURSUANT TO THIS SUBSECTION (11) INDEPENDENTLY OR IN COLLABORATION WITH OTHER CHARTER SCHOOLS."

Health & Human Services

After consideration on the merits, the Committee recommends that **SB11-171** be postponed indefinitely.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB11-177** be referred to the Committee on Appropriations with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB11-1016** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB11-092** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations

After consideration on the merits, the Committee recommends that **SB11-124** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, after line 25 insert:

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of human services, for Colorado works county block grants, for the fiscal year beginning July 1, 2010, the sum of six hundred eighty-five thousand seven hundred seventy-two dollars (\$685,772), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from federal Temporary Assistance for Needy Families block grant funds."

Renumber succeeding section accordingly.

Page 1, line 102, strike "COUNTY." and substitute "COUNTY, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

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Appropriations

After consideration on the merits, the Committee recommends that **SB11-094** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 18, after line 27 insert:

SECTION 19. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for operating expenses, for the fiscal year beginning July 1, 2011, the sum of one thousand fifty dollars (\$1,050) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the executive director's office and administrative services, for legal services, for the fiscal year beginning July 1, 2011, the sum of four thousand four hundred two dollars (\$4,402) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2011, the sum of four thousand four hundred two dollars (\$4,402), or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies out of the appropriation made in subsection (2) of this section."

Renumber succeeding sections accordingly.

Page 1, line 104, strike "AGENCIES." and substitute "AGENCIES, AND MAKING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that **SB11-091** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 30, before line 24 insert:

SECTION 26. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for personal services and operating expenses, for the fiscal year beginning July 1, 2011, the sum of seven thousand six hundred seventy-three dollars (\$7,673) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the executive director's office and administrative services, for legal services, for the fiscal year beginning July 1, 2011, the sum of four thousand four hundred two dollars (\$4,402) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2011, the sum of four thousand four hundred two dollars (\$4,402), or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of

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this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies out of the appropriation made in subsection (2) of this section."

Renumber succeeding sections accordingly.

Page 1, line 104, strike "FUNCTIONS." and substitute "FUNCTIONS, AND MAKING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that **SB11-088** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 19, after line 12 insert:

"SECTION 15. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for personal services, for the fiscal year beginning July 1, 2011, the sum of two thousand dollars (\$2,000) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the executive director's office and administrative services, for legal services, for the fiscal year beginning July 1, 2011, the sum of four thousand eight hundred forty-two dollars (\$4,842) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2011, the sum of four thousand eight hundred forty-two dollars (\$4,842), or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies out of the appropriation made in subsection (2) of this section."

Renumber succeeding section accordingly.

Page 1, line 104, strike "AGENCIES." and substitute "AGENCIES, AND MAKING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that **SB11-072** 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 February 14, 2011, page 3, line 40, after "ACCEPT" insert "AND EXPEND".

Appropriations

After consideration on the merits, the Committee recommends that **SB11-045** be referred to the Committee of the Whole with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that **SB11-069** be referred to the Committee of the Whole with favorable recommendation.

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On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Friday, March 4 was laid over until Monday, March 7, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-009, HJR11-1008, SJR11-015.
Consideration of House Amendments to Senate Bills: SCR11-001.



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

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

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