

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

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86th Legislative Day

Thursday, April 7, 2011

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Prayer	By the chaplain, Reverend Paul Kottke, University Park United Methodist Church, Denver.	11
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Call to Order	By the President at 11:45 a.m.	14
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Pledge	By Senator Aguilar.	17
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Roll Call	Present--24	19
	Excused--11, Bacon, Giron, Grantham, Harvey, Heath, Hodge, King K., Kopp, Lambert, Nicholson, Steadman.	20
	Present later--10, Bacon, Giron, Grantham, Harvey, Heath, Hodge, King K., Lambert, Nicholson, Steadman.	21
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Quorum	The President announced a quorum present.	25
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Reading of Journal	On motion of Senator Morse, reading of the Journal of Wednesday, April 6, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.	27
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**MESSAGE FROM THE HOUSE**

April 6, 2011

Mr. President:

The House has postponed indefinitely SB11-170. The bill is returned herewith.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1274, 1283.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1196, amended as printed in House Journal, April 5, pages 864-866.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-037, amended as printed in House Journal, April 5, page 866.  
SB11-094, amended as printed in House Journal, April 5, pages 866-867.

The House has adopted and returns herewith SJR11-034.

April 7, 2011

Mr. President:

The House has adopted and transmits herewith HJR11-1014.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1157, amended as printed in House Journal, April 5, page 864.  
HB11-1282, amended as printed in House Journal, April 6, pages 875-876, and amended on Third Reading as printed in House Journal, April 7.

The House has voted not to concur in the Senate amendments to HB11-1209 and requests

that a conference committee be appointed. The Speaker has appointed Representatives Jones, chairman, Massey, and Looper as House conferees on the First Conference Committee on HB11-1209. The bill is transmitted herewith.

The House has voted to concur in the Senate amendments to HB11-1185 and has repassed the bill as so amended.

The House has postponed indefinitely SB11-072. The bill is returned herewith.

MESSAGE FROM THE REVISOR OF STATUTES

April 6, 2011

We herewith transmit:

- Without comment, HB11-1274 and 1283.
Without comment, as amended, HB11-1196.
Without comment, as amended, SB11-037 and 094.

April 7, 2011

We herewith transmit:

- Without comment, as amended, HB11-1157 and 1282.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR11-1014 by Representative(s) Court, Kefalas, Stephens, Conti, Coram, Fields, Gardner D., Massey, Miklosi, Murray, Schafer S., Swalm; also Senator(s) Foster, Spence--Concerning urging the government of Turkey to uphold and safeguard religious and human rights without compromise.

On motion of Senator Foster, the resolution was read at length and adopted by the following roll call vote:

Table with 8 columns: YES, NO, EXCUSED, ABSENT and corresponding names of representatives and senators.

Co-sponsors added: Aguilar, Boyd, Brophy, Cadman, Carroll, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King S., Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Steadman, Tochtrop, White and Williams S.

### INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

**SJR11-035** by Senator(s) Tochtrop; also Representative(s) Ryden--Concerning remembrance of the Armenian genocide on April 24, 2011, and, in connection therewith, designating every April 24 hereafter as "Colorado Day of Remembrance of the Armenian Genocide".

Laid over one day under Senate Rule 30(b).

**SJR11-036** by Senator(s) Tochtrop; also Representative(s) Soper--Concerning the Colorado legislative sportsmen's caucus.

Laid over one day under Senate Rule 30(b).

**SJR11-037** by Senator(s) Scheffel; also Representative(s) Hamner--Concerning designating the month of April as Historic Leadville Month.

Laid over one day under Senate Rule 30(b).

### INTRODUCTION OF MEMORIALS

The following memorial was read by title:

**SJM11-002** by Senator(s) Schwartz and White; also Representative(s) Wilson and Baumgardner--Memorializing Congress to reauthorize the federal "Secure Rural Schools and Community Self-determination Act of 2000".

Laid over one day under Senate Rule 30(d).

### INTRODUCTION OF BILLS -- FIRST READING

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

**SB11-231** by Senator(s) Steadman; also Representative(s) Nikkel--Concerning operation of the Colorado channel authority, and, in connection therewith, allowing the authority to make available via the internet audio recordings of proceedings of the general assembly and requiring certain members of the board of directors of the authority to be serving members of the general assembly and to represent the major political parties in each house.  
State, Veterans & Military Affairs

**SB11-232** by Senator(s) Jahn; also Representative(s) Gardner B.--Concerning the child abuse investigation surcharge.  
Judiciary

**SB11-233** by Senator(s) Hodge and Tochtrop; --Concerning regulation of the state lottery by the state lottery division in the department of revenue, and, in connection therewith, authorizing the installation of video lottery terminals under the control of the division.  
Business, Labor and Technology

**SB11-234** by Senator(s) Jahn, Boyd, Cadman, Grantham, Hodge, King S., Kopp, Lundberg, Morse, Nicholson, Scheffel, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; also Representative(s) Massey, Kerr J., Liston, Pace, Schafer S., Scott, Swerdfeger, Todd--Concerning residential real property transfer fee covenants.  
Local Government

- HB11-1116** by Representative(s) Szabo, Beezley, Bradford, Brown, Liston, Ramirez, Stephens, Swerdfeger; also Senator(s) Brophy--Concerning the provision of waste services within the boundaries of local government entities.  
 Local Government
- HB11-1196** by Representative(s) Summers; also Senator(s) Foster--Concerning measures to increase flexibility in funding services for families.  
 Local Government
- HB11-1219** by Representative(s) Levy and Lee; also Senator(s) Newell--Concerning the "Uniform Military and Overseas Voters Act".  
 State, Veterans & Military Affairs
- HB11-1274** by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.  
 Agriculture, Natural Resources, and Energy
- HB11-1283** by Representative(s) Gerou and Riesberg, Massey; also Senator(s) Steadman--Concerning the extension of the bioscience discovery evaluation grant program.  
 Business, Labor and Technology
- HB11-1289** by Representative(s) Sonnenberg; also Senator(s) Hodge--Concerning the manner in which the state historical society acts with regard to water supply structures.  
 Agriculture, Natural Resources, and Energy
- HB11-1290** by Representative(s) Liston and Riesberg, Balmer, Casso, Gardner B., Holbert, Kerr J., Massey, Nikkel, Schafer S., Stephens, Swerdfeger; also Senator(s) Heath, Brophy, Hodge, Kopp, Tochtrop--Concerning the nonrefundability of an origination fee for a deferred deposit loan.  
 Finance

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**MESSAGE FROM THE GOVERNOR**

Appointment A letter of designation and appointment from Governor John Hickenlooper was read and assigned to committee as follows:

March 18, 2011

To the Honorable  
 Colorado Senate  
 Colorado General Assembly  
 State Capitol Building  
 Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

**MEMBERS OF THE  
STATE AGRICULTURAL COMMISSION**

for terms expiring March 1, 2015:

Thomas K. Cameron of Palisade, Colorado, to serve as a Democrat from the Fourth Agricultural District, reappointed;

Ernest D. Ford of Center, Colorado, to serve as a Democrat from the Third Agricultural District, reappointed;

Alvin Kunugi of Blanca, Colorado, to serve as a Democrat and at-large member, appointed;

Barbara L. Marty of Henderson, Colorado, to serve as a Republican from the First Agricultural District, reappointed;

John W. Singletary of Pueblo, Colorado, to serve as a Democrat and at-large member, reappointed.

Sincerely,  
(signed)  
John W. Hickenlooper  
Governor  
Rec'd: 3/21/11  
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, & Energy

April 6, 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 reappoint and submit to your consideration, the following:

MEMBERS OF THE  
COLORADO CIVIL RIGHTS COMMISSION

for terms expiring March 13, 2015:

Susie Velasquez of Greeley, Colorado, to serve as a representative for local (or state) government entities, and as a Democrat, reappointed;

Raju Jairam of Fort Collins, Colorado, to serve as representative of the business community, and as an Unaffiliated, reappointed;

Katina C. Banks of Denver, Colorado, to serve as a representative of the community at large and as a Democrat, reappointed.

Sincerely,  
(signed)  
John Hickenlooper  
Governor  
Rec'd: 4/6/11  
Cindi L. Markwell, Secretary of the Senate

Committee on State, Veterans, & Military Affairs

March 30, 2011

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

MEMBERS OF THE  
AIR QUALITY CONTROL COMMISSION

for terms expiring January 31, 2014:

Saeed G. Barhaghi, PhD, PE of Centennial, Colorado to serve as a member with scientific experience and as an Unaffiliated, appointed;

John H. Loewy of Denver, Colorado to serve as a member with legal experience and as a Democrat, reappointed;

Ashley Lee Campsie of Littleton, Colorado to serve as a member with industrial experience and as an Unaffiliated, reappointed.

Sincerely,  
(signed)  
John Hickenlooper  
Governor  
Rec'd: 4/6/11  
Cindi L. Markwell, Secretary of the Senate

Committee on Health & Human Services

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**SENATE SERVICES REPORT**

**Correctly Printed:** SJR11-034.  
**Correctly Engrossed:** SJR11-034.  
**Correctly Enrolled:** SB11-057.

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**SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS**

**The President has signed:** SJR11-029 and 030.

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**DELIVERY TO THE GOVERNOR**

To the Governor for signature on Wednesday, April 6, 2011, at 9:45 a.m.:  
SB11-007, 081, 082, 084, 110, 115 and 175.

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**COMMITTEE OF REFERENCE REPORTS**

Agriculture,  
Natural  
Resources,  
and Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBERS OF THE  
COLORADO STATE FAIR AUTHORITY  
BOARD OF COMMISSIONERS**

for terms expiring November 1, 2014:

Paul Bernklau of Rifle, Colorado, a Republican from the 3rd Congressional District, who resides on the western slope of the state, reappointed;

Edward B. Cordes of Littleton, Colorado, a Republican from the 6th Congressional District, reappointed.

Agriculture,  
Natural  
Resources,  
and Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBERS OF THE  
WILDLIFE COMMISSION**

for terms expiring March 1, 2015:

Honorable Robert D. Wingfield of Vernon, Colorado, to serve as a county commissioner, as a member from Wildlife District 3, and as a Democrat, reappointed;

Gaspar F. Perricone of Denver, Colorado, to serve as a representative of sportsmen or outfitters and to serve as a member from Wildlife District 1, and as a Democrat, appointed.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, April 7 was laid over until Friday, April 8, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: SB11-195, HB11-1230, HB11-1198, HB11-1156, HB11-1004, SB11-191, HB11-1080.
- General Orders -- Second Reading of Bills: SB11-180, SB11-052, SB11-126, SB11-168, HB11-1160, HB11-1109, HB11-1268, SB11-060, SB11-194, SB11-193, SB11-201, SB11-189, SB11-206, SB11-208, SB11-197, HB11-1234, HB11-1182, HB11-1042, HB11-1071, HB11-1216.
- Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023, SJR11-024, SJR11-026, SJR11-032.
- Consideration of Memorials: SJM11-001.
- Consideration of House Amendments to Senate Bills: SCR11-001, SB11-062, SB11-119, SB11-034.
- Consideration of Governor's Appointments:
  - Member of the Board of Trustees for the Colorado School for the Deaf and the Blind
  - Members of the Board of Trustees for Adams State College
  - Members of the Colorado Commission on the Aging
- Conference Committees to Report: HB11-1258, SB11-165.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, April 8, 2011.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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