

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

42nd Legislative Day Tuesday, February 22, 2011

- Prayer 11
By the chaplain, Father Eustace Sequeira, St. Ignatius Loyola Catholic Church, Denver. 12
- Call to Order 13
By the President at 9:00 a.m. 14
- Pledge 15
By Jessica and Rebecca Morcom. 16
- Roll Call 17
Present--34 18
Excused--1, Bacon. 19
- Quorum 20
The President announced a quorum present. 21
- Reading of Journal 22
On motion of Senator King S., reading of the Journal of Monday, February 21, 2011, was dispensed with and the Journal was approved as corrected by the Secretary. 23

SENATE SERVICES REPORT

- Correctly Printed:** SB11-173, 174, 175, 176 and 177. 31
- Correctly Engrossed:** SB11-009, 013, 025, 040, 068 and 083. 32
- Correctly Reengrossed:** SB11-007, 008, 010, 012, 034, 039, 043 and 110; SCR11-001. 33
- Correctly Revised:** HB11-1028. 34
- Correctly Enrolled:** SB11-135, 140, 143, 145, 146, 147, 148, 149, 151, 152, 153, 154, 155, 157, 160, 161 and 163. 35

**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:

SB11-083 by Senator(s) Roberts; also Representative(s) Barker--Concerning provisions relating to the Colorado probate code.

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	E	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 was passed.

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:

SB11-016 by Senator(s) Grantham; also Representative(s) Barker--Concerning increases in the amounts allocated to certain family members during the administration of a decedent's estate.

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	E	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 was passed.

Co-sponsors added: Roberts and Steadman.

SB11-009 by Senator(s) Steadman, Guzman; also Representative(s) Fischer, Gardner B.--Concerning procedural requirements for payment of costs related to impounded animals.

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	E	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 was passed.

Co-sponsors added: Aguilar, Cadman, Schwartz, Tochtrop and White.

SB11-025 by Senator(s) Carroll; also Representative(s) Ferrandino--Concerning accountability for state procurement, and, in connection therewith, enacting the "Colorado Taxpayer Empowerment Act of 2011".

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

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YES	21	NO	13	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	Y
Bacon	E	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
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.	Y	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 was passed.

Co-sponsors added: Boyd and Newell.

HB11-1028 by Representative(s) Liston, Bradford, Levy, Massey, McCann, Murray, Peniston, Schafer S., Todd; also Senator(s) Johnston and Newell--Concerning the voluntary contribution designation benefiting the Alzheimer's Association fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

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

YES	29	NO	5	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	E	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	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	N	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, Carroll, Harvey, Heath, King S., Roberts, Shaffer B., White and Williams S.

SB11-068 by Senator(s) Carroll; also Representative(s) Solano--Concerning an increase in consumer protection under the "Colorado Consumer Protection Act".

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

YES	19	NO	15	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	E	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
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 was passed.

Co-sponsors added: Aguilar, Boyd, Giron, Heath, Hudak, Nicholson, Schwartz, Steadman, Tochtrop and Williams S.

SB11-013 by Senator(s) Newell; also Representative(s) Lee--Concerning the use of alternative dispute resolution practices.

A majority of those elected to the Senate having voted in the affirmative, Senator Newell was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.006), by Senator Newell.

Amend corrected engrossed, page 4, line 12, strike "JUSTICE," and substitute "JUSTICE PRACTICE,".

The amendment was **passed** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	E	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	30	NO	4	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	E	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	N	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	N	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: Boyd, Guzman, Heath, Hudak, Nicholson, Steadman and Williams S.

SB11-040 by Senator(s) Spence and Newell; also Representative(s) Summers and Todd--Concerning the requirement that a coach of an organized youth athletic activity follow concussion guidelines, and, in connection therewith, creating the "Jake Snakenberg Youth Concussion Act".

A majority of those elected to the Senate having voted in the affirmative, Senator Mitchell was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.014), by Senator Mitchell.

Amend engrossed bill, page 5, after line 22 insert:

"(6) A PAID COACH SHALL NOT BE HELD LIABLE FOR ANY CIVIL DAMAGES FOR ACTS OR OMISSIONS MADE IN GOOD FAITH AS A RESULT OF ANY ACT OR FAILURE TO ACT WHILE COACHING A YOUTH ATHLETIC ACTIVITY UNLESS THE ACTS OR OMISSIONS WERE GROSSLY NEGLIGENT OR WILFUL OR WANTON.".

The amendment was **lost** on the following roll call vote:

YES	12	NO	22	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	E	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	N
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	N
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	N	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

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

YES	26	NO	8	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	Y
Bacon	E	Harvey	N	Lambert	N	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	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	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, Guzman, Heath, Hudak, Johnston, Nicholson, Schwartz, Shaffer B., Tochtrop and White.

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 Tuesday, February 22 was laid over until Wednesday, February 23, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1077.

General Orders -- Second Reading of Bills: SB11-019, SB11-055, SB11-049, SB11-082, SB11-115, SB11-084, SB11-015, SB11-050, SB11-120.

Consideration of Resolutions: SJR11-005.

Consideration of Governor's Appointments:

Executive Director of the Department of Local Affairs

Conference Committees to Report: SB11-159, SB11-164, SB11-144, SB11-137, SB11-141, SB11-136, SB11-142.

COMMITTEE OF REFERENCE REPORTS

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB11-1035** 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 reengrossed bill, page 2, strike line 18 and substitute "REFERRED TO".

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB11-079** be postponed indefinitely.

Business,
Labor, &
Technology

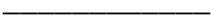
After consideration on the merits, the Committee recommends that **SB11-067** be postponed indefinitely.

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Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB11-1110** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, February 23, 2011.

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Approved:

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Brandon C. Shaffer
President of the Senate

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Attest:

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Cindi Markwell
Secretary of the Senate

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