

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

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55th Legislative Day

Monday, March 7, 2011

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Prayer	By the chaplain, Deacon Phil Harrington, St. Ignatius Loyola Catholic Church, Denver.	11
Call to Order	By the President at 10:00 a.m.	13
Pledge	By Senator Nicholson.	16
Roll Call	Present--33 Excused--2, Kopp, Mitchell.	18
Quorum	The President announced a quorum present.	21
Reading of Journal	On motion of Senator White, reading of the Journal of Friday, March 4, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.	23

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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 3, 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, reappoint and submit to your consideration, the following:

**MEMBERS OF THE  
STATE HOUSING BOARD**

for terms expiring January 31, 2015:

Eugene R. Lucero, Denver, Colorado, a Democrat and resident of the 1st Congressional District, reappointed;

James A. Coil, Grand Junction, Colorado, a Democrat and resident of the 3rd Congressional District, reappointed.

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Sincerely,  
 (signed)  
 John W. Hickenlooper  
 Governor  
 Rec'd: 3/4/11  
 Cindi Markwell, Secretary of the Senate  
 Committee on Local Government

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**SENATE SERVICES REPORT**

**Correctly Printed:** SJR11-022.  
**Correctly Engrossed:** SB11-003, 015, 037, 057, 089, 102, 108 and 165; SJR11-022.  
**Correctly Revised:** HB11-1017, 1019, 1027, 1031, 1036, 1040, 1060, 1073, 1102 and 1177.

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**DELIVERY TO THE GOVERNOR**

To the Governor for signature on Friday, March 4, 2011, at 12:15 p.m.:  
 SB11-028.

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**INTRODUCTION OF BILLS -- FIRST READING**

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

**SB11-186** by Senator(s) Morse; also Representative(s) Waller--Concerning the establishment of an alternative bond program.  
 Judiciary

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**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:

**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.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	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.

**HB11-1017** 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.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	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-sponsor added: Williams S.

**SB11-165** by Senator(s) Guzman; also Representative(s) Kerr A.--Concerning the "Colorado Uniform Estate Tax Apportionment Act".

Laid over until Tuesday, March 8, retaining its place on the calendar.

**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".

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	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-sponsor added: Boyd.

**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.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	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: Grantham, King S., Newell, Spence and Williams S.

**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.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	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.

**HB11-1019** by Representative(s) Kagan; also Senator(s) Boyd--Concerning the waiver of copayments and deductibles by school-based health centers.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	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, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Johnston, Morse, Newell, Nicholson, Schwartz, Shaffer B., Steadman, Tochtrop and Williams S.

**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.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	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, Bacon, Boyd, Giron, Guzman, Heath, Hodge, Hudak, Johnston, King S., Morse, Nicholson, Steadman, Tochtrop and Williams S.

**HB11-1073** by Representative(s) Barker; also Senator(s) Morse--Concerning peace officer designation for United States marshals.

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

YES	30	NO	3	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	N	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	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: Guzman, King S., Newell and Nicholson.

**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.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	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, Carroll, Giron, Guzman, Jahn, Johnston, Lundberg, Morse, Newell, Nicholson and Spence.

**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:

**SB11-037** 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.

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

YES	32	NO	1	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	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, Bacon, Boyd, Cadman, Foster, Giron, Grantham, Harvey, Johnston, King K., King S., Lambert, Lundberg, Morse, Newell, Nicholson, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Tochtrop and Williams S.

**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.

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

YES	19	NO	13	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	*	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	E	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		

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

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: Carroll, Giron, Newell, Steadman and Tochtrop.

**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.

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

YES	29	NO	4	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	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, Bacon, Carroll, Giron, Heath, Hudak, Roberts and Steadman.

**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.

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

YES	30	NO	3	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	N	Kopp	E	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	N
Cadman	Y	Hudak	Y	Morse	Y	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		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsor added: Grantham.

**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.

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

YES	28	NO	5	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	E	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	N	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, Heath, Hudak, Johnston, Nicholson, Schwartz, Tochtrop and Williams S.

**IMMEDIATE RECONSIDERATION OF SB11-003**

**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.

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **SB11-003**.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

**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:

**SB11-003**

by Senator(s) Spence; also Representative(s) Tyler--Concerning the creation of a special license plate for Craig hospital, and making an appropriation therefor.

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

YES	29	NO	4	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	E	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	N	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, Heath, Hudak, Johnston, Newell, Nicholson, Schwartz, Tochtrop and Williams S.

**HB11-1027**

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

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	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: Boyd, Giron, Heath, Hudak, Lambert, Nicholson and Williams S.

**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.



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

YES	28	NO	5	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	N	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	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, Giron, Guzman, Nicholson, Roberts and Williams S.

**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.

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

YES	22	NO	11	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	E	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.	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: Bacon, Boyd, Guzman, Heath, Hodge, Hudak, Jahn, Newell, Schwartz, Spence, Steadman and White.

Committee of the Whole On motion of Senator Newell, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Newell 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:

**HB11-1117** by Representative(s) McCann and Court, Gardner B., Kagan, Kerr A., Lee, Liston, Loper, Ryden, Waller; also Senator(s) King S.--Concerning subpoenas issued by administrative law judges in campaign finance proceedings.

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

**SB11-175** by Senator(s) Carroll; --Concerning enactment of the insurable interest amendments to the uniform trust code.

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

**HB11-1030** by Representative(s) Gardner B.; also Senator(s) Boyd--Concerning modifications to the set aside program that requires a state agency to first solicit bids for certain services from nonprofit agencies that employ persons with severe disabilities.

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

**HB11-1148** by Representative(s) Labuda and Nikkel, Summers, Acree, Kagan; also Senator(s) Boyd--Concerning the disclosure of employment information to an employer regarding a health care worker, and, in connection therewith, granting immunity from civil liability for the disclosure of information and creating an exception from the prohibition against blacklisting for the disclosure of information.

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

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

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	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: SB11-175, HB11-1117, HB11-1030, HB11-1148.

Committee of the Whole On motion of Senator Newell, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Newell 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:

**SB11-050** 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 Friday, March 11, 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 Tuesday, March 8, 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.  
Amendment No. 1(L.004), by Senator Aguilar.  
Amend reengrossed bill, page 2, line 15, after the period, add "THE PROVISIONS OF THIS PARAGRAPH (a) SHALL NOT APPLY TO A DEFENDANT WHO IS A PERSON WITH A DISABILITY FOR WHOM THE MANIFESTATION OF THE DISABILITY IS SUCH THAT ASSAULTIVE BEHAVIOR IS BEYOND THE CONTROL OF THE INDIVIDUAL."  
A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was referred to the Committee on Judiciary.  
(For further action, see amendments to the report of the Committee of the Whole.)
- 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".  
Amendment No. 1, Health & Human Services Committee Amendment.  
(Printed in Senate Journal, February 25, page 320 and placed in members' bill files.)  
As amended, laid over until Tuesday, March 8, retaining its place on the calendar.
- 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 Friday, March 18, retaining its place on the calendar.
- HB11-1202** by Representative(s) Labuda, Casso, Soper; also Senator(s) Tochtrop--Concerning a requirement that a public entity have appropriations available to it prior to the performance of any work conducted by a contractor pursuant to a change order.  
Ordered revised and placed on the calendar for third reading and final passage.
- HB11-1074** by Representative(s) Gerou, Tyler, Becker, Kerr J., Schafer S., Summers; also Senator(s) Jahn, Heath, Hodge, Hudak, Spence--Concerning Colorado school of mines funding of financial aid.  
Amendment No. 1, Education Committee Amendment.  
(Printed in Senate Journal, March 3, page 364 and placed in members' bill files.)  
As amended, ordered revised and placed on the calendar for third reading and final passage.
- HB11-1069** by Representative(s) Massey and Fields; also Senator(s) Aguilar--Concerning measures to increase physical activity in public schools.  
Amendment No. 1, Education Committee Amendment.  
(Printed in Senate Journal, March 3, page 364 and placed in members' bill files.)  
As amended, laid over until Tuesday, March 8, retaining its place on the calendar.

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**HB11-1085** by Representative(s) Schafer S.; also Senator(s) Jahn--Concerning referral of offenders to community corrections.

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

**AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE**

**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.

Senators Cadman and White moved to amend the Report of the Committee of the Whole to show that the following Aguilar floor amendment, (L.004) to HB 11-1105, did not pass, and that HB 11-1105 was sent to the Judiciary Committee.

Amend reengrossed bill, page 2, line 15, after the period, add "THE PROVISIONS OF THIS PARAGRAPH (a) SHALL NOT APPLY TO A DEFENDANT WHO IS A PERSON WITH A DISABILITY FOR WHOM THE MANIFESTATION OF THE DISABILITY IS SUCH THAT ASSAULTIVE BEHAVIOR IS BEYOND THE CONTROL OF THE INDIVIDUAL."

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 **passed** on the following roll call vote:

YES	21	NO	12	EXCUSED	2	ABSENT	0
Aguilar	N	Guzman	N	Kopp	E	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	Y	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	N	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	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: HB11-1202, HB11-1074 as amended, HB11-1085.
- Laid over until March 8: SB11-107, SB11-170 as amended, HB11-1069 as amended.
- Laid over until March 11: SB11-050.
- Laid over until March 18: SB11-168.
- Referred to Committee on Judiciary: HB11-1105.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

On motion of Senator Heath, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE  
FIRE AND POLICE PENSION ASSOCIATION  
BOARD OF DIRECTORS

for terms expiring September 1, 2014:

Jack E. Blumenthal of Denver, Colorado, a person from the state's financial or business community experienced in personnel or corporate administration, reappointed;

Monica Cortez-Sangster of Aurora, Colorado, who has experience in insurance disability claims, reappointed;

Susan R. Eaton of Denver, Colorado, a representative of Colorado municipal employers, reappointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	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		

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

**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.

Senator Steadman moved for the adoption of the first report of the first conference committee on **SB11-159**, as printed in Senate journal, March 3, page 358. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	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 question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	32	NO	1	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	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	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, as amended, was **repassed**.

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 Monday, March 7 was laid over until Tuesday, March 8, 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 9:00 a.m., Tuesday, March 8, 2011.

Approved:

Brandon C. Shaffer  
 President of the Senate

Attest:

Cindi L. Markwell  
 Secretary of the Senate

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