

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

94th Legislative Day Friday, April 15, 2011

Prayer	By Senator Guzman.	10
Call to Order	By the President at 9:00 a.m.	11
Pledge	By Senator White.	12
Roll Call	Present--23 Excused--12, Bacon, Giron, Grantham, Harvey, Heath, Hodge, King K. Lambert, Lundberg, Nicholson, Renfroe, Steadman. Present later--11, Bacon, Giron, Grantham, Harvey, Heath, Hodge, King K., Lambert, Nicholson, Renfroe, Steadman.	13 14 15 16 17 18 19 20 21 22
Quorum	The President announced a quorum present.	23 24
Reading of Journal	On motion of Senator Guzman, reading of the Journal of Thursday, April 14, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.	25 26 27

REPORT OF CONFERENCE COMMITTEES

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-165**

**THIS REPORT ADOPTS THE
REENGROSSED BILL**

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB11-165,
concerning the "Colorado Uniform Estate Tax Apportionment Act", has
met and reports that it has agreed upon the following:

That the House recede from its amendment made to the bill and
that the reengrossed bill be adopted without change.

Respectfully submitted,

Senate Committee:
(signed)
Lucia Guzman, Chairman
Ellen Roberts
Morgan Carroll

House Committee:
(signed)
Bob Gardner, Chairman
Brian DelGrosso
Andrew Kerr

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MESSAGE FROM THE HOUSE

April 14, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1296.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; HB11-1293, amended as printed in House Journal, April 13, page 965, and amended on Third Reading as printed in House Journal, April 14.

The House has passed on Third Reading and returns herewith SB11-215, 217, 218, 224, 216, 222, 228, 229, 211, 221, 212, 214, 223.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-209, amended as printed in House Journal, April 13, page 961. SB11-210, amended as printed in House Journal, April 13, page 962. SB11-225, amended as printed in House Journal, April 13, page 963. SB11-226, amended as printed in House Journal, April 13, page 964. SB11-219, amended as printed in House Journal, April 13, pages 964-965. SB11-213, amended as printed in House Journal, April 13, page 965.

The Speaker has announced the following change in sponsorship on SB11-206. Representative Bradford replaces Representative Holbert as prime sponsor.

MESSAGE FROM THE REVISOR OF STATUTES

April 15, 2011

We herewith transmit:

Without comment, as amended, HB11-1032, 1043, 1064, 1141, 1265, 1272, 1275, 1288. Without comment, as amended, SB11-188.

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 General Orders -- Second Reading of Bills.

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

SB11-126 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.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, February 23, page 287 and placed in members' bill files.)

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Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, February 25, pages 317-318 and placed in members' bill files.)

Amendment No. 3(L.014), by Senator King K.

Amend printed bill, page 2, strike lines 7 and 8 and substitute "TO THE CONTRARY, A STUDENT".

Page 3, strike line 1.

Page 3, line 2, strike "(15) (M)".

Amendment No. 4(L.009), by Senator Newell.

Amend printed bill, page 2, line 6, after "(1)" insert "(a)".

Page 3, line 5, strike "(a)" and substitute "(I)".

Page 3, line 10, strike "(b)" and substitute "(II)".

page 3, after line 13 insert:

"(b) THE GENERAL ASSEMBLY RECOGNIZES THAT CLASSIFICATION AS AN UNSUBSIDIZED IN-STATE STUDENT FOR TUITION PURPOSES IS A STATE BENEFIT AND ATTENDANCE FOR THREE YEARS AT A PUBLIC OR PRIVATE HIGH SCHOOL IN COLORADO IS A LEGAL PROXY FOR PROVING RESIDENCY AS RECOGNIZED IN 8 U.S.C. SEC. 1623."

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.)

(For further action, see roll call vote on **SB11-126**.)

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

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.

Senator Lambert moved to amend the Report of the Committee of the Whole to show that the following Lambert floor amendment, (L.018) to SB 11-126, did pass.

Amend printed bill, page 5, strike lines 4 through 14 and substitute:

"(d) AN INSTITUTION OF HIGHER EDUCATION THAT GRANTS UNSUBSIDIZED IN-STATE TUITION CLASSIFICATION PURSUANT TO THIS SECTION SHALL BE IN COMPLIANCE WITH THE PROVISIONS OF ARTICLE 72.1 OF TITLE 24, C.R.S."

Renumber succeeding section accordingly.

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	2	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	E	Spence	Y
Brophy	Y	Hodge	N	Mitchell	E	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	Y	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		

Senator King K. moved to amend the Report of the Committee of the Whole to show that the following King K. floor amendment, (L.013) to SB 11-126, did pass.

Amend printed bill, page 2, strike lines 5 and 6 and substitute:

"23-7-112. Tuition classification for persons who attend Colorado high schools and graduate or complete a Colorado general equivalency diploma - repeal. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE".

Page 3, line 3, strike "UNSUBSIDIZED".

Page 3, line 16, strike "UNSUBSIDIZED".

Page 3, line 19, strike "UNSUBSIDIZED".

Page 4, line 2, strike "UNSUBSIDIZED".

Page 4, line 15, strike "UNSUBSIDIZED".

Page 4, line 16, strike "SECTION IS NOT" and substitute "SECTION:".

Page 4, strike lines 17 through 19 and substitute:

"(a) SHALL PAY TUITION IN AN AMOUNT THAT IS EQUAL TO OR GREATER THAN TOTAL IN-STATE TUITION, AS DEFINED IN SECTION 23-18-102;

(b) IS NOT ELIGIBLE FOR A STIPEND PURSUANT TO THE COLLEGE OPPORTUNITY FUND PROGRAM CREATED IN SECTION 23-18-201; AND

(c) IS NOT ELIGIBLE TO RECEIVE STATE-FUNDED, NEED-BASED FINANCIAL AID.".

Page 4, line 20, strike "UNSUBSIDIZED".

Page 4, line 23, strike "UNSUBSIDIZED".

Page 5, line 13, strike "UNSUBSIDIZED".

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	2	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	E	Spence	Y
Brophy	Y	Hodge	N	Mitchell	E	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	Y	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		

ROLL CALL VOTE ON SB11-126

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.

Senator Kopp requested a roll call vote on **SB11-126**.

YES	20	NO	13	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	23	NO	10	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	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	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-126 as amended.
Laid over until April 18: SB11-052, SB11-168, HB11-1160, HB11-1109, HB11-1268, SB11-194, HB11-1138, HB11-1267.

MESSAGE FROM THE HOUSE

April 15, 2011

Mr. President:

The House has adopted and transmits herewith HJR11-1016.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1064, amended as printed in House Journal, April 11, page 937.
HB11-1265, amended as printed in House Journal, April 11, pages 937-938.
HB11-1043, amended as printed in House Journal, April 11, pages 939-942.
HB11-1288, amended as printed in House Journal, April 11, page 942.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-188, amended as printed in House Journal, March 11, page 937.

MESSAGE FROM THE REVISOR OF STATUTES

April 15, 2011

We herewith transmit:

Without comment, as amended, HB11-1043, 1064, 1265, 1288.
Without comment, as amended, SB11-188.

INTRODUCTION OF RESOLUTIONS

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

HJR11-1016 by Representative(s) Labuda; also Senator(s) Hudak--Concerning recognition of the role of libraries in empowering citizens through access to computer technology, and, in connection therewith, celebrating National Library Week.

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

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-209 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2011, except as otherwise noted.

Senator Hodge moved that the Senate not concur in House amendments to **SB11-209**, as printed in House journal, April 13, page 961, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	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 President appointed Senators Hodge, Chair, Steadman, and Lambert as Senate conferees on the first conference committee on **SB11-209**.

SB11-210 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning the elimination of the supplemental old age pension health and medical care program, and, in connection therewith, providing for the transfer of the fund balance of the supplemental old age pension health and medical care fund to the general fund, authorizing the use of moneys in the tobacco tax cash fund to provide services under medicaid for the medical care of old age pensioners, and making an appropriation.

Senator Steadman moved that the Senate concur in House amendments to **SB11-210**, as printed in House journal, April 13, page 962. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	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	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	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, as amended, was **repassed**.

SB11-225

by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the short-term innovative health program grant fund, and, in connection therewith, transferring the balance of the grant fund to the general fund at the end of the 2011-12 fiscal year and terminating all existing statutory transfers to the grant fund other than its percentage-based base allocation of tobacco litigation settlement moneys after the 2010-11 fiscal year.

Senator Lambert moved that the Senate concur in House amendments to **SB11-225**, as printed in House journal, April 13, page 963. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	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	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	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, as amended, was **repassed**.

SB11-226 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the augmentation of the general fund through transfers of certain moneys, and making an appropriation in connection therewith.

Senator Hodge moved that the Senate not concur in House amendments to **SB11-226**, as printed in House journal, April 13, page 964, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	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 President appointed Senators Hodge, Chair, Steadman, and Lambert as Senate conferees on the first conference committee on **SB11-226**.

SB11-219 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning moneys appropriated in the 2011-12 fiscal year for health clinics, and making an appropriation therefor.

Senator Steadman moved that the Senate not concur in House amendments to **SB11-219**, as printed in House journal, April 13, pages 964-965, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	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 President appointed Senators Hodge, Chair, Steadman, and Lambert as Senate conferees on the first conference committee on **SB11-219**.

MESSAGE FROM THE GOVERNOR

April 12, 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
BOARD OF GOVERNORS OF THE
COLORADO STATE UNIVERSITY SYSTEM

for terms expiring December 31, 2014:

Dennis E. Flores of Pueblo, Colorado, to serve as a Democrat, and occasioned by the resignation of Bonifacio A. Cosyleon, appointed;

Penfield W. Tate of Denver, Colorado, to serve as a Democrat, and occasioned by the resignation of Leonard W. Gregory, appointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 4/13/11
Cindi L. Markwell, Secretary of the Senate

Committee on Education

April 12, 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:

MEMBER OF THE
ADVISORY COMMITTEE TO THE PROPERTY
TAX ADMINISTRATOR

for a term expiring September 1, 2015:

Tim Canterbury of Howard, Colorado, to serve as a non-assessor from a county with a population less than seventy-five thousand and as a Republican, appointed.

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Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 4/13/11
Cindi L. Markwell, Secretary of the Senate

Committee on Finance

April 12, 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 submit to your consideration, the following:

MEMBERS OF THE
ADVISORY COMMITTEE ON
GOVERNMENTAL ACCOUNTING

for terms expiring May 18, 2015:

Kevin F. Collins of Franktown, Colorado, to serve as a representative of special services districts, appointed;

John A. Carlson of Louisville, Colorado, to serve as a representative of city and county government, reappointed;

Donald J. McMahan of Avon, Colorado, to serve as a certified public accountant, reappointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 4/13/11
Cindi L. Markwell, Secretary of the Senate

Committee on Finance

June 12, 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
COLORADO BANKING BOARD

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for terms expiring July 1, 2015:

Donald R. Sall, Colorado Springs, Colorado, to serve as a representative of the public, appointed;

Richard Estaban Martinez, Jr., Centennial, Colorado, to serve as a representative of bankers, and as a representative of a bank having less than one hundred fifty million dollars in total assets, appointed;

Stephen A. Sherlock of Lamar, Colorado, to serve as a representative of bankers, reappointed;

Adam P. Coyle of Parker, Colorado, to serve as a representative of the public, reappointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 4/13/11
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

April 13, 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 submit to your consideration, the following:

MEMBER OF THE
PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

for a term expiring on January 12, 2015:

Joshua B. Epel of Greenwood Village, Colorado, a Democrat, appointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 4/13/11
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

SENATE SERVICES REPORT

Correctly Printed: SB11-239 and 240; SJM11-003 and 004.
Correctly Revised: HB11-1015.
Correctly Rerevised: HB11-1216 and 1234.
Correctly Enrolled: SB11-034, 037, 119 and 183.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJM11-001; SJR11-026, SJR11-034, and SJR11-038.

COMMITTEE OF REFERENCE REPORTS

Health & Human Services

The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE COLORADO COMMISSION ON THE AGING

for a term expiring July 1, 2014:

Maureen Robinson of Littleton, Colorado, to serve as a Democrat from Congressional District 6, reappointed.

Health & Human Services

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

MEMBERS OF THE COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING

for terms expiring July 1, 2014:

Marie N. Runge of Greeley, Colorado, to serve as a member who is deaf, appointed;

Kirk B. Neuroth of Denver, Colorado, to serve as a member who is an interpreter for the deaf and hard of hearing, appointed;

Deborah G. Mohney of Boulder, Colorado, to serve as a member who is hard of hearing, reappointed.

Agriculture, Natural Resources, and Energy

After consideration on the merits, the Committee recommends that **HB11-1218** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, line 11, after "(2)" insert "(a)".

Page 5, after line 13 insert:

"(b) THE SERVICE PLAN SHALL INCLUDE REQUIREMENTS FOR ANNUAL AUDITS OF ALL OF THE FUNDING THE DISTRICT RECEIVES. COPIES OF THE AUDITS SHALL BE SENT ANNUALLY TO THE STATE TREASURER."

Page 8, line 9, strike "(I)," and substitute "(II),".

Page 8, strike line 27.

Page 9, strike lines 1 through 4 and substitute:

"(II) Except as otherwise specified in subparagraph (IV) of this paragraph (c), the moneys allocated to each county pursuant to subparagraph (I) of this paragraph (c) shall be further distributed to the county OR THE FEDERAL MINERAL LEASE DISTRICT and to each municipality within the county based upon the following factors:"

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Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **HB11-1146** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, strike line 15 and substitute "(1) SHALL ONLY APPLY:

(I) TO A DISTRICT, AS DEFINED IN SECTION 20 (2) (b)".

Page 4, strike lines 17 and 18 and substitute "VOTER APPROVAL TO RETAIN AND SPEND REVENUES IN EXCESS OF THE FISCAL YEAR".

Page 4, line 23, strike the first "THE" and substitute "WHERE THE".

Page 4, line 26, strike "SAID HOUSE BILL 11-1146" and substitute "HOUSE BILL 11-1146, ENACTED IN 2011,".

Page 5, line 3, strike "SHALL" and substitute "MAY".

Page 5, line 24, strike "THIS SUBSECTION (2)," and substitute "SUBSECTION (1) OF THIS SECTION,".

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
COAL MINE BOARD OF EXAMINERS

for terms expiring July 1, 2012:

Daniel R. Meadors of Durango, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in underground mining, to fill the vacancy occasioned by the resignation of Trent A. Peterson of Marvel, Colorado, appointed;

Lara A. Sims of Hayden, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in surface mining, to fill the vacancy occasioned by the resignation of Karl C. Koehler of Hayden, Colorado, appointed.

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:

MEMBER OF THE
COLLEGEINVEST BOARD OF DIRECTORS

for terms expiring July 31, 2014:

David L. Stevens of Denver, Colorado, appointed.

Charles W. Kercheval of Parker, Colorado, appointed.

Angela A. Gripenstraw of Greenwood Village, Colorado, appointed.

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
PRIVATE OCCUPATIONAL SCHOOL BOARD

for terms expiring July 1, 2014:

Winnifred S. Rovig of Glenwood Springs, Colorado, a representative of the general public, reappointed;

Earl F. Douglass of Lakewood, Colorado, a representative of the general public who is employed by a lending institution located in Colorado and is familiar with the Colorado college access network, reappointed.

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:

MEMBER OF THE
BOARD OF TRUSTEES FOR THE COLORADO
SCHOOL FOR THE DEAF AND THE BLIND

for a term expiring July 1, 2014:

Chris A. Madison of Grand Junction, Colorado, a Republican, appointed;

Appropriations

After consideration on the merits, the Committee recommends that **SB11-051** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, after line 1 insert:

"SECTION 1. 24-30-202.4 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-30-202.4. Collection of debts due the state - controller's duties - creation of debt collection fund - definitions.

(3) (f) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, FOR THE 2011-12 FISCAL YEAR THE GENERAL ASSEMBLY MAY APPROPRIATE MONEYS IN THE DEBT COLLECTION FUND CREATED IN PARAGRAPH (e) OF THIS SUBSECTION (3) TO THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF MODIFYING THE PROGRAM ADMINISTERED THROUGH THE "GAMBLING PAYMENT INTERCEPT ACT", PART 6 OF ARTICLE 35 OF TITLE 24, TO INCLUDE THE COLLECTION OF UNPAID DEBTS DUE TO THE STATE."

Renumber succeeding sections accordingly.

Page 8, after line 9 insert:

"SECTION 9. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the debt collection cash fund created in section 24-30-202.4 (3) (e), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the information technology division, for the fiscal year beginning July 1, 2011, the sum of ninety-four thousand six hundred dollars (\$94,600) cash funds, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 102 strike "STATE." and substitute "STATE, AND MAKING AN APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the Committee recommends that **SB11-047** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 6, strike "- bioscience".

Page 2, line 8, strike "BIOSCIENCE AND".

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	Page 2, line 12, strike "BIOSCIENCE".	1
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	Page 2, line 13, strike "AND CLEAN TECHNOLOGY SEGMENTS" and substitute "CLEAN TECHNOLOGY SEGMENT" and strike "HAVE" and substitute "HAS".	3
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	Page 2, line 17, strike "BIOSCIENCE AND".	7
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	Page 2, line 20, strike "THESE INDUSTRY SECTORS;" and substitute "THIS INDUSTRY SECTOR;".	9
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	Page 3, line 3, strike "THESE AREAS;" and substitute "THIS AREA;".	12
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	Page 3, line 10, strike "BIOSCIENCE AND CLEAN TECHNOLOGY INDUSTRIES" and substitute "CLEAN TECHNOLOGY INDUSTRY".	14
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	Page 3, line 14, strike ""BIOSCIENCE AND CLEAN" and substitute ""CLEAN".	17
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	Page 3, line 17, strike ""BIOSCIENCE OR CLEAN" and substitute ""CLEAN".	20
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	Page 3, strike lines 20 through 23 and substitute "MANAGEMENT AND BUDGET: 221111, 221119,".	22
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	Page 4, line 5, strike "BIOSCIENCE OR".	25
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	Page 4, line 14, strike "BIOSCIENCE OR".	27
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	Page 4, line 18, strike "BIOSCIENCE AND".	29
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	Page 4, strike lines 20 through 23 and substitute "THE CLEAN TECHNOLOGY DISCOVERY EVALUATION CASH FUND CREATED IN SECTION 24-48.5-111 (5), C.R.S.".	31
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	Page 5, strike lines 3 through 27.	35
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	Page 6, strike line 1.	37
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	Renumber succeeding sections accordingly.	39
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	Page 7, strike lines 23 through 25 and substitute "shall take effect July 1, 2012; except that, if a".	41
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	Page 8, strike lines 3 and 4 and substitute "November 2012 and shall take effect on July 1, 2012, or on the date of the official declaration of the vote thereon by the governor, whichever is later.".	44
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	Page 1, line 103, strike " BIOSCIENCE AND ".	48
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	Amend the Business, Labor and Technology Committee Report, dated February 8, 2011, page 2, strike line 14.	50
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Appropriations	After consideration on the merits, the Committee recommends that SB11-177 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	54
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	Amend printed bill, page 5, after line 12 insert:	58
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	"SECTION 6. Adjustments in 2011 long bill. For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the department of health care policy and financing, shall be adjusted as follows:	60
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	(1) The appropriation to the executive director's office, for personal services, is increased by forty-seven thousand eight hundred seventeen dollars (\$47,817) and 1.0 FTE. Of said sum, twenty-three thousand nine hundred nine dollars (\$23,909) shall be from the general fund and twenty-three thousand nine hundred eight dollars (\$23,908) shall	65
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be from federal funds.

(2) The appropriation to the executive director's office, for operating expenses, is increased by five thousand six hundred fifty-three dollars (\$5,653). Of said sum, two thousand eight hundred twenty-six dollars (\$2,826) shall be from the general fund and two thousand eight hundred twenty-seven dollars (\$2,827) shall be from federal funds.

(3) The appropriation to the medical services premiums section is increased by five hundred eighty-seven thousand seven hundred ninety-two dollars (\$587,792). Of said sum, sixty-four thousand four hundred forty-four dollars (\$64,444) shall be cash funds from certified public expenditures by the counties and five hundred seventy-nine thousand nine hundred ninety-six dollars (\$579,996) shall be from federal funds.

(4) The appropriation to the medical services premiums section is decreased by fifty-six thousand six hundred forty-eight dollars (\$56,648). Of said sum, twenty-eight thousand three hundred twenty-four dollars (\$28,324) and twenty-eight thousand three hundred twenty-four dollars (\$28,324)."

Renumber succeeding section accordingly.

Page 1, line 103, strike "PROGRAM." and substitute "PROGRAM, AND MAKING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that SB11-125 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 3 insert:

SECTION 2. Adjustments in 2011 long bill. For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the department of health care policy and financing, shall be adjusted as follows:

(1) The appropriation to the executive director's office, for general professional services and special projects, is increased by sixty thousand dollars (\$60,000). Of said sum, thirty thousand dollars (\$30,000) shall be from the general fund and thirty thousand dollars (\$30,000) shall be from federal funds.

(2) The appropriation to the medical services premiums section is increased by thirty million nine hundred ninety-four thousand four hundred eleven dollars (\$30,994,411). Of said sum, fifteen million four hundred ninety-seven thousand two hundred six dollars (\$15,497,206) shall be cash funds from the medicaid nursing facility cash fund created in section 25.5-6-203 (2) (a), Colorado Revised Statutes, and fifteen million four hundred ninety-seven thousand two hundred five dollars (\$15,497,205) shall be from federal funds."

Renumber succeeding section accordingly.

Page 1, line 103, strike "FEE AND" and substitute "FEE,".

Page 1, line 105, strike "FUND." and substitute "FUND, AND MAKING AN APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the Committee recommends that SB11-105 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Strike the Health and Human Services Committee Report dated February 10, 2011.

Appropriations

After consideration on the merits, the Committee recommends that SB11-004 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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Amend the Judiciary Committee Report, dated February 7, 2011, page 2, strike lines 13 through 42.

Strike page 3.

Page 4, strike lines 1 through 12 and substitute:

"SECTION 2. Exception to the requirements of section 2-2-703, Colorado Revised Statutes. The general assembly hereby finds that the amendments to section 18-9-121, Colorado Revised Statutes, enacted in section 1 of this act will result in the minor fiscal impact of one additional offender being convicted and sentenced to the department of corrections during the five years following passage of this act. Because of the relative insignificance of this degree of fiscal impact, these amendments are an exception to the five-year appropriation requirements specified in section 2-2-703, Colorado Revised Statutes."

Renumber succeeding section accordingly.

Page 1 of the printed bill, strike lines 101 and 102 and substitute **"CONCERNING CRIMES AGAINST HOMELESS PERSONS."**

Appropriations After consideration on the merits, the Committee recommends that **SB11-066** 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 **SB11-022** be postponed indefinitely.

Appropriations After consideration on the merits, the Committee recommends that **SB11-203** 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 **SB11-185** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB11-1201** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 6, after line 7 insert:

"SECTION 5. Appropriation - adjustments in 2011 long bill.

(1) For the implementation of this act, the appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the department of education, office of professional services, for personal services, is increased by twenty-seven thousand eight hundred nine dollars (\$27,809). Said sum shall be from the educator licensure cash fund created in section 22-60.5-112 (1), Colorado Revised Statutes.

(2) For the implementation of this act, the appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the department of education, office of professional services, for personal services, is decreased by 1.0 FTE."

Renumber succeeding section accordingly.

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

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Appropriations After consideration on the merits, the Committee recommends that **HB11-1026** 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 the Senate Business, Labor and Technology Committee Report, dated March 16, 2011, page 6, line 33, strike "C.R.S.," and substitute "Colorado Revised Statutes,".

Page 6, line 35, strike "C.R.S." and substitute "Colorado Revised Statutes.".

Appropriations After consideration on the merits, the Committee recommends that **HB11-1145** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 9, line 8, strike "seventy-two thousand five hundred dollars (\$172,500)" and substitute "fifty-one thousand eight hundred dollars (\$151,800)".

Appropriations After consideration on the merits, the Committee recommends that **HB11-1200** 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 **HB11-1076** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **SB11-192** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Health and Human Services Committee Report, dated March 31, 2011, page 5, after line 6 insert:

"SECTION 12. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the prescription drug monitoring fund created in section 12-22-706 (1), 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 fifty thousand three hundred twenty-six dollars (\$50,326) cash funds and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding sections accordingly.

Page 5 of the report, after line 12 insert:

"Page 1 of the printed bill, line 104, strike "COMMITTEE." and substitute "COMMITTEE, AND MAKING AN APPROPRIATION."."

**NOTICE OF INTENT TO MOVE FOR RECONSIDERATION
OF SB11-210 AND SB11-225**

Senator Morse gave notice of intent to reconsider SB11-210 and SB11-225.

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, April 15 was laid over until Monday, April 18, retaining its place on the calendar.

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General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1251.
Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024,
SJR11-032, SJR11-035, SJR11-036, SJR11-037, SJR11-039.
Consideration of Memorials: SJM11-002, SJM11-003.
Consideration of House Amendments to Senate Bills: SCR11-001.
Conference Committees to Report: SB11-165, HB11-1209.



On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, April 18, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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