

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

31st Legislative Day

Friday, February 11, 2011

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Prayer	By the chaplain, Rev. John Thompson, Park Hill United Methodist Church, Denver.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator Guzman.	16
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Roll Call	Present--34	18
	Excused--1, Harvey.	19
	Present later--1, Harvey.	20
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Lambert, reading of the Journal of Thursday, February 10, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.	24
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MESSAGE FROM THE HOUSE

February 10, 2011

Mr. President:

The House has adopted and returns herewith SJR11-013, and SJR11-014.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1087.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1115, amended as printed in House Journal, February 9, pages 202-203.
HB11-1007, amended as printed in House Journal, February 9, pages 203-204.

MESSAGE FROM THE REVISOR OF STATUTES

February 10, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, HB11-1087.
Without comment, as amended, HB11-1007 and 1115.

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SENATE SERVICES REPORT

Correctly Printed: SJR11-013 and 014.
Correctly Engrossed: SB11-002, 021 and 062; SJR11-013 and 014.
Correctly Revised: HB11-1009, 1015 and 1023; HJR11-1010.
Correctly Enrolled: SJR11-013 and 014.

**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:

SB11-002 by Senator(s) Carroll, Mitchell, Tochtrop; also Representative(s) Kerr J., Miklosi--
 Concerning the low-income telephone assistance program.

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	Y	Harvey	E	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: Cadman and Williams S.

SB11-021 by Senator(s) Nicholson; also Representative(s) Loooper--Concerning the removal of term limits for members of the water and wastewater facility operators certification board.

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	Y	Harvey	E	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: Jahn

HB11-1009 by Representative(s) Waller; also Senator(s) Newell--Concerning interstate compacts for adult criminal supervision.

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

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YES	34	NO	0	EXCUSED	1	ABSENT	0	
Aguilar		Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon		Y	Harvey	E	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: Guzman, Jahn, King S. and Steadman.

HB11-1015 by Representative(s) Jones; also Senator(s) Tochtrop--Concerning the licensure of certified public accountants.

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		Y	Harvey	E	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: Williams S.

HB11-1023 by Representative(s) Ferrandino; also Senator(s) Carroll--Concerning the continuation of the foreclosure deferment program.

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		Y	Harvey	E	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, Bacon, Boyd, Foster, Giron, Guzman, Heath, Hudak, Jahn, Morse, Newell, Nicholson, Schwartz, Shaffer B., Tochtrop and Williams S.

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--Consent Calendar and Senator Boyd 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:

- HB11-1001** by Representative(s) Gardner B.; also Senator(s) Morse--Concerning the enactment of Colorado Revised Statutes 2010 as the positive and statutory law of the state of Colorado.
Ordered revised and placed on the calendar for third reading and final passage.
- SB11-086** by Senator(s) Foster, King K., Nicholson; also Representative(s) Murray--Concerning periods governing the appeal by taxpayers in tax disputes with local governments in connection with the imposition of sales or use tax by such governments.
Ordered engrossed and placed on the calendar for third reading and final passage.
- HB11-1011** by Representative(s) Peniston; also Senator(s) Giron--Concerning the participation of additional individuals in a proceeding pending before the board of assessment appeals.
Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, February 9, pages 125-126 and placed in members' bill files.)
As amended, ordered revised and placed on the calendar for third reading and final passage.
- SB11-081** by Senator(s) White, Jahn, Roberts, Spence; also Representative(s) McCann--Concerning the voluntary contribution designation benefiting the 9Health Fair fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.
Ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-104** by Senator(s) Roberts, Nicholson; also Representative(s) Holbert--Concerning the repeal of the community accountability program advisory board.
Ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-093** by Senator(s) King S., Giron, Newell, Nicholson; also Representative(s) Joshi--Concerning the continuation of the interagency task force on drunk driving.
Ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-163** by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Gerou, Becker, Ferrandino--Concerning the repeal of the alternative fuels rebate program.
Ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-161** by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Becker, Gerou, Ferrandino--Concerning the creation of a cash fund for fees collected in connection with the department of public health and environment's laboratories.
Ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-160** by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a clarification regarding the amount of performance-based incentives available for issuance by the Colorado office of film, television, and media.
Ordered engrossed and placed on the calendar for third reading and final passage.

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SB11-155	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning funding for capital construction, and making supplemental appropriations in connection therewith.	1 2 3 4
	<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, February 9, page 129 and placed in members' bill files.)	5 6 7
	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	8 9 10 11
SB11-154	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of the treasury.	12 13 14
	Ordered engrossed and placed on the calendar for third reading and final passage.	15 16 17
SB11-153	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of state.	18 19 20
	Ordered engrossed and placed on the calendar for third reading and final passage.	21 22 23
SB11-152	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of revenue.	24 25 26
	Ordered engrossed and placed on the calendar for third reading and final passage.	27 28 29
SB11-151	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of regulatory agencies.	30 31 32 33
	Ordered engrossed and placed on the calendar for third reading and final passage.	34 35 36
SB11-150	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of public safety.	37 38 39
	Ordered engrossed and placed on the calendar for third reading and final passage.	40 41 42
SB11-149	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of public health and environment.	43 44 45 46
	Ordered engrossed and placed on the calendar for third reading and final passage.	47 48 49
SB11-148	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of personnel and administration.	50 51 52 53
	Ordered engrossed and placed on the calendar for third reading and final passage.	54 55 56
SB11-147	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of natural resources.	57 58 59 60
	Ordered engrossed and placed on the calendar for third reading and final passage.	61 62 63
SB11-146	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of military and veterans affairs.	64 65 66 67
	Ordered engrossed and placed on the calendar for third reading and final passage.	68 69 70
SB11-145	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning supplemental appropriation to the department of local affairs.	71 72

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

SB11-143 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of labor and employment.

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

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

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

SB11-140 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of higher education.

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

SB11-139 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of health care policy and financing.

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

SB11-138 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting.

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

SB11-135 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of agriculture.

Ordered engrossed 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 Boyd, the report of the Committee of the Whole was **adopted** on the following roll call vote:

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

The Committee of the Whole took the following action:

Passed on second reading: SB11-086, SB11-081, SB11-104, SB11-093, SB11-163, SB11-161, SB11-160, SB11-155 as amended, SB11-154, SB11-153, SB11-152, SB11-151, SB11-150, SB11-149, SB11-148, SB11-147, SB11-146, SB11-145, SB11-143, SB11-142, SB11-140, SB11-139, SB11-138, SB11-135, HB11-1001, HB11-1011 as amended.

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:

SB11-164

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

Amendment No. 1(L.001), by Senator Morse.

Amend printed bill, page 3, after line 8 insert:

"**SECTION 4.** 24-21-104 (3) (d), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-21-104. Fees of secretary of state - repeal.

(3) (d) (XVI) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF THIS SUBSECTION (3) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (XVI), THE STATE TREASURER SHALL DEDUCT FOUR MILLION DOLLARS FROM THE DEPARTMENT OF STATE CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND."

ReNUMBER succeeding sections accordingly.

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

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

SB11-136

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

Amendment No. 1(J.002), by Senator Boyd.

Amend printed bill, page 44, line 10, strike "~~eight hundred seven thousand two hundred~~" and substitute "eight hundred seven thousand two hundred".

Page 44, strike line 11 and substitute "twenty-five dollars (\$1,807,225)".

PURPOSE: As introduced, S.B. 11-136 reduces the General Fund appropriation in H.B. 10-1360 to the Department of **Corrections** for parole wrap-around services by \$807,225. This amendment eliminates that reduction, thereby restoring the \$807,225 General Fund appropriation for parole wrap-around services.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Corrections	\$807,225	\$0	\$0	\$0	\$807,225	0.0

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

SB11-137

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

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, February 9, pages 130-131 and placed in members' bill files.)

Amendment No. 2(J.003), by Senators Hudak, Newell, and Williams S.

Amend printed bill, page 11, line 6, in the GENERAL FUND column strike "~~3,215,715,681~~" and substitute "3,215,715,681" and in the CASH FUNDS column strike "~~386,133,684~~" and substitute "386,133,684".

Page 11, strike line 7.

Page 12, line 1, strike "~~\$284,307,808~~ \$285,062,558" and substitute "\$284,307,808".

Adjust affected totals accordingly.

Page 19, line 14, in the ITEM & SUBTOTAL column strike "~~4,998,500~~" and substitute "4,998,500" and in the CASH FUNDS column strike "~~4,998,500~~" and substitute "4,998,500".

Page 19, strike line 15.

Adjust affected totals accordingly.

PURPOSE: As introduced, S.B. 11-137 reduces the cash funds appropriation from the State Education Fund to the Department of **Education** for the School Counselor Corps Grant Program for FY 2010-11 by \$754,750. The bill also appropriates \$754,750 from the State Education Fund for the State Share of Districts' Total Program Funding, and reduces the General Fund appropriation for such purpose by the same amount. This amendment eliminates these adjustments, restoring the \$754,750 for the School Counselor Corps Grant Program.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Education	\$754,750	\$0	\$0	\$0	\$754,750	0.0

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

SB11-141

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

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, February 9, page 127 and placed in members' bill files.)

Amendment No. 2(J.006), by Senators Williams S., Hudak, and Newell.

Amend printed bill, page 21, line 15, in the ITEM & SUBTOTAL column strike "~~2,985,201~~" and substitute "2,985,201" and in the GENERAL FUND column strike "~~506,161~~" and substitute "506,161".

Page 22, strike line 1.

Page 22, line 7, in the TOTAL column strike "89,536,665" and substitute "90,042,826".

Page 62, line 12, in the TOTAL column strike "\$2,125,761,346" and substitute "\$2,126,267,507" and in the GENERAL FUND column strike "\$633,780,523" and substitute "\$634,286,684".

PURPOSE: As introduced, S.B. 11-141 eliminated the \$506,161 General Fund appropriation for Early Childhood Councils in the Department of **Human Services**. This amendment restores the General Fund appropriation for Early Childhood Councils.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Human Services	\$506,161	\$0	\$0	\$0	\$506,161	0.0

Amendment No. 3(J.007), by Senator Hodge.

Amend the CORRECTED Appropriations Committee Report dated February 9, 2011, page 2, strike lines 3 through 5 and substitute:

"Page 53 of the bill, line 12, in the TOTAL column strike "556,042,235" and substitute "555,570,362"."

PURPOSE: Corrects a technical error in a total adjusted by the Appropriations Committee amendment. This technical correction does not change the fiscal impact of the Appropriations Committee amendment, which reduced \$471,871 General Fund from the Trinidad State Nursing Home.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Human Services	\$0	\$0	\$0	\$0	\$0	0.0

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

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

Amendment No. 1(J.002), by Senator Morse.

Amend printed bill, page 9, line 15, in the ITEM & SUBTOTAL column strike "~~50,000~~" and substitute "50,000" and in the CASH FUNDS column strike "~~50,000~~" and substitute "50,000".

Page 10, strike line 1.

Page 10, line 14, in the TOTAL column strike "~~2,042,498~~" and substitute "2,042,498".

Page 10, strike line 15.

Page 14, line 8, in the TOTAL column strike "\$52,363,248" and substitute "52,338,248" and in the CASH FUNDS column strike "\$9,065,685" and substitute "\$9,040,685".

PURPOSE: Eliminates a \$25,000 cash funds supplemental appropriation to the Department of Law to pay an outside attorney and consultants who were engaged to prepare an amicus brief concerning water law that was filed with the U.S. Supreme Court in October 2010.

Fiscal Impact of Amendment						
Department	GF	CF	RF	FF	Total	FTE
Law	\$0	(\$25,000)	\$0	\$0	(\$25,000)	0.0

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

SB11-157 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning modifications to the "Public School Finance Act of 1994", and making an appropriation in connection therewith.

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

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.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, February 9, pages 128-129 and placed in members' bill files.)

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

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

SB11-156 by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Becker, Gerou, Ferrandino--Concerning a reduction in the amount of the general fund reserve required for the 2010-11 state fiscal year.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, February 9, page 129 and placed in members' bill files.)

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

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB11-013, SB11-010, SB11-039, SB11-012, SB11-019, SB11-034, SB11-043, HB11-1022, SB11-009, SB11-007, SB11-016, SB11-055, SB11-110) of Friday, February 11 was laid over until Monday, February 14, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Senators Kopp and Cadman moved to amend the Report of the Committee of the Whole to show that the following Morse floor amendment, (L.001) to SB 11-164, did not pass.

Amend printed bill, page 3, after line 8 insert:

"SECTION 4. 24-21-104 (3) (d), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-21-104. Fees of secretary of state - repeal. (3) (d) (XVI) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF THIS SUBSECTION (3) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (XVI), THE STATE TREASURER SHALL DEDUCT FOUR MILLION DOLLARS FROM THE DEPARTMENT OF STATE CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND."

Renumber succeeding sections accordingly.

At the request of Senator Kopp, the following letter was ordered spread upon the pages of the journal:

State of Colorado
Department of
State

February 9, 2011

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Ms. Caroline Smith
 Legislative Analyst
 Colorado Joint Budget Committee
 200 East 14th Avenue, 3rd Floor
 Denver, CO 80203

Re: Management plan for the Department of State Cash Fund

Dear Ms. Smith:

I write in response to recent discussions involving the Joint Budget Committee regarding appropriate uses for accumulated reserves in the Department of State Cash Fund. For the reasons that follow, I would ask that you and the Committee temporarily defer further consideration of the Cash Fund's accumulated reserves in order to allow me sufficient time to finalize a detailed plan for the management of the Cash Fund. I believe that allowing me this opportunity will facilitate a more thorough and thoughtful discussion by the Committee and the General Assembly.

As you know, almost all of the moneys in the Cash Fund were derived from fees paid by businesses for filing documents with the Secretary of State, and I have expressed my view that the accumulated fees should either be utilized to support the purposes for which they were collected or returned to business filers in the form of reduced fees. In the last several weeks since I took office, I have become aware of a number of ways that the Department can and must serve its customers better, and I believe the Department must have the appropriate resources to implement such improvements to its services.

Accordingly, I have been actively assessing specific ways that the Department can more effectively manage its resources, including the Cash Fund. This review includes both current policies as well as the personnel necessary to properly manage department resources.

Given that the Cash Fund has for years generated excess reserves, I believe that the first priority for effective management of the Cash Fund is to develop a plan to reduce fees for our business filers. The Department is in the process of analyzing specific fee reductions that will provide a long-term solution to the excess reserve problem, while preserving our ability to fund our long-term obligations.

Our second priority is to identify and analyze ways we can more effectively serve our customers. Based on staff analysis, I have been evaluating a list of needed projects that have either been languishing due to insufficient resources or that have come to light recently.

For example, it is critical that the Department make changes to its business filing system in order to protect our business customers from the growing threat of business identity theft. We also badly need to complete the "Darwin project", which requires a complete reengineering of our electronic filing system for secured transactions - a project that has languished since it was authorized by legislation in 2006. In addition, I have become aware of needed improvements to our web site, the potential for some major litigation costs in the coming year relating primarily to campaign finance issues, and a variety of other issues and ideas that have recently come to light regarding how we should serve our customers better, especially our customers who paid fees into the Cash Fund. It should also be noted that there are numerous bills that have been introduced recently that may warrant funding by the General Assembly from the Cash Fund.

I am currently in the process of quickly working my way through a list of such items in order to assess their cost-effectiveness, priority, and cost. While I understand the time constraints under which the Committee operates, I believe the Committee and the General Assembly will benefit from a thoughtful and detailed proposal for the allocation of reserves in the Cash Fund.

Accordingly, I am requesting that you and the Committee allow me two weeks to complete my analysis and finalize a detailed proposal to manage the Cash Fund's accumulated reserve. I look forward to working with you and the Committee on this important issue.

Sincerely,
 (signed)
 Scott Gessler
 Secretary of State

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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	17	NO	18	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

Senators King S., Cadman, Grantham, Roberts, and White moved to amend the Report of the Committee of the Whole to show that SB 11-164, as amended, did not pass.

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

YES	14	NO	21	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	N	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	N	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

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.

Senators Scheffel and Nicholson moved to amend the Report of the Committee of the Whole to show that the following Nicholson and Scheffel floor amendment, (L.002) to SB 11-159, did pass.

Amend printed bill, page 5, line 12, strike "THIRTEEN" and substitute "NINETEEN".

Page 5 of the bill, line 14, strike "SEVEN" and substitute "ONE".

Amend the Appropriations Committee report, dated February 9, 2011, page 2, strike line 26 and substitute "two hundred ninety-three thousand dollars (\$293,000) cash funds, or so".

Page 3 of the committee report, strike lines 5 and 6 and substitute "impact grants, is decreased by seven hundred thirty-three thousand dollars (\$733,000).".

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	15	NO	20	EXCUSED	0	ABSENT	0	
Aguilar		N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon		N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd		N	Heath	N	Lundberg	Y	Spence	Y
Brophy		N	Hodge	N	Mitchell	Y	Steadman	N
Cadman		Y	Hudak	N	Morse	N	Tochtrop	N
Carroll		N	Jahn	N	Newell	N	White	Y
Foster		N	Johnston	N	Nicholson	Y	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 Boyd, the report of the Committee of the Whole was **adopted** on the following roll call vote:

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

The Committee of the Whole took the following action:

Passed on second reading: SB11-164 as amended, SB11-136 as amended, SB11-137 as amended, SB11-141 as amended, SB11-144 as amended, SB11-157, SB11-159 as amended, SB11-156 as amended.

Laid over until Monday, February 14: SB11-013, SB11-010, SB11-039, SB11-012, SB11-019, SB11-034, SB11-043, SB11-009, SB11-007, SB11-016, SB11-055, SB11-110, HB11-1022.

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, February 11 was laid over until Monday, February 14, retaining its place on the calendar.

Third Reading of Bills -- Final Passage: SB11-062.

Consideration of Resolutions: SJR11-005.

Consideration of Governor's Appointments:

Executive Director of the Department of Local Affairs

COMMITTEE OF REFERENCE REPORTS

Finance

After consideration on the merits, the Committee recommends that **SB11-025** 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 10, strike "(a)".

Page 2, strike lines 11 through 20.

Page 3, strike lines 1 through 5 and substitute "BODY PURSUANT TO THIS CODE SHALL SPECIFY THAT THE CONTRACT AND PERFORMANCE MEASURES AND STANDARDS UNDER ARTICLE 103.5 OF THIS TITLE ARE OPEN TO INSPECTION BY THE PUBLIC AS PROVIDED IN SECTIONS 24-72-203 AND 24-72-204."

Finance After consideration on the merits, the Committee recommends that **HB11-1037** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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

Amend printed bill, page 2, line 17, after "~~2008-09-~~" insert "MONEYS TRANSFERRED TO A COUNTY PURSUANT TO THIS SUB-SUBPARAGRAPH (B) SHALL BE AVAILABLE TO THE COUNTY IN THE SUCCEEDING STATE FISCAL YEAR."

Page 3, line 21, strike "OR (C)".

Page 3, line 24, strike "RESERVES." and substitute "RESERVES TO THE EXTENT THAT THE COUNTY OR COUNTIES RECEIVING THE RESERVES ACCEPT RESPONSIBILITY FOR THE MAINTENANCE OF EFFORT."

Trans- After consideration on the merits, the Committee recommends that **SB11-031** 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 printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. Article 12 of title 42, Colorado Revised Statutes, is amended, WITH THE RELOCATION OF PROVISIONS, to read:

PART 1

GENERAL PROVISIONS

42-12-101. Definitions. As used in this article, unless the context otherwise requires:

(1) "Collector" means an individual or person who is:

(a) The owner of one or more vehicles of historic or special interest who collects, purchases, acquires, trades, or disposes of these vehicles or parts thereof for such owner's use in order to preserve, restore, and maintain a vehicle for hobby purposes or use; or

(b) A bona fide member of a national automobile club or association whose charter recognizes in membership a sincere demonstration of interest in the history of automotive engineering, in the preservation of antique, vintage, or special interest motor vehicles, in a sharing of knowledge and experience with other automotive enthusiasts, or in the promotion of good fellowship among such members or collectors.

(2) "Collector's item" means a motor vehicle, including a truck or truck tractor, that is of:

(a) ~~(F)~~ Model year 1975 or earlier; or

~~(H)~~ (b) Model year 1976 or later that was registered as a collector's item prior to September 1, 2009; except that a vehicle so registered shall IS not be eligible for registration as a collector's item upon sale or transfer to a new owner. ~~This paragraph (a) is effective September 1, 2009.~~

~~(b) and (c) (Deleted by amendment, L. 97, p. 358, §1, effective July 1, 1997.)~~

(3) "COMMERCIAL VEHICLE" MEANS A TRAILER, TRUCK, OR TRUCK TRACTOR, AS THOSE TERMS ARE DEFINED IN SECTION 42-1-102.

(4) "DEALER" MEANS A PERSON WHO IS ENGAGED IN THE BUSINESS OR VOCATION OF MANUFACTURING, BUYING, SELLING, TRADING, DESTROYING, OR SALVAGING MOTOR VEHICLES, MOTOR VEHICLE PARTS, MOTOR VEHICLE EQUIPMENT, OR MOTOR VEHICLE ACCESSORIES.

(5) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

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(6) "DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE.

(7) "GARAGE" MEANS A BUILDING OR BUSINESS PLACE USED FOR THE STORAGE OR REPAIR OF MOTOR VEHICLES.

(8) "INSPECTOR" MEANS A PEACE OFFICER OF A LAW ENFORCEMENT AGENCY WHO HAS BEEN CERTIFIED UNDER SECTION 42-5-206 TO INSPECT VEHICLE IDENTIFICATION NUMBERS.

(9) "LAW ENFORCEMENT AGENCY" MEANS THE COLORADO STATE PATROL OR THE AGENCY OF A LOCAL GOVERNMENT AUTHORIZED TO ENFORCE THE LAWS OF COLORADO.

(10) "MOTOR VEHICLE" MEANS A SELF-PROPELLED VEHICLE DESIGNED FOR OPERATION ON THE HIGHWAY AND NOT RUNNING ON RAILS.

(11) **[Formerly 42-12-101 (3)]** "Parts car" means a motor vehicle, generally in ~~nonoperable~~ INOPERABLE condition, ~~which~~ THAT is owned by a collector to furnish or to supply parts that are usually ~~nonobtainable~~ UNOBTAINABLE from normal sources, thus enabling a collector or other collectors to preserve, restore, complete, and maintain a vehicle of historic or special interest.

(12) "REBUILT VEHICLE" MEANS A VEHICLE THAT WAS ASSEMBLED FROM PARTS OF TWO OR MORE COMMERCIALY MANUFACTURED VEHICLES OR THAT HAS BEEN ALTERED IN SUCH A MANNER THAT IT IS NOT READILY RECOGNIZABLE AS A COMMERCIALY MANUFACTURED VEHICLE OF A GIVEN YEAR. "REBUILT VEHICLE" INCLUDES A KIT CAR AND A STREET-ROD VEHICLE.

(13) "STATE" INCLUDES THE TERRITORIES AND THE FEDERAL DISTRICTS OF THE UNITED STATES.

(14) "STREET-ROD VEHICLE" MEANS A VEHICLE WITH A BODY DESIGN MANUFACTURED IN 1948 OR EARLIER OR WITH A REPRODUCTION COMPONENT THAT RESEMBLES A 1948 OR EARLIER MODEL THAT HAS BEEN MODIFIED FOR SAFE ROAD USE, INCLUDING MODIFICATIONS TO THE DRIVE TRAIN, SUSPENSION, AND BRAKE SYSTEMS, MODIFICATIONS TO THE BODY THROUGH THE USE OF MATERIALS SUCH AS STEEL OR FIBERGLASS, AND MODIFICATIONS TO OTHER SAFETY OR COMFORT FEATURES.

(15) "VEHICLE" MEANS A MOTOR VEHICLE REQUIRED TO HAVE A CERTIFICATE OF TITLE UNDER PART 1 OF ARTICLE 6 OF THIS TITLE BUT DOES NOT INCLUDE COMMERCIAL VEHICLES.

(16) "VEHICLE IDENTIFICATION NUMBER" MEANS THE IDENTIFYING NUMBER, SERIAL NUMBER, ENGINE NUMBER, OR OTHER DISTINGUISHING NUMBER OR MARK, INCLUDING ANY LETTERS, THAT IS UNIQUE TO THE IDENTITY OF A GIVEN VEHICLE OR VEHICLE PART AND THAT WAS PLACED ON A VEHICLE OR VEHICLE PART BY ITS MANUFACTURER OR BY THE DEPARTMENT UNDER EITHER SECTION 42-12-202 OR THE LAWS OF ANOTHER STATE OR COUNTRY.

42-12-102. [Formerly 42-6-108.5] Rebuilder's certificate of title. (1) (a) ~~On or after July 1, 2008;~~ If the applicant for a certificate of title to a motor vehicle is unable to provide the director or the authorized agent with a certificate of title duly transferred to ~~such~~ THE applicant or other evidence of ownership that satisfies the director that the applicant owns the vehicle, the director may issue a rebuilder's title for a motor vehicle valued principally because of the vehicle's early date of manufacture, design, or historical interest or valued as a collector's item if:

(I) The motor vehicle is not roadworthy;

(II) The motor vehicle is at least twenty-five years old;

(III) The components of the motor vehicle include at least a rolling chassis;

(IV) The application contains or is accompanied by a statement that complies with paragraph (b) of this subsection (1);

(V) The applicant obtains a certified vehicle identification number inspection; and

(VI) The applicant provides surety that complies with subsection (3) of this section.

(b) The statement required by subparagraph (IV) of paragraph (a) of this subsection (1) ~~shall~~ MUST contain an account of the facts by which the applicant acquired ownership of the vehicle, the source of the title to the vehicle, and such other information as the director may require. The statement ~~shall~~ MUST contain a written declaration that it is made under the penalties of perjury in the second degree, as defined in section 18-8-503, C.R.S.

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(2) If a motor vehicle titled pursuant to UNDER this section is later made roadworthy, the department shall issue to an applicant a standard certificate of title if the applicant:

(a) Obtains a certified vehicle identification number inspection;
AND

(b) FURNISHES A BOND UNDER SUBSECTION (3) OF THIS SECTION.

(3) (a) TO CONVERT A REBUILDER'S TITLE TO A STANDARD CERTIFICATE OF TITLE, the applicant shall furnish evidence of a savings account, deposit, or certificate of deposit meeting the requirements of section 11-35-101, C.R.S., or a good and sufficient bond with a corporate surety. The surety shall be ACCOUNT, DEPOSIT, CERTIFICATE, OR BOND MUST BE in an amount fixed by the director, but not less than twice the reasonable value of the vehicle, determined as of the time of application. The applicant and the applicant's surety shall hold harmless any person who suffers loss or damage by reason of the filing of a certificate of title under this section.

(b) If a person suffers loss or damage by reason of the filing of a certificate of title under this section, the person shall have HAS a right of action against the applicant and the surety on the applicant's bond, against either of whom the person damaged may proceed independently of the other.

(4) ~~A motor vehicle titled pursuant to this section shall not:~~

(a) ~~Be driven~~ A PERSON SHALL NOT DRIVE A MOTOR VEHICLE TITLED UNDER THIS SECTION on the highways until it complies with subsection (5) of this section. ~~or~~

(b) ~~Be deemed a salvage vehicle or receive a salvage certificate of title~~ THE DEPARTMENT OR ITS AUTHORIZED AGENT SHALL NOT CLASSIFY A VEHICLE ISSUED A TITLE UNDER THIS SECTION AS A SALVAGE VEHICLE.

(5) (a) If the motor vehicle's frame and body identification numbers do not match the manufacturer's numbering system as being originally mated or IF THE MOTOR VEHICLE is reconstructed from salvage parts or other motor vehicles or reproduction parts, an application for title under USING subsection (1) or (2) of this section shall be accompanied by MUST INCLUDE evidence of ownership acceptable to the director, of the parts, other motor vehicles, or reproduction components used in the reconstruction. IF THE EVIDENCE IS NOT ACCEPTABLE TO THE DIRECTOR, THE DIRECTOR SHALL REJECT THE APPLICATION FOR CERTIFICATE OF TITLE.

(b) The evidence required by paragraph (a) of this subsection (5) shall MUST include or be accompanied by an affidavit stating the facts concerning the reconstruction and an affidavit of physical inspection that includes a computer check of the state and national compilations of wanted and stolen vehicles.

(c) ~~Upon the applicant's compliance with paragraphs (a) and (b)~~ BEFORE ISSUING A CERTIFICATE OF TITLE UNDER PARAGRAPH (a) of this subsection (5), the department shall issue a special vehicle identification number to the vehicle.

42-12-103. Furnishing bond for certificates. (1) IF A COLLECTOR'S ITEM, STREET-ROD VEHICLE, OR HORSELESS CARRIAGE IS TWENTY-FIVE YEARS OLD OR OLDER, THE APPLICANT HAS HAD A CERTIFIED VEHICLE IDENTIFICATION NUMBER INSPECTION PERFORMED ON THE VEHICLE, AND THE APPLICANT PRESENTS A NOTARIZED BILL OF SALE WITHIN TWENTY-FOUR MONTHS AFTER THE SALE WITH THE TITLE APPLICATION, THEN THE APPLICANT NEED NOT FURNISH SURETY UNDER SECTION 42-6-115 (3). TO BE EXCEPTED FROM THE SURETY REQUIREMENT, AN APPLICANT SHALL SUBMIT TO THE DEPARTMENT A SWORN AFFIDAVIT, UNDER PENALTY OF PERJURY, STATING THAT THE REQUIRED DOCUMENTS SUBMITTED ARE TRUE AND CORRECT.

(2) IF ANY PERSON SUFFERS LOSS OR DAMAGE BY REASON OF THE FILING OF THE CERTIFICATE OF TITLE AS PROVIDED IN THIS SECTION, THE PERSON SHALL HAVE A RIGHT OF ACTION AGAINST THE APPLICANT AND THE SURETY ON THE APPLICANT'S BOND, AGAINST EITHER OF WHOM THE PERSON DAMAGED MAY PROCEED INDEPENDENTLY OF THE OTHER.

42-12-104. Applicability of articles 1, 3, 4, 5, and 6. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, ARTICLES 1, 3, 4, 5, AND 6 OF THIS TITLE APPLY TO THE TITLING AND REGISTRATION OF A MOTOR VEHICLE.

PART 2

STREET-ROD VEHICLES

42-12-201. [Formerly 42-5-203] Inspections - street-rod vehicles. When an inspector performs a vehicle identification number

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inspection on a street-rod vehicle, the inspector shall accept the serial number of such street-rod vehicle as the ~~vehicle~~ VEHICLE'S identification number ~~thereof~~; or, if the street-rod vehicle has frame and body identification numbers that do not match or is reconstructed from salvage parts, other vehicles, or reproduction parts, the inspector shall accept the special vehicle identification number assigned to such vehicle by the department ~~of revenue pursuant to~~ BY section ~~42-5-205~~ 42-12-202 as the vehicle identification number.

42-12-202. [Formerly 42-5-205] Assignment of a special vehicle identification number by the department. The department ~~of revenue is authorized to~~ MAY assign a special vehicle identification number to any street-rod vehicle whenever required by section ~~42-6-108~~ 42-12-203 and to any vehicle or commercial vehicle whenever no vehicle identification number is found on the vehicle or whenever a vehicle identification number has been removed, changed, altered, or obliterated. ~~Such~~ THE special number ~~shall~~ MUST be affixed to the vehicle or commercial vehicle in the manner and position determined by the department. ~~of revenue. Such~~ THE special number ~~shall then be~~ IS the vehicle identification number required to be recorded by an inspector on the inspection form that is transmitted to the ~~executive director of the~~ department, ~~of revenue, and the vehicle or commercial vehicle shall then be registered and titled under~~ WHICH SHALL REGISTER AND TITLE THE MOTOR VEHICLE USING the special vehicle identification number.

42-12-203. [Formerly 42-6-108] Identification number - title - street-rod vehicles. (1) When a person applies for a certificate of title for a street-rod vehicle, the department shall accept the serial number of ~~such~~ THE street-rod vehicle as its vehicle identification number or the special vehicle identification number assigned to such vehicle by the department ~~pursuant to~~ UNDER section ~~42-5-205~~ 42-12-202.

(2) A person who applies for a certificate of title for a street-rod vehicle having frame and body identification numbers that do not match the manufacturer's numbering system as being originally mated or that is reconstructed from salvage parts or other motor vehicles or reproduction parts shall furnish evidence of ownership, acceptable to the director, of such salvage parts, other motor vehicles, or reproduction components used in the reconstruction of such vehicle. In addition, the applicant shall ~~also~~ furnish an affidavit stating the facts concerning the reconstruction and an affidavit of physical inspection that includes a computer check of the state and national compilations of wanted and stolen vehicles. ~~Such~~ ~~vehicle reconstructed from salvage parts, other motor vehicles, or reproduction parts~~ THE DEPARTMENT may ~~then be issued~~ ISSUE a special vehicle identification number ~~from the department. The~~ AND TITLE THE street-rod vehicle ~~will then be titled~~ as a rebuilt vehicle. The model year and the year of manufacture that are listed on the certificate of title of a street-rod vehicle ~~shall be~~ ARE the model year and the year of manufacture that the body of such vehicle resembles.

42-12-204. [Formerly 42-4-215.5] Signal lamps and devices - street-rod vehicles and custom motor vehicles - definition. (1) As used in this section, ~~unless the context otherwise requires:~~

(a) "blue dot tail light" means a red lamp installed in the rear of a motor vehicle containing a blue or purple insert that is not more than one inch in diameter.

(b) ~~Repeated.~~

(2) A street-rod vehicle or custom motor vehicle may use blue dot tail lights for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors ~~Such~~ IF THE lamps ~~shall~~ comply with all requirements ~~provided in this~~ OF PART 2 OF article ~~other than color requirements~~ 4 OF THIS TITLE.

PART 3

SPECIAL REGISTRATION OF

HORSELESS CARRIAGES AND ORIGINAL PLATES

42-12-301. [Formerly 42-3-219] Special registration of horseless carriages - rules. (1) (a) The department may specially register and issue a horseless carriage special license plate for motor vehicles valued principally because of the vehicles' early date of manufacture, design, or historical interest or valued as collector's items.

(b) ~~In addition to any other registration, the department may approve use of original plates for motor vehicles valued principally because of the vehicles' early date of manufacture, design, or historical~~

~~interest or valued as collector's items. The use of a vehicle bearing such original plates shall be limited to the uses authorized in subsection (5) of this section when using the original plates authorized in this section. An original plate shall meet the following criteria in order to qualify for use under this paragraph (b):~~

~~(I) The plates were made at least thirty years prior to registration under this section;~~

~~(II) The plates are embossed with the year of original issue;~~

~~(III) The plates are legible;~~

~~(IV) The plates were issued contemporaneously with the year of manufacture of the vehicle upon which they are displayed, as determined by the department; and~~

~~(V) The plates do not exceed seven characters.~~

~~(c) (b) For the purposes of this section, "early date of manufacture" means that a motor vehicle was manufactured at least fifty years before the current date of registration.~~

~~(2) The plates issued under paragraph (a) of subsection (1) of this section shall MUST be of a design, determined by the executive director, of the department. Such design shall be THAT IS different from that used by the state for regular motor vehicle registration.~~

~~(3) (a) The executive director of the department shall register such THE vehicles and issue such plates for a period not exceeding five years, but all such THE registrations and plates shall expire on the same date regardless of the date of issue.~~

~~(b) Upon the expiration of the five-year period ending with the year 1959, and each five years thereafter, the registration plate originally issued for each vehicle shall MUST remain with the vehicle. The executive director of the department shall issue a tab to be securely fastened to the plate showing the five years for which the motor vehicle is registered.~~

~~(c) A registration issued pursuant to PERSON WHO HAS REGISTERED A VEHICLE UNDER this section shall be renewed RENEW THE REGISTRATION within thirty days prior to the ITS expiration date. of the registration. If the application for renewal, together with the fees, is not received by the executive director prior to the expiration date, the executive director shall notify the registered owner, at the address shown by the department's records, by regular mail, to reregister said THE vehicle or surrender the registration plate within ten days after the registration expiration date OF THE REGISTRATION. If the notice is not complied with, the executive director shall secure the return of the plate.~~

~~(4) The fee for issuing such registration and special registration plate or tab shall be IS five dollars for each five-year period or fraction thereof. In addition to the five-dollar registration fee, the executive director of the department shall collect the one-dollar-and-fifty-cent annual specific ownership fee provided by law for each year of registration, which additional fee shall be collected for the number of years remaining at the time of registration and issuance or renewal of the registration.~~

~~(5) Motor vehicles having such special registration plates may be used A PERSON MAY DRIVE A MOTOR VEHICLE WITH THE SPECIAL REGISTRATION PLATES AUTHORIZED BY THIS SECTION OR SECTION 42-12-302 on the streets and highways, for driving such vehicle BUT ONLY:~~

~~(a) To and from assemblies, conventions, or other meetings where such vehicles and their ownership are the primary interest;~~

~~(b) Vehicles so registered may also be used or driven On special occasions, for demonstrations and parades;~~

~~(c) and On occasions when their THE operation OF THE VEHICLE on the streets and highways will not constitute a traffic hazard; AND~~

~~(d) They may also be used for traveling To, and from, and while on DURING local, state, or national tours held primarily for the exhibition and enjoyment of such vehicles.~~

~~(6) Upon the sale or transfer of a motor vehicle bearing a special registration plate, the plate shall remain REMAINS with the vehicle and be IS transferred to the new owner. The new owner shall title such motor vehicle as provided by law and GIVE notice of the transfer of ownership shall be given to the department.~~

~~(7) All Applications for special registration of motor vehicles shall be ARE made directly to the department. of revenue. THE~~

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DEPARTMENT SHALL ADMINISTER all matters concerning such registration. ~~shall be administered by the department. All~~ THE DEPARTMENT SHALL TRANSFER fees received from special registrations ~~shall be transferred to the state treasurer, and credited~~ WHO SHALL CREDIT THE FEES to the highway users tax fund.

(8) The ~~executive~~ director may prepare any special forms and issue any rules necessary to implement this section.

(9) When ~~application is made to the executive~~ director RECEIVES AN APPLICATION for a title to a vehicle ~~described in~~ UNDER subsection (1) of this section, the ~~executive~~ director shall accept the original motor or serial number on ~~such~~ THE vehicle and shall not require or issue a special identification number for ~~such~~ THE vehicle.

~~(10) Repealed.~~

42-12-302. Original plates. (1) IN ADDITION TO ANY OTHER REGISTRATION, THE DEPARTMENT MAY APPROVE USE OF THE STYLE OF ORIGINAL PLATES FROM THE VEHICLE'S YEAR OF MANUFACTURE FOR MOTOR VEHICLES VALUED PRINCIPALLY BECAUSE OF THE VEHICLES' EARLY DATE OF MANUFACTURE, DESIGN, OR HISTORICAL INTEREST OR VALUED AS COLLECTOR'S ITEMS. ORIGINAL PLATES MUST MEET THE FOLLOWING CRITERIA IN ORDER TO QUALIFY FOR USE UNDER THIS SECTION:

(a) THE PLATES WERE MADE AT LEAST THIRTY YEARS PRIOR TO REGISTRATION UNDER THIS SECTION;

(b) THE PLATES ARE EMBOSSED WITH THE YEAR OF ORIGINAL ISSUE;

(c) THE PLATES ARE LEGIBLE;

(d) THE PLATES WERE ISSUED CONTEMPORANEOUSLY WITH THE YEAR OF MANUFACTURE OF THE VEHICLE UPON WHICH THEY ARE DISPLAYED, AS DETERMINED BY THE DEPARTMENT; AND

(e) THE PLATES DO NOT EXCEED SEVEN CHARACTERS.

(2) A PERSON SHALL NOT DRIVE THE VEHICLE BEARING THE ORIGINAL PLATES EXCEPT AS AUTHORIZED IN SECTION 42-12-301 (5).

PART 4

COLLECTOR'S ITEMS

42-12-401. [Formerly 42-12-102] Registration of collector's items - fees - definition. (1) Except for ~~those~~ motor vehicles that are entitled to registration under ~~the provisions of section 42-3-219~~ 42-12-301, OWNERS OF collector's items shall ~~be titled, registered~~ APPLY FOR A TITLE, REGISTER, and PAY a specific ownership tax ~~shall be paid thereon~~ in the same manner as provided in this title for other motor vehicles, with the following exceptions:

(a) Such collector's items ~~shall be~~ ARE registered for periods of five years. The taxes and fees imposed for registration of a collector's item for each five-year registration period ~~shall be~~ IS equal to five times the annual taxes and fees ~~which~~ THAT would otherwise be imposed for the registration of ~~such~~ THE motor vehicle under this title and under title 43, C.R.S.; except that the amount of a surcharge imposed pursuant to section 43-4-804 (1) (a) or 43-4-805 (5) (g), C.R.S., ~~shall be~~ IS the amount specified in the applicable section. In addition to any other ~~such~~ taxes and fees, if a collector's item is registered in a county ~~which~~ THAT is a member of ~~one or more~~ A highway ~~authorities~~ AUTHORITY and ~~such~~ THE authority ~~or authorities~~ ~~have~~ HAS imposed an annual motor vehicle registration fee ~~or fees~~ pursuant to ~~the provisions of section 43-4-506 (1) (k), C.R.S., then five times such annual motor vehicle registration fee or fees shall be~~ IS imposed and remitted to ~~such~~ THE authority. ~~or authorities.~~

(b) ~~(i) No collector's item of model year 1976 or later for which a certification of emissions control is required under sections 42-4-301 to 42-4-316 shall be registered under this section unless a certification of emissions control is obtained for the collector's item. Reregistration of the collector's item by the same owner shall not require the obtainment of a new certification of emissions control, but the collector's item shall not be registered under this section after the sale or transfer of the vehicle to a new owner. THE MOTOR VEHICLE'S COMPLIANCE WITH EMISSIONS STANDARDS IS GOVERNED BY SECTION 42-12-404.~~

~~(ii) (Deleted by amendment, L. 2009, (SB 09-003), ch. 322, p. 1720, § 8, effective June 1, 2009.)~~

(c) The annual registration fee for a truck or truck tractor that has an empty weight of six thousand one pounds or more, or a declared gross vehicle weight of sixteen thousand one pounds or more and is a collector's item, ~~shall be~~ IS sixty-five dollars if such vehicle is used

exclusively for noncommercial transportation and only used to drive:

(I) To and from assemblies, conventions, or other meetings where such vehicles and their ownership are the primary interest;

(II) For special occasions, demonstrations, and parades and on occasions when their operation on the streets and highways will not constitute a traffic hazard; or

(III) Traveling to, and from, and while on DURING local, state, or national tours held primarily for the exhibition and enjoyment of such vehicles by their owners.

(d) For purposes of paragraph (c) of this subsection (1), "noncommercial transportation" means a truck or truck tractor used exclusively for private transportation of passengers or cargo for purposes unrelated in any way to a business or commercial enterprise.

(2) (a) An owner of a collector's item that is not operated upon the highways of this state and that is kept on private property for the purpose of maintenance, repair, restoration, rebuilding, or any other similar purpose shall pay an annual specific ownership tax as provided in section 42-3-106 on any such motor vehicle owned by such THE owner, except owners of parts cars as defined in section 42-12-101 (3), or licensed garages or licensed automobile dealers. The payment of The OWNER SHALL PAY THE specific ownership tax shall be made in the manner provided in section 42-3-219 42-12-301.

(b) Upon payment of the specific ownership tax as provided in this subsection (2), the department of revenue shall issue to the owner of the motor vehicle for which the tax has been paid a license, sticker, decal, or other device evidencing such payment, as may be prescribed by the executive director. When such device or license is affixed to the motor vehicle for which IT IS issued, the owner of that motor vehicle shall be IS permitted to keep such motor vehicle on private property for the purposes of maintenance, repair, restoration, rebuilding, or renovation.

(3) Notwithstanding the amount specified for any fee in subsection (1) of this section, the executive director of the department of revenue by rule or as otherwise provided by law may reduce the amount of one or more of the fees if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the executive director of the department of revenue by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section 24-75-402 (4), C.R.S.

(4) An applicant may apply for personalized license plates issued for a motor vehicle registration issued pursuant to this section. If the applicant complies with section 42-3-211, the department of revenue may issue such plates upon payment of the additional fee required by section 42-3-211 (6) for personalized license plates. If the applicant has existing personalized license plates for a motor vehicle, the applicant may transfer the combination of letters or numbers to a new set of license plates for the vehicle upon paying the fee imposed by section 42-3-211 (6) (a) and upon turning in such existing plates to the department as required by the department. A person who has obtained personalized plates under this subsection (4) shall pay the annual fee imposed by section 42-3-211 (6) (b) to renew such plates. The fees imposed by this subsection (4) shall be ARE in addition to all other taxes and fees imposed for collector COLLECTOR'S license plates.

42-12-402. [Formerly 42-12-103] Storage. A collector may store ONE OR MORE motor vehicles, as described in section 42-12-101, or parts thereof; VEHICLES OR MOTOR VEHICLE PARTS on the collector's private property provided such vehicles and parts cars and the outdoor IF THE VEHICLE, MOTOR VEHICLE PART, AND storage areas AREA are maintained in such a manner that they do SO AS TO not constitute a health hazard, a safety hazard, or a fire hazard; and are effectively screened from ordinary public view by means of a solid fence, trees, shrubbery, or other appropriate means; Such storage areas shall be AND ARE kept free of weeds, trash, and other objectionable items.

42-12-403. [Formerly 42-12-104 (1) and (3)] Special equipment or modification. (1) Unless the presence of special equipment was a prior condition for sale within Colorado at the time an historic or special interest vehicle was manufactured for first use, the presence of such equipment or device shall IS not be required as a

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condition for current legal use.

(3) (2) Any safety device or safety equipment ~~which~~ THAT was manufactured for and installed on a motor vehicle as original equipment must be in proper operating condition when the vehicle is operated on or for highway purposes.

42-12-404. Emissions. (1) [Formerly 42-12-104 (2)] Any A motor vehicle of historic or special interest manufactured prior to the date emission controls were standard equipment on that particular make or model of vehicle is exempted from statutes requiring the inspection and use of such emission controls. Any A motor vehicle using emission controls as standard equipment at the time of manufacture must have such equipment in proper operating condition at all times when the vehicle is operated on or for highway purposes.

(2) A CERTIFICATION OF EMISSIONS CONTROL THAT HAS BEEN ISSUED FOR A MOTOR VEHICLE THAT IS REGISTERED AS A COLLECTOR'S ITEM BEFORE SEPTEMBER 1, 2009, AND THAT IS OF MODEL YEAR 1976 OR LATER IS VALID UNTIL THE MOTOR VEHICLE IS SOLD OR TRANSFERRED.

42-12-405. Registration penalty. IN ADDITION TO ANY OTHER PENALTIES, THE DEPARTMENT SHALL CANCEL THE REGISTRATION OF A NONCOMMERCIAL OR RECREATIONAL VEHICLE, TRUCK, OR TRUCK TRACTOR REGISTERED AS A COLLECTOR'S ITEM PURSUANT TO SECTION 42-12-401 THAT IS USED TO TRANSPORT CARGO OR PASSENGERS FOR PROFIT OR HIRE OR IN A BUSINESS OR COMMERCIAL ENTERPRISE. THE DEPARTMENT SHALL CANCEL THE REGISTRATION OF A TRUCK OR TRUCK TRACTOR REGISTERED AS A COLLECTOR'S ITEM PURSUANT TO SECTION 42-12-401 THAT IS DRIVEN FOR ANY PURPOSE OTHER THAN THOSE PURPOSES ALLOWED IN SECTION 42-12-401 (1) (c).

SECTION 2. 4-2.5-104 (1) (a), Colorado Revised Statutes, is amended to read:

4-2.5-104. Leases subject to other law. (1) A lease, although subject to this article, is also subject to any applicable:

(a) Certificate of title statute of this state (including vessels under article 13 of title 33, C.R.S., snowmobiles under article 14 of title 33, C.R.S., mobile homes under article 29 of title 38, C.R.S., aircraft under article 2 of title 41, C.R.S., and motor vehicles under article 6 OR 12 of title 42, C.R.S.);

SECTION 3. 12-6-102 (17) (f), Colorado Revised Statutes, is amended to read:

12-6-102. Definitions. As used in this part 1 and in part 5 of this article, unless the context or section 12-6-502 otherwise requires:

(17) "Used motor vehicle dealer" means any person who, for commission or with intent to make a profit or gain of money or other thing of value, sells, exchanges, leases, or offers an interest in used motor vehicles, or attempts to negotiate a sale, exchange, or lease of used and new motor vehicles or who is engaged wholly or in part in the business of selling used motor vehicles, whether or not such motor vehicles are owned by such person. The sale of three or more used motor vehicles or the offering for sale of more than three used motor vehicles at the same address or telephone number in any one calendar year shall be prima facie evidence that a person is engaged in the business of selling used motor vehicles. "Used motor vehicle dealer" includes any owner of real property who allows more than three used motor vehicles to be offered for sale on such property during one calendar year unless said property is leased to a licensed used motor vehicle dealer. "Used motor vehicle dealer" does not include:

(f) Any person who only sells or exchanges no more than four motor vehicles that are collector's items pursuant to section ~~42-3-219, C.R.S., or pursuant to~~ UNDER PART 3 OR 4 OF article 12 of title 42, C.R.S.;

SECTION 4. 42-3-121 (1) (g), (1) (h), and (2) (c), Colorado Revised Statutes, are amended to read:

42-3-121. Violation of registration provisions - penalty. (1) It is unlawful to commit any of the following acts:

(g) To use or permit the use of a truck or truck tractor registered as a collector's item pursuant to section ~~42-12-102~~ 42-12-401 (1) (c) to transport cargo or passengers for profit or hire or in a business or commercial enterprise;

(h) To drive or permit to be driven a truck or truck tractor registered as a collector's item pursuant to section ~~42-12-102~~ 42-12-401 (1) (c) for any purpose other than those purposes allowed in section

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~~42-12-102~~ 42-12-401 (1) (c).

(2) (c) A person who violates paragraph (f) or (g) of subsection (1) of this section commits a class B traffic infraction. ~~In addition to the penalties prescribed for a violation of paragraph (f) or (g) of subsection (1) of this section, the department shall cancel the registration of a noncommercial or recreational vehicle, truck, or truck tractor registered as a collector's item pursuant to section 42-12-102 (1) (c) that has been used to transport cargo or passengers for profit or hire or in a business or commercial enterprise. The department shall cancel the registration of a truck or truck tractor registered as a collector's item pursuant to section 42-12-102 (1) (c) that has been driven for any purpose other than those purposes allowed in section 42-12-102 (1) (c).~~

SECTION 5. 42-4-206 (1) and (4), Colorado Revised Statutes, are amended to read:

42-4-206. Tail lamps and reflectors. (1) TO BE OPERATED ON A ROAD, every motor vehicle, trailer, semitrailer, and pole trailer and any other vehicle ~~which~~ THAT is being drawn at the end of a train of vehicles ~~shall~~ MUST be equipped with at least one tail lamp mounted on the rear, which, when lighted as required in section 42-4-204, ~~shall emit~~ EMITS a red light plainly visible from a distance of five hundred feet to the rear; except that, in the case of a train of vehicles, only the tail lamp on the rear-most vehicle need actually be seen from the distance specified, ~~and~~ except as provided in section ~~42-4-215.5~~ 42-12-204. Furthermore, every ~~such~~ vehicle registered in this state and manufactured or assembled after January 1, 1958, ~~shall~~ MUST be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable, which, when lighted as required in section 42-4-204, ~~shall~~ comply with ~~the provisions of this section.~~

(4) TO BE OPERATED ON A ROAD, every motor vehicle ~~operated on and after January 1, 1958, upon a highway in the state of Colorado shall~~ MUST carry on the rear, either as part of a tail lamp or separately, one red reflector meeting the requirements of this section; except that vehicles of the type mentioned in section 42-4-207 ~~shall~~ MUST be equipped with reflectors as required in those sections applicable thereto and except as BY LAW UNLESS OTHERWISE provided in section ~~42-4-215.5~~ 42-12-204.

SECTION 6. 42-4-215 (1), (2), and (7), Colorado Revised Statutes, are amended to read:

42-4-215. Signal lamps and devices - additional lighting equipment. (1) TO BE OPERATED ON A ROAD, any motor vehicle may be equipped, and when required under this article ~~shall~~ MUST be equipped, with a stop lamp or lamps on the rear of the vehicle ~~which~~ THAT, except as provided in section ~~42-4-215.5~~, ~~shall~~ 42-12-204, display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight, ~~and which shall be~~ THAT ARE actuated upon application of the service (foot) brake, and ~~which~~ THAT may but need not be incorporated with one or more other rear lamps. Such stop lamp or lamps may also be automatically actuated by a mechanical device when the vehicle is reducing speed or stopping. If two or more stop lamps are installed on any motor vehicle, any device actuating such lamps ~~shall~~ MUST be so designed and installed that all stop lamps are actuated by such device.

(2) Any motor vehicle may be equipped, and when required under this article ~~shall~~ MUST be equipped, with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or to the left. ~~Such~~ THE lamps showing to the front ~~shall~~ MUST be located on the same level and as widely spaced laterally as practicable and when in use ~~shall~~ display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than one hundred feet to the front in normal sunlight, and the lamps showing to the rear ~~shall~~ MUST be located at the same level and as widely spaced laterally as practicable and, except as provided in section ~~42-4-215.5~~ 42-12-204, when in use ~~shall~~ MUST display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight. When actuated, ~~such~~ THE lamps ~~shall~~ MUST indicate the intended direction of turning by flashing the light showing to the front and rear on the side toward which the turn is made.

(7) Any vehicle may be equipped with lamps ~~which~~ THAT may be used for the purpose of warning the operators of other vehicles of the

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presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing and, when so equipped and when the said vehicle is not in motion or is being operated at a speed of twenty-five miles per hour or less and at no other time, may display such warning in addition to any other warning signals required by this article. The lamps used to display such warning to the front ~~shall~~ MUST be mounted at the same level and as widely spaced laterally as practicable and ~~shall~~ display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display ~~such~~ THE warning to the rear ~~shall~~ MUST be mounted at the same level and as widely spaced laterally as practicable and, except as provided in section ~~42-4-215.5, shall~~ 42-12-204, show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights ~~shall~~ MUST be visible from a distance of not less than five hundred feet under normal atmospheric conditions at night.

SECTION 7. 42-4-229 (4), Colorado Revised Statutes, is amended to read:

42-4-229. Safety glazing material in motor vehicles. (4) ~~No~~ A person shall NOT operate a motor vehicle on ~~any~~ A highway ~~within this state~~ unless ~~such~~ THE vehicle is equipped with a front windshield as provided in this section, except as provided in section 42-4-232 (1) and except for motor vehicles registered as collector's items under section ~~42-3-219~~ 42-12-301 OR 42-12-302.

SECTION 8. Repeal. 42-4-304 (3) (c), Colorado Revised Statutes, is repealed as follows:

42-4-304. Definitions relating to automobile inspection and readjustment program. As used in sections 42-4-301 to 42-4-316, unless the context otherwise requires:

(3) (c) ~~Effective September 1, 2009, a certification of emissions control that has been issued for any motor vehicle that is registered as a collector's item under the provisions of section 42-12-102 and that is of model year 1976 or later shall be valid until the motor vehicle is sold or transferred.~~

SECTION 9. 42-4-304 (18), Colorado Revised Statutes, is amended to read:

42-4-304. Definitions relating to automobile inspection and readjustment program. As used in sections 42-4-301 to 42-4-316, unless the context otherwise requires:

(18) "Motor vehicle", as applicable to the AIR program, includes only a motor vehicle that is operated with four wheels or more on the ground, self-propelled by a spark-ignited engine burning gasoline, gasoline blends, gaseous fuel, blends of liquid gasoline and gaseous fuels, alcohol, alcohol blends, or other similar fuels, having a personal property classification of A, B, or C pursuant to section 42-3-106, and for which registration in this state is required for operation on the public roads and highways or which motor vehicle is owned or operated or both by a nonresident who meets the requirements set forth in section 42-4-310 (1) (c). "Motor vehicle" does not include kit vehicles; vehicles registered pursuant to section ~~42-3-219~~ 42-12-301 or 42-3-306 (4); vehicles registered pursuant to section ~~42-12-102~~ 42-12-401 that are of model year 1975 or earlier or that have two-stroke cycle engines manufactured prior to 1980; or vehicles registered as street-rods pursuant to section 42-3-201.

SECTION 10. The introductory portion to 42-3-306 (5), Colorado Revised Statutes, is amended to read:

42-3-306. Registration fees - passenger and passenger-mile taxes - fee schedule. (5) The annual registration fee for those trucks and truck tractors operated over the public highways of this state, except trucks that are registered under subsections (4) and (13) of this section and section ~~42-12-102~~ 42-12-401 (1) (c), ~~shall be~~ IS as follows:

SECTION 11. 42-4-310 (1) (d) (II) (B) and (1) (d) (VIII) (A), Colorado Revised Statutes, are amended to read:

42-4-310. Periodic emissions control inspection required. (1) (d) (II) (B) ~~For the basic emissions program, effective January 1, 1994, no emissions-related repair waiver shall be issued for any vehicle that is registered as a collector's item pursuant to the provisions of section 42-12-102 and that is of the model year 1976 or later.~~

(VIII) (A) For the enhanced emissions program except as provided in sub-subparagraph (B) of this subparagraph (VIII), ~~effective January 1, 1995,~~ for businesses that operate nineteen or fewer vehicles

and for private motor vehicles only of a model year 1967 or earlier required to be registered in the enhanced emissions program area, after any adjustments or repairs required pursuant to UNDER section 42-4-306, if total expenditures of at least seventy-five dollars have been made to bring the vehicle into compliance with applicable emissions standards and the vehicle still does not meet the standards, a certification of emissions waiver shall be issued for the vehicle. ~~No emissions-related repair waiver shall be issued for vehicles that are registered as collector's items pursuant to section 42-12-102 and that are of a model year 1976 or later.~~

SECTION 12. The introductory portion to 42-4-311 (2) and 42-4-311 (2) (b) and (3) (a) (II), Colorado Revised Statutes, are amended to read:

42-4-311. Operation of inspection and readjustment stations - inspection-only facilities - fleet inspection stations - motor vehicle dealer test facilities - enhanced inspection centers. (2) A licensed inspection and readjustment ~~STATION, inspection-only facilities FACILITY, fleet inspection stations, and STATION, motor vehicle dealer test facilities, and FACILITY, OR~~ authorized enhanced inspection centers CENTER shall NOT issue a certification of emissions control to a motor vehicle ~~only~~ EXCEPT upon forms prescribed by the executive director. ~~and a certification of emissions compliance or, if applicable, emissions waiver shall be issued by the licensed inspection and readjustment station, inspection-only facility, fleet inspection station, or motor vehicle dealer test facility or authorized enhanced inspection center to a motor vehicle only after~~ SUCH STATION, FACILITY, OR CENTER SHALL NOT ISSUE A CERTIFICATION OF EMISSIONS COMPLIANCE OR EMISSION WAIVER UNLESS the licensed or authorized emissions inspector or emissions mechanic performing said THE inspection at said station determines that:

(b) The exhaust gas and, if applicable, evaporative emissions from the motor vehicle do not comply with the applicable emissions standards after the adjustments and repairs required in accordance with BY section 42-4-306 have been performed and there is no evidence of emissions system tampering or visible smoke, in which case a certification of emissions waiver shall be issued. A FLEET EMISSION INSPECTOR SHALL NOT ISSUE A certification of emissions waiver ~~shall not be issued by a fleet emissions inspector~~ within the enhanced program area. ~~A certification of emissions waiver shall not be issued for a motor vehicle registered as a collector's item under the provisions of section 42-12-102.~~

(3) (a) (II) No verification of emissions test ~~shall~~ IS REQUIRED TO be issued to or required for any motor vehicle ~~which~~ THAT is registered as a collector's item pursuant to ~~the provisions of section 42-12-102~~ 42-12-401.

SECTION 13. 42-4-401 (5), Colorado Revised Statutes, is amended to read:

42-4-401. Definitions. As used in this part 4, unless the context otherwise requires:

(5) "Diesel powered motor vehicle" or "diesel vehicle" as applicable to opacity inspections, includes only a motor vehicle with four wheels or more on the ground, powered by an internal combustion, compression ignition, diesel fueled engine, and also includes any motor vehicle having a personal property classification of A, B, or C, pursuant to section 42-3-106, as specified on its vehicle registration, and for which registration in this state is required for operation on the public roads and highways. "Diesel vehicle" does not include: ~~the following:~~ Vehicles registered pursuant to UNDER section ~~42-3-219 or 42-12-301~~; VEHICLES TAXED UNDER SECTION 42-3-306 (4); or off-the-road diesel powered vehicles or heavy construction equipment.

SECTION 14. 42-5-101 (11), Colorado Revised Statutes, is amended to read:

42-5-101. Definitions. As used in this part 1, unless the context otherwise requires:

(11) "Vehicle identification number" means any identifying number, serial number, engine number, or other distinguishing number or mark, including letters, if any, that is unique to the identity of a given vehicle or component part thereof that was placed on a vehicle or engine by its manufacturer or by authority of the department of revenue pursuant to section ~~42-5-205~~ 42-12-202 or in accordance with the laws of another state or country.

SECTION 15. 42-5-201 (13), Colorado Revised Statutes, is

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amended to read:

42-5-201. Definitions. As used in this part 2, unless the context otherwise requires:

(13) "Vehicle identification number" means any identifying number, serial number, engine number, or other distinguishing number or mark, including letters, if any, that is unique to the identity of a given vehicle or commercial vehicle or component part thereof that was placed on a vehicle, commercial vehicle, or engine by its manufacturer or by authority of the department of revenue pursuant to UNDER section ~~42-5-205~~ 42-12-202 or in accordance with the laws of another state or country.

SECTION 16. 42-6-115 (3), Colorado Revised Statutes, is amended to read:

42-6-115. Furnishing bond for certificates. (3) (a) Except as provided by paragraph (b) of this subsection (3) ~~OR SECTION 42-12-402, THE DEPARTMENT OR AN AUTHORIZED AGENT SHALL NOT FILE~~ A certificate of title ~~shall be filed~~ under this section until the applicant furnishes evidence of a savings account, deposit, or certificate of deposit meeting the requirements of section 11-35-101, C.R.S., or a good and sufficient bond with a corporate surety, to the state, in an amount to be fixed by the director, not less than twice the reasonable value of the vehicle determined as of the time of application. The applicant and the applicant's surety shall hold harmless any person who suffers loss or damage by reason of the filing of a certificate under this section.

(b) If the vehicle for which the certificate is filed is twenty-five years old or older, the applicant has had a certified vehicle identification number inspection performed on the vehicle, and the applicant presents a notarized bill of sale within twenty-four months after ~~such~~ THE sale with the title application, then the applicant ~~shall not be required to~~ NEED NOT furnish surety pursuant to UNDER this subsection (3). To be excepted from the surety requirement, an applicant shall submit an affidavit to the department that is sworn to under penalty of perjury that states that the required documents submitted are true and correct.

SECTION 17. 42-6-117 (2), Colorado Revised Statutes, is amended to read:

42-6-117. Filing of certificate. (2) No certificate of title may be filed for a vehicle required to have its vehicle identification number inspected pursuant to section 42-5-202 unless a vehicle identification number inspection form has been transmitted to the director or the authorized agent showing the number recorded from the vehicle or the number assigned to the vehicle pursuant to UNDER section ~~42-5-205~~ 42-12-202.

SECTION 18. 42-6-145 (1), Colorado Revised Statutes, is amended to read:

42-6-145. Use of vehicle identification numbers in applications - rules. (1) A person required to apply for a certificate of title or registration of a motor vehicle shall use the identification number placed upon the motor vehicle by the manufacturer or the special vehicle identification number assigned to the motor vehicle by the department pursuant to section ~~42-5-205~~ 42-12-202. The certificate of title and registration card issued by the department shall use the identification number of the motor vehicle.

SECTION 19. 42-9-110, Colorado Revised Statutes, is amended to read:

42-9-110. Exemption - antique motor vehicles. ~~The provisions of This article shall~~ DOES not apply to repairs of any motor vehicle twenty-five or more years old or of any motor vehicle ~~which~~ THAT is a collector's item as defined in section 42-12-101. ~~(2):~~

SECTION 20. 43-4-804 (1) (a) (VI), Colorado Revised Statutes, is amended to read:

43-4-804. Highway safety projects - surcharges and fees - crediting of moneys to highway users tax fund. (1) (a) (VI) The road safety surcharge shall not be imposed on any vehicle for which the department of revenue has issued a horseless carriage special license plate pursuant to section ~~42-3-219 (1) (a)~~ 42-12-301, C.R.S.

SECTION 21. 43-4-805 (5) (g) (VII), Colorado Revised Statutes, is amended to read:

43-4-805. Statewide bridge enterprise - creation - board - funds - powers and duties - reporting requirements - legislative

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declaration. (5) In addition to any other powers and duties specified in this section, the bridge enterprise board has the following powers and duties:

(g) (VII) The bridge safety surcharge shall IS not be imposed on any vehicle for which the department of revenue has issued a horseless carriage special license plate pursuant to section ~~42-3-219 (1) (a)~~ 42-12-301, C.R.S.

SECTION 22. Repeal of provisions being relocated in this act. Sections 42-6-108.5, 42-5-203, 42-5-205, 42-6-108, 42-4-215.5, and 42-3-219, Colorado Revised Statutes, are repealed.

SECTION 23. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor."

Education

After consideration on the merits, the Committee recommends that **SB11-100** 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 printed bill, page 2, strike lines 10 through 17 and insert:

"**SECTION 2.** 2-3-1203 (3) (cc), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(cc) July 1, 2016:

(III) THE COUNCIL OF HIGHER EDUCATION REPRESENTATIVES CONVENED PURSUANT TO SECTION 23-1-108.5 (3), C.R.S.;

SECTION 3. 23-1-108.5 (3) (a) and (3) (e), Colorado Revised Statutes, are amended to read:

23-1-108.5. Duties and powers of the commission with regard to common course numbering system - repeal. (3) (a) On or before July 1, 2001, the commission shall convene a council consisting of representatives from each of the higher education governing boards, each of the four-year higher education institutions, and a representative sample of the two-year higher education institutions; ~~a representative of students enrolled in state-supported state colleges, a representative of students enrolled in state-supported community colleges, and a representative of students enrolled in state-supported universities;~~ and a representative of the commission. THE COMMISSION SHALL CONSULT WITH THE GOVERNING BOARDS WHEN CONVENING REPRESENTATIVES FROM THE HIGHER EDUCATION INSTITUTIONS. BY JULY 1, 2011, THE COUNCIL SHALL CREATE A PROCESS THROUGH WHICH IT SHALL SEEK INPUT FROM AND CONSULT WITH VARIOUS HIGHER EDUCATION STUDENT ORGANIZATIONS FOR EACH ARTICULATION AGREEMENT AND FOR THE REVIEW OF GENERAL EDUCATION COURSES AND THE COURSE NUMBERING SYSTEM AS REQUIRED IN PARAGRAPH (c) OF THIS SUBSECTION (3).

(e) This subsection (3) is repealed, effective July 1, ~~2011~~ 2016. Prior to such repeal, the council of higher education representatives shall be reviewed as provided for in section 2-3-1203, C.R.S.

SECTION 4. Safety clause. The general assembly hereby finds,".

Education

After consideration on the merits, the Committee recommends that **SB11-011** be postponed indefinitely.

Health & Human

After consideration on the merits, the Committee recommends that **SB11-087** be referred to the Committee of the Whole with favorable recommendation and with a

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Services recommendation that it be placed on the Consent Calendar. 1

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Health & After consideration on the merits, the Committee recommends that **SB11-105** be amended 4
Human as follows, and as so amended, be referred to the Committee on Appropriations with 5
Services favorable recommendation. 6

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Amend printed bill, page 2, after line 1 insert: 9

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"SECTION 1. 25.5-6-1202 (3) (a), Colorado Revised Statutes, is 11
amended to read: 12

25.5-6-1202. Definitions. As used in this part 12, unless the 13
context otherwise requires: 14

(3) "Eligible person" means any person who: 15

(a) Is eligible for home- and community-based services under part 16
PARTS 3 TO 9 of this article or is eligible for the disabled children care 17
program under section 25.5-6-901;". 18

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Renumber succeeding sections accordingly. 20

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Health & After consideration on the merits, the Committee recommends that **SB11-103** be referred 23
Human to the Committee of the Whole with favorable recommendation and with a 24
Services recommendation that it be placed on the Consent Calendar. 25

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Health & After consideration on the merits, the Committee recommends that **SB11-040** be amended 28
Human as follows, and as so amended, be referred to the Committee of the Whole with favorable 29
Services recommendation. 30

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Amend printed bill, strike everything below the enacting clause and 32
substitute: 33

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"SECTION 1. Title 25, Colorado Revised Statutes, is amended 35
BY THE ADDITION OF A NEW ARTICLE to read: 36

ARTICLE 43 37

Required Head Trauma Guidelines 38

25-43-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY 39
BE CITED AS THE "JAKE SNAKENBERG YOUTH CONCUSSION ACT". 40

25-43-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE 41
CONTEXT OTHERWISE REQUIRES: 42

(1) "HEALTH CARE PROVIDER" MEANS A DOCTOR OF MEDICINE, 43
DOCTOR OF OSTEOPATHIC MEDICINE, LICENSED NURSE PRACTITIONER, 44
LICENSED PHYSICIAN ASSISTANT, OR LICENSED DOCTOR OF PSYCHOLOGY 45
WITH TRAINING IN NEUROPSYCHOLOGY OR CONCUSSION EVALUATION AND 46
MANAGEMENT. 47

(2) "PUBLIC RECREATION FACILITY" MEANS A RECREATION 48
FACILITY OWNED OR LEASED BY THE STATE OF COLORADO OR A POLITICAL 49
SUBDIVISION THEREOF. 50

(3) "YOUTH ATHLETIC ACTIVITY" MEANS AN ORGANIZED ATHLETIC 51
ACTIVITY WHERE THE MAJORITY OF THE PARTICIPANTS ARE ELEVEN YEARS 52
OF AGE OR OLDER AND UNDER NINETEEN YEARS OF AGE, AND ARE 53
ENGAGING IN AN ORGANIZED ATHLETIC GAME OR COMPETITION AGAINST 54
ANOTHER TEAM, CLUB, OR ENTITY OR IN PRACTICE OR PREPARATION FOR 55
AN ORGANIZED GAME OR COMPETITION AGAINST ANOTHER TEAM, CLUB, OR 56
ENTITY. A "YOUTH ATHLETIC ACTIVITY" DOES NOT INCLUDE COLLEGE OR 57
UNIVERSITY ACTIVITIES. "YOUTH ATHLETIC ACTIVITY" DOES NOT INCLUDE 58
AN ACTIVITY THAT IS ENTERED INTO FOR INSTRUCTIONAL PURPOSES ONLY, 59
AN ATHLETIC ACTIVITY THAT IS INCIDENTAL TO A NONATHLETIC PROGRAM, 60
OR A LESSON. 61

**25-43-103. Organized school athletic activities - concussion 62
guidelines required.** (1) (a) EACH PUBLIC AND PRIVATE MIDDLE SCHOOL, 63
JUNIOR HIGH SCHOOL, AND HIGH SCHOOL SHALL REQUIRE EACH COACH OF 64
A YOUTH ATHLETIC ACTIVITY THAT INVOLVES INTERSCHOLASTIC PLAY TO 65
COMPLETE AN ANNUAL CONCUSSION RECOGNITION EDUCATION COURSE. 66

(b) EACH PRIVATE CLUB OR PUBLIC RECREATION FACILITY AND 67
EACH ATHLETIC LEAGUE THAT SPONSORS YOUTH ATHLETIC ACTIVITIES 68
SHALL REQUIRE EACH VOLUNTEER COACH FOR A YOUTH ATHLETIC 69

ACTIVITY AND EACH COACH WITH WHOM THE CLUB, FACILITY, OR LEAGUE DIRECTLY CONTRACTS WITH, FORMALLY ENGAGES, OR EMPLOYS WHO COACHES A YOUTH ATHLETIC ACTIVITY TO COMPLETE AN ANNUAL CONCUSSION RECOGNITION EDUCATION COURSE.

(2) (a) THE CONCUSSION RECOGNITION EDUCATION COURSE REQUIRED BY SUBSECTION (1) OF THIS SECTION SHALL INCLUDE THE FOLLOWING:

(I) INFORMATION ON HOW TO RECOGNIZE THE SIGNS AND SYMPTOMS OF A CONCUSSION;

(II) THE MEANS OF OBTAINING PROPER MEDICAL ATTENTION FOR A PERSON SUSPECTED OF HAVING A CONCUSSION; AND

(III) INFORMATION ON THE NATURE AND RISK OF CONCUSSIONS, INCLUDING THE DANGER OF CONTINUING TO PLAY AFTER SUSTAINING A CONCUSSION AND THE PROPER METHOD OF ALLOWING A YOUTH ATHLETE WHO HAS SUSTAINED A CONCUSSION TO RETURN TO ATHLETIC ACTIVITY.

(b) AN ORGANIZATION OR ASSOCIATION OF WHICH A SCHOOL OR SCHOOL DISTRICT IS A MEMBER MAY DESIGNATE SPECIFIC EDUCATION COURSES AS SUFFICIENT TO MEET THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION.

(3) IF A COACH WHO IS REQUIRED TO COMPLETE CONCUSSION RECOGNITION EDUCATION PURSUANT TO SUBSECTION (1) OF THIS SECTION SUSPECTS THAT A YOUTH ATHLETE HAS SUSTAINED A CONCUSSION FOLLOWING AN OBSERVED OR SUSPECTED BLOW TO THE HEAD OR BODY IN A GAME, COMPETITION, OR PRACTICE, THE COACH SHALL IMMEDIATELY REMOVE THE ATHLETE FROM THE GAME, COMPETITION, OR PRACTICE.

(4) IF A YOUTH ATHLETE IS REMOVED FROM PLAY PURSUANT TO SUBSECTION (3) OF THIS SECTION AND THE SIGNS AND SYMPTOMS CANNOT BE READILY EXPLAINED BY A CONDITION OTHER THAN CONCUSSION, THE SCHOOL COACH OR PRIVATE OR PUBLIC RECREATIONAL FACILITY'S DESIGNATED PERSONNEL SHALL NOT PERMIT THE YOUTH ATHLETE TO RETURN TO PLAY OR PARTICIPATE IN ANY SUPERVISED TEAM ACTIVITIES INVOLVING PHYSICAL EXERTION, INCLUDING GAMES, COMPETITIONS, OR PRACTICES, UNTIL HE OR SHE IS EVALUATED BY A HEALTH CARE PROVIDER AND RECEIVES WRITTEN CLEARANCE TO RETURN TO PLAY FROM THE HEALTH CARE PROVIDER. THE HEALTH CARE PROVIDER EVALUATING A YOUTH ATHLETE SUSPECTED OF HAVING A CONCUSSION OR BRAIN INJURY MAY BE A VOLUNTEER.

(5) NOTHING IN THIS ARTICLE ABROGATES OR LIMITS THE PROTECTIONS APPLICABLE TO PUBLIC ENTITIES AND PUBLIC EMPLOYEES PURSUANT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S.; VOLUNTEERS AND BOARD MEMBERS PURSUANT TO SECTIONS 13-21-115.7 AND 13-21-116, C.R.S.; OR SKI AREA OPERATORS PURSUANT TO SECTIONS 33-44-112 AND 33-44-113, C.R.S.

SECTION 2. Act subject to petition - effective date. This act shall take effect January 1, 2012; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on January 1, 2012, or on the date of the official declaration of the vote thereon by the governor, whichever is later."

Agriculture, Natural Resources, and Energy

After consideration on the merits, the Committee recommends that **HB11-1006** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Agriculture, Natural Resources, and Energy

After consideration on the merits, the Committee recommends that **SB11-030** be postponed indefinitely.

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On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, February 14, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

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