

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

91st Legislative Day Tuesday, April 12, 2011

- Prayer 11
 By the chaplain, Reverend Philip Anthony Bolen, the Church at Evergreen Gardens,
 La Junta. 12
- Call to Order 14
 By the President at 9:00 a.m. 15
- Pledge 17
 By Senator White. 18
- Roll Call 19
 Present--32 20
 Excused--3, Boyd, Harvey, Schwartz. 21
 Present later--2, Boyd, Schwartz. 22
- Quorum 23
 The President announced a quorum present. 24
- Reading of Journal 25
 On motion of Senator Nicholson, reading of the Journal of Monday, April 11, 2011, was
 dispensed with and the Journal was approved as corrected by the Secretary. 26

CONSIDERATION OF RESOLUTIONS

SJR11-038 by Senator(s) Hudak and Giron; also Representative(s) Duran and Looper--Concerning the
 designation of April 12, 2011, as "Equal Pay Day" in Colorado, and, in connection
 therewith, acknowledging the persisting problem of wage disparity among various groups. 35

On motion of Senator Giron, the resolution was read at length. On motion of Senator
 Hudak, the resolution was **adopted** by the following roll call vote: 37

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		

Co-sponsors added: Aguilar, Bacon, Boyd, Carroll, Foster, Guzman, Hodge, Jahn, Johnston,
 King S., Morse, Newell, Nicholson, Schwartz, Steadman, Tochtrop and Williams S.

Committee of the Whole 59
 On motion of Senator Newell, the Senate resolved itself into the Committee of the
 Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar
 and Senator Newell was called to the Chair to act as Chairman. 60

**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:

- SB11-195** by Senator(s) Brophy; also Representative(s) Sonnenberg--Concerning the residency of a health care provider who verifies a person's disability for purposes of obtaining credentials entitling the person to park a vehicle in spaces reserved for use by persons with disabilities. 1
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- Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, April 1, page 633 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- HB11-1198** by Representative(s) Kerr J.; also Senator(s) Schwartz--Concerning a reorganization of the statutes governing motor carriers, and, in connection therewith, consolidating the former articles 10, 11, 13, 14, and 16 of title 40, Colorado Revised Statutes, into a single article and making substantive and nonsubstantive amendments to provisions granting regulatory authority to the public utilities commission. 20
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- Ordered revised and placed on the calendar for third reading and final passage.
- HB11-1156** by Representative(s) Becker, Gerou, Ferrandino; also Senator(s) Hodge, Steadman, Lambert--Concerning an extension of conservation district grant funding with severance tax revenues, and making an appropriation therefor. 29
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- Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 1, page 637 and placed in members' bill files.)
- As amended, ordered revised and placed on the calendar for third reading and final passage.
- HB11-1004** by Representative(s) Baumgardner; also Senator(s) Harvey--Concerning the registration of a vehicle used for agricultural production, and making an appropriation in connection therewith. 40
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- Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 1, page 638 and placed in members' bill files.)
- As amended, ordered revised and placed on the calendar for third reading and final passage.
- SB11-191** by Senator(s) Bacon; --Concerning enactment of the "Colorado Uniform Limited Cooperative Association Act", and making an appropriation therefor. 51
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- Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 22, page 542-543 and placed in members' bill files.)
- Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 1, page 638 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- HB11-1080** by Representative(s) Todd; also Senator(s) King S.--Concerning the address confidentiality program, and making an appropriation therefor. 64
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- Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 1, page 638 and placed in members' bill files.)
- As amended, ordered revised and placed on the calendar for third reading and final passage.

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

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

YES	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		

The Committee of the Whole took the following action:

Passed on second reading: SB11-195 as amended, SB11-191 as amended, HB11-1198, HB11-1156 as amended, HB11-1004 as amended, HB11-1080 as amended.
Laid over to the end of the General Orders -- Second Reading of Bills calendar for April 12: HB11-1230.

Committee of the Whole On motion of Senator Newell, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Newell was called to the chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB11-180 by Senator(s) Tochtrop; also Representative(s) Looper--Concerning authority for taxicabs to pick up passengers outside their assigned geographic areas.

Amendment No. 1(L.004), by Senator Tochtrop.

Amend printed bill, page 2, line 12, strike "IN THE CITY AND COUNTY OF".

Page 2, line 13, strike "DENVER" and substitute "WITHIN THE STATE OF COLORADO".

Amendment No. 2(L.005), by Senator Schwartz.

Amend the Tochtrop amendment, No. 1 (L.003), as printed in Senate Journal, April 1, page 619, line 14, strike "DENVER INTERNATIONAL AIRPORT." and substitute "ANY AIRPORT IN THIS STATE.".

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

SB11-052 by Senator(s) Heath, Bacon, King K.; also Representative(s) Massey, Ferrandino--Concerning expectations for higher education institutions in Colorado.

Laid over until Wednesday, April 13, retaining its place on the calendar.

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- SB11-126** by Senator(s) Giron and Johnston, Bacon, Foster, Guzman, Heath, Hodge, Morse, Nicholson, Shaffer B., Steadman, Williams S.; also Representative(s) Miklosi and Williams A., Duran, Fields, Hullinghorst, Levy, Pabon, Solano--Concerning classification as an unsubsidized in-state student for tuition purposes at state institutions of higher education. 1
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Laid over until Wednesday, April 13, retaining its place on the calendar. 6
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- SB11-168** by Senator(s) Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Johnston, Morse, Nicholson, Steadman, Tochtrop; also Representative(s) Kefalas, Court, Fields, Fischer, Gardner D., Hullinghorst, Jones, Kagan, Levy, McCann, Miklosi, Pace, Solano, Tyler--Concerning the creation of the Colorado health care authority for the purpose of designing a health care cooperative. 9
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Laid over until Wednesday, April 13, retaining its place on the calendar. 15
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- HB11-1160** by Representative(s) Gerou; also Senator(s) Jahn--Concerning the establishment of a green building incentive pilot program administered by the governor's energy office to incentivize the making of energy efficiency improvements to existing residences with current home energy ratings below minimum standards for people who purchase highly efficient new residential construction. 18
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Laid over until Wednesday, April 13, retaining its place on the calendar. 24
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- HB11-1109** by Representative(s) Liston, Balmer, Bradford, DelGrosso, Holbert, Kerr J., Looper, Nikkel, Priola, Ramirez, Schafer S., Stephens; also Senator(s) Giron--Concerning the authority for a local government to create an exemption from local sales tax for the sale of equipment used directly in the provision of telecommunications services. 27
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Laid over until Wednesday, April 13, retaining its place on the calendar. 32
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- HB11-1268** by Representative(s) Levy; also Senator(s) Nicholson--Concerning penalties for traffic offenses involving alcohol and drugs. 35
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Laid over until Wednesday, April 13, retaining its place on the calendar. 38
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- SB11-060** by Senator(s) Boyd and White; also Representative(s) Gardner B. and Kerr A.--Concerning the alcohol content of alcohol beverages that are available for consumption on a licensed premises. 41
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Laid over until Tuesday, April 19, retaining its place on the calendar. 45
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- SB11-194** by Senator(s) Boyd; --Concerning the regulation of alcohol beverages. 48
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Laid over until Wednesday, April 13, retaining its place on the calendar. 50
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- SB11-193** by Senator(s) Aguilar; also Representative(s) Gardner B. and Kerr J.--Concerning the disclosure of employment information to an employer regarding a person employed to work with a person with a developmental disability, and, in connection therewith, granting immunity from civil liability for the disclosure of information and creating an exception from the prohibition against blacklisting for the disclosure of information. 53
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Amendment No. 1, Judiciary Committee Amendment. 59
(Printed in Senate Journal, March 31, page 613 and placed in members' bill files.) 60
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Amendment No. 2(L.005), by Senator Aguilar. 62
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Amend printed bill, page 4, line 7, after the period add "CAREGIVER" 64
DOES NOT MEAN A PERSON WHO IS EMPLOYED BY OR WHO HAS 65
CONTRACTED TO WORK WITH A SCHOOL DISTRICT." 66
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As amended, ordered engrossed and placed on the calendar for third reading and final 69
passage. 70
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SB11-201 by Senator(s) Roberts and Carroll; also Representative(s) Barker--Concerning clarifying the elements of the criminal offense of criminal impersonation. 1
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Ordered engrossed and placed on the calendar for third reading and final passage. 3
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SB11-189 by Senator(s) Heath; also Representative(s) Murray--Concerning the adjustment of certain dates related to the administration of elections in order to comply with the federal "Military and Overseas Voter Empowerment (MOVE) Act" but excluding the adjustment of any dates related to voter registration. 6
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Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, March 31, pages 613-615 and placed in members' bill files.) 11
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Amendment No. 2(L.004), by Senator Heath. 14
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Amend the State, Veterans & Military Affairs Committee Report, dated March 30, 2011, page 2, strike line 24. 16
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Page 2, line 26, strike "SEVENTY-NINTH" and substitute "FIFTY-FIFTH". 19
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As amended, ordered engrossed and placed on the calendar for third reading and final passage. 22
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SB11-208 by Senator(s) Schwartz and Hodge, Bacon, Boyd, Brophy, Cadman, Foster, Giron, Grantham, Guzman, Heath, Hudak, Jahn, King S., Kopp, Lambert, Newell, Nicholson, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; also Representative(s) Sonnenberg and Gerou, Acree, Barker, Baumgardner, Becker, Beezley, Bradford, Coram, Ferrandino, Gardner B., Hamner, Holbert, Joshi, Labuda, Looper, Massey, McCann, Miklosi, Murray, Nikkel, Priola, Ramirez, Ryden, Schafer S., Scott, Stephens, Summers, Swalm, Swerdfeger, Waller, Wilson--Concerning the consolidation of wildlife entities with parks and outdoor recreation entities under the department of natural resources. 26
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Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, April 1, pages 626-632 and placed in members' bill files.) 36
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Amendment No. 2(L.011), by Senator Schwartz. 39
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Amend the Agriculture, Natural Resources, and Energy Committee Report, dated March 31, 2011, page 2, strike lines 2 through 4 and substitute: 41
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"Page 12, after line 15 insert: 44
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"(4) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), IN PROMULGATING A RULE TO INCREASE OR DECREASE A PARK FEE OR CHARGE UNDER ARTICLES 10 TO 32 OF THIS TITLE, THE BOARD SHALL CONSIDER THE EFFECT THAT THE CHANGE IN THE FEE OR CHARGE WOULD HAVE ON PARK USAGE, THE DEMAND FOR THE SERVICE FOR WHICH THE FEE OR CHARGE IS USED, AND OPPORTUNITIES TO IMPLEMENT DIFFERENTIAL PRICING. 46
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(b) THE BOARD MAY RAISE OR LOWER PARK FEES AND CHARGES DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) IF THE BOARD REASONABLY ANTICIPATES THAT THE TOTAL ANNUAL REVENUES REALIZED FROM SUCH FEES AND CHARGES WILL NOT INCREASE BY MORE THAN TWENTY PERCENT OVER THE AMOUNTS EARNED FROM FEES AND CHARGES AS THEY EXISTED ON JULY 1, 2011."." 54
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Amendment No. 3(L.012), by Senator Schwartz. 61
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Amend printed bill, page 8, line 26, before "VOTE" insert "AFFIRMATIVE". 63
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As amended, laid over until Monday, April 18, retaining its place on the calendar. 66
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(For further action, see amendments to the report of the Committee of the Whole.) 68
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SB11-206 by Senator(s) Boyd; also Representative(s) Holbert--Concerning the exemption of certain noncommercial mortgage-related activities from the "Mortgage Loan Originator Licensing and Mortgage Company Registration Act".

Amendment No. 1(L.004), by Senator Boyd.

Amend printed bill, page 3, after line 6 insert:

"(1.2) "AFFORDABLE HOUSING DWELLING UNIT" MEANS AN AFFORDABLE HOUSING DWELLING UNIT AS DEFINED IN SECTION 29-26-102, C.R.S."

Page 4, strike lines 10 and 11 and substitute "AND WAS".

Page 5, line 9, strike "AN" and substitute "TO THE EXTENT THAT IT IS PROVIDING PROGRAMS BENEFITTING AFFORDABLE HOUSING DWELLING UNITS, AN".

Amendment No. 2(L.003), by Senator Boyd.

Amend printed bill, page 5, line 7, strike "PROTECTION OR" and substitute "PROTECTION,".

Page 5, line 8, strike "DEVELOPMENT:" and substitute "DEVELOPMENT, OR, SUBJECT TO THE FEDERAL "SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT OF 2008", 12 U.S.C. SEC. 5101 ET SEQ., AND ANY RULES ADOPTED FROM TIME TO TIME BY THE FEDERAL AGENCIES ADMINISTERING THIS FEDERAL ACT OR THE BOARD:".

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

SB11-197 by Senator(s) Boyd; also Representative(s) Acree--Concerning the creation of a girl scouts centennial special license plate, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 1, pages 636-637 and placed in members' bill files.)

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

HB11-1234 by Representative(s) Vaad; also Senator(s) Spence and Williams S.--Concerning the creation of a taxicab license plate for motor vehicles authorized to provide taxicab services, and making an appropriation therefor.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, March 18, pages 493-494 and placed in members' bill files.)

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

HB11-1182 by Representative(s) Ferrandino, Becker, Gerou; also Senator(s) Hodge, Steadman, Lambert--Concerning the adjustment of specified vehicle fees credited to special purpose accounts within the highway users tax fund, and making an appropriation therefor.

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

HB11-1042 by Representative(s) Levy; also Senator(s) Nicholson--Concerning the classification of residential land when the residential improvement is temporarily removed.

Amendment No. 1, Local Government Committee Amendment.

(Printed in Senate Journal, March 23, pages 552-553 and placed in members' bill files.)

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

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HB11-1071 by Representative(s) Hamner; also Senator(s) Bacon--Concerning the voluntary contribution designation benefiting the Roundup River Ranch fund that appears on the state individual income tax return forms, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 1, page 638 and placed in members' bill files.)

Amendment No. 2(L.002), by Senator Williams.

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

"**SECTION 1.** 39-22-1001, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

39-22-1001. Limitation on the duration of voluntary contribution programs - queue. (7) AS SPECIFIED IN SUBSECTION (6) OF THIS SECTION, NO MORE THAN FIFTEEN VOLUNTARY CONTRIBUTIONS SHALL APPEAR ON COLORADO INCOME TAX RETURN FORMS IN ANY INCOME TAX YEAR. IF THE GENERAL ASSEMBLY, ACTING BY BILL IN ANY YEAR, REQUIRES MORE VOLUNTARY CONTRIBUTIONS TO APPEAR ON THE INCOME TAX RETURN FORM THAN THERE ARE LINES AVAILABLE ON THE FORM, AN EXISTING VOLUNTARY CONTRIBUTION THAT IS RENEWED OR CONTINUED SHALL TAKE PRECEDENCE AND BE PLACED ON THE FORM OVER A VOLUNTARY CONTRIBUTION THAT DOES NOT APPEAR ON THE FORM AND IS NOT BEING RENEWED OR CONTINUED. ANY VOLUNTARY CONTRIBUTION THAT DOES NOT APPEAR ON THE FORM AND IS NOT BEING RENEWED OR CONTINUED BUT DOES NOT TAKE EFFECT PURSUANT TO THIS SUBSECTION (7) SHALL BE PLACED IN THE QUEUE CREATED BY SUBSECTION (8) OF THIS SECTION AND SHALL ONLY BECOME EFFECTIVE IN ANY YEAR IN WHICH THERE IS A LINE AVAILABLE ON THE INCOME TAX RETURN FORM, AS SPECIFIED IN SUBSECTION (8) OF THIS SECTION.

(8) (a) IF THE GENERAL ASSEMBLY, ACTING BY BILL IN ANY YEAR, REQUIRES MORE VOLUNTARY CONTRIBUTIONS TO APPEAR ON THE INCOME TAX RETURN FORM THAN THERE ARE LINES AVAILABLE ON THE FORM, ANY VOLUNTARY CONTRIBUTION THAT IS TO APPEAR ON THE FORM FOR THE FIRST TIME SHALL, NOTWITHSTANDING THE LANGUAGE IN OR THE EFFECTIVE DATE OF THE BILL CREATING THE VOLUNTARY CONTRIBUTION, BE PLACED IN A QUEUE, WHICH QUEUE IS HEREBY CREATED. THE ORDER OF VOLUNTARY CONTRIBUTIONS THAT ARE PLACED IN THE QUEUE SHALL BE DETERMINED BY THE DATE AND TIME ON WHICH THE GOVERNOR SIGNS THE BILL CREATING THE VOLUNTARY CONTRIBUTION, OR AT SUCH TIME THAT THE BILL BECOMES LAW WITHOUT THE GOVERNOR'S SIGNATURE, WITH THE BILL THAT WAS SIGNED OR BECOMES LAW WITHOUT A SIGNATURE FIRST IN TIME BEING FIRST IN THE QUEUE, THE BILL THAT WAS SIGNED OR BECOMES LAW WITHOUT A SIGNATURE NEXT IN TIME BEING SECOND IN THE QUEUE, AND SO ON.

(b) ON NOVEMBER 1 OF EACH YEAR, THE EXECUTIVE DIRECTOR SHALL CERTIFY TO THE REVISOR OF STATUTES THE AMOUNT OF LINES AVAILABLE FOR VOLUNTARY CONTRIBUTIONS ON THE INCOME TAX RETURN FORM FOR THE STATE INCOME TAX YEAR COMMENCING ON JANUARY 1 OF THE FOLLOWING YEAR.

(c) IF A LINE BECOMES AVAILABLE ON THE INCOME TAX RETURN FORM, AND NOTWITHSTANDING THE LANGUAGE IN OR THE EFFECTIVE DATE OF THE BILL CREATING THE VOLUNTARY CONTRIBUTION, THE VOLUNTARY CONTRIBUTION FIRST IN THE QUEUE SHALL APPEAR ON THE FORM FOR THE NUMBER OF CONSECUTIVE TAX YEARS SPECIFIED IN THE PART CREATING THE VOLUNTARY CONTRIBUTION BEGINNING WITH THE TAX YEAR IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE EXECUTIVE DIRECTOR CERTIFIES THAT THERE IS A LINE AVAILABLE AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (8). IF THERE ARE TWO LINES AVAILABLE ON THE FORM, THE VOLUNTARY CONTRIBUTION THAT IS SECOND IN THE QUEUE SHALL APPEAR ON THE FORM FOR THE NUMBER OF CONSECUTIVE TAX YEARS SPECIFIED IN THE PART CREATING THE VOLUNTARY CONTRIBUTION BEGINNING WITH THE TAX YEAR IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE EXECUTIVE DIRECTOR CERTIFIES THAT THERE ARE LINES AVAILABLE AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (8), AND SO ON."

Renumber succeeding sections accordingly.

Page 4, strike lines 5 through 8 and substitute "- **effective date.** FOR THE FIVE CONSECUTIVE INCOME TAX YEARS IMMEDIATELY FOLLOWING THE

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YEAR IN WHICH THE EXECUTIVE DIRECTOR FILES WRITTEN CERTIFICATION WITH THE REVISOR OF STATUTES AS SPECIFIED IN SECTION 39-22-1001 (8) THAT A LINE HAS BECOME AVAILABLE AND THE ROUNDUP RIVER RANCH VOLUNTARY CONTRIBUTION IS NEXT IN THE QUEUE, THE COLORADO STATE".

Page 4, strike lines 13 through 18.

Page 5, line 10, strike "FOURTH" and substitute "SIXTH".

Page 5, line 12, strike "39-22-3902 (2)," and substitute "39-22-1001 (8) THAT A LINE HAS BECOME AVAILABLE AND THE ROUNDUP RIVER RANCH VOLUNTARY CONTRIBUTION IS NEXT IN THE QUEUE,".

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

HB11-1216 by Representative(s) Riesberg and Gerou, Baumgardner, Court, Ferrandino, Kefalas, Looper, Miklosi, Pabon, Soper, McCann; also Senator(s) Aguilar, Bacon, King S., Newell, Tochtrop, Williams S.--Concerning the funding of programs that help persons with disabilities obtain benefits by the sale of uniquely valuable registration numbers for vehicles, and making an appropriation therefor.

Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, March 18, pages 491-493 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 1, pages 638-639 and placed in members' bill files.)

Amendment No. 3(L.013), by Senator Steadman.

Amend the Appropriations Committee Report, dated April 1, 2011, page 1, strike lines 11 through 16.

Strike page 2.

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

HB11-1138 by Representative(s) Gardner B., Barker, Casso, Waller; also Senator(s) Morse, Bacon, Boyd, Jahn, King S.--Concerning the sex offender management board, and making an appropriation therefor.

Laid over until Wednesday, April 13, retaining its place on the calendar.

HB11-1230 by Representative(s) Duran; also Senator(s) Boyd--Concerning the consolidation of state programs that distribute federal moneys to persons needing assistance in obtaining housing into the division of housing within the department of local affairs, and making an appropriation therefor.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, March 25, page 580 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 1, page 636 and placed in members' bill files.)

Amendment No. 3(L.007), by Senator Boyd.

Amend reengrossed bill, page 5, after line 9 insert:

"(b) BY ENACTING THIS SECTION, THE GENERAL ASSEMBLY INTENDS TO TRANSFER ALL AUTHORITY OVER THE PROGRAMS THAT PROVIDE FINANCIAL HOUSING ASSISTANCE TO PERSONS IN LOW- AND MODERATE INCOME HOUSEHOLDS AND PERSONS WITH DISABILITIES FROM THE DEPARTMENT OF HUMAN SERVICES TO THE DEPARTMENT OF LOCAL AFFAIRS.".

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Page 5, line 10, strike "(b)" and substitute "(c)".

Page 6, strike line 6 and substitute "PERSONS WITH DISABILITIES AS DEFINED BY THE "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12102 (2), AND THE OTHER".

Page 6, strike line 8 and substitute "COMMUNITIES STATEWIDE."

Page 6, line 9, strike "FOR" and substitute "EXCEPT AS MAY BE OTHERWISE REQUIRED BY FEDERAL LAW, FOR".

Page 8, after line 13 insert:

"SECTION 6. Part 7 of article 32 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

24-32-723. Office of homeless youth services - creation - function - duties - definitions. [Formerly 26-5.9-101] (1) This article SECTION shall be known and may be cited as the "Colorado Homeless Youth Services Act".

[Formerly 26-5.9-103] (2) As used in this article SECTION, unless the context otherwise requires:

(a) "Entity" means any state agency, any state-operated program, or any private nonprofit or not-for-profit community-based organization.

(b) "Homeless youth" means a CHILD OR youth who is at least ~~fifteen~~ ELEVEN years of age but is ~~younger~~ LESS than twenty-one years of age and who is not imprisoned or otherwise detained pursuant to a federal or state law and who:

(I) Lacks a fixed, regular, and adequate nighttime residence; or
(II) Has a primary nighttime residence that is:

(A) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations; or

(B) A public or private place not designed for, nor ordinarily used as, a regular sleeping accommodation for human beings.

(III) "HOMELESS YOUTH" SHALL NOT INCLUDE ANY INDIVIDUAL IMPRISONED OR OTHERWISE DETAINED PURSUANT TO AN ACT OF CONGRESS OR A STATE LAW.

[Formerly 26-5.9-104] (3) There is hereby created the office of homeless youth services in the state department for the purpose of providing information, coordination, and support services to public and private entities serving the homeless youth of Colorado. The office of homeless youth services shall seek to:

(a) Identify and remove obstacles to the provision of services;
(b) Improve the quality of services provided to homeless youth;

(c) Reduce needless expenditures caused by the provision of overlapping services; and

(d) Identify HOUSING AND SUPPORTIVE SERVICES funding resources available to entities serving homeless youth.

[Formerly 26-5.9-105] (4) (a) In providing the services described in ~~section 26-5.9-104~~ THIS SECTION, the office of homeless youth services is strongly encouraged to work with the executive directors, or their designees, of the departments specified in section 25-20.5-108 (6), C.R.S., as well as the Colorado department of public health and environment, the judicial department, private nonprofit and not-for-profit organizations, appropriate federal departments, and other key stakeholders in the community.

(b) At a minimum, the office of homeless youth services shall have the following duties:

(I) To provide information, coordination, and technical assistance as may be necessary to reduce needless expenditures associated with the provision of overlapping services and to improve the quality of services provided to homeless youth;

(II) To identify both procedural and substantive obstacles to the provision of services and to make recommendations to the entities specified in this section concerning procedural, regulatory, or statutory changes necessary to remove such obstacles;

(III) To obtain information from service providers concerning known services available for the homeless youth population in the state of Colorado and to post such information on a web site on the internet;

(IV) To develop, maintain, and make available a listing of all rights and organizations that may be relevant to the homeless youth

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population in the state of Colorado, including but not limited to a listing of legal, educational, and victims' rights and organizations related thereto;

(V) To obtain information concerning known funding sources available for the homeless youth population in the state of Colorado; AND

(VI) To work with entities to identify issues concerning sharing of information in providing services to homeless youth and to facilitate resolution of such information-sharing issues. and

~~(VII) On or before January 15, 2005, and on or before January 15, 2006, to prepare a written report, which shall be made available electronically to the governor and to the general assembly concerning the performance of the office of homeless youth services and whether the office is effectively and efficiently meeting the goals specified in this section.~~

SECTION 7. Repeal of provisions not being relocated in this act. 26-5.9-102, Colorado Revised Statutes, is repealed.

SECTION 8. Repeal of provisions being relocated in this act. 26-5.9-101, 26-5.9-103, 26-5.9-104, and 26-5.9-105, Colorado Revised Statutes, are repealed."

Renumber succeeding sections accordingly.

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB11-208

by Senator(s) Schwartz and Hodge, Bacon, Boyd, Brophy, Cadman, Foster, Giron, Grantham, Guzman, Heath, Hudak, Jahn, King S., Kopp, Lambert, Newell, Nicholson, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; also Representative(s) Sonnenberg and Gerou, Acree, Barker, Baumgardner, Becker, Beezley, Bradford, Coram, Ferrandino, Gardner B., Hamner, Holbert, Joshi, Labuda, Looper, Massey, McCann, Miklosi, Murray, Nikkel, Priola, Ramirez, Ryden, Schafer S., Scott, Stephens, Summers, Swalm, Swerdfeger, Waller, Wilson--Concerning the consolidation of wildlife entities with parks and outdoor recreation entities under the department of natural resources.

Senator King K. moved to amend the Report of the Committee of the Whole to show that the following Schwartz floor amendment, (L.011) to SB 11-208, did not pass.

Amend the Agriculture, Natural Resources, and Energy Committee Report, dated March 31, 2011, page 2, strike lines 2 through 4 and substitute:

"Page 12, after line 15 insert:

"(4) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), IN PROMULGATING A RULE TO INCREASE OR DECREASE A PARK FEE OR CHARGE UNDER ARTICLES 10 TO 32 OF THIS TITLE, THE BOARD SHALL CONSIDER THE EFFECT THAT THE CHANGE IN THE FEE OR CHARGE WOULD HAVE ON PARK USAGE, THE DEMAND FOR THE SERVICE FOR WHICH THE FEE OR CHARGE IS USED, AND OPPORTUNITIES TO IMPLEMENT DIFFERENTIAL PRICING.

(b) THE BOARD MAY RAISE OR LOWER PARK FEES AND CHARGES DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) IF THE BOARD REASONABLY ANTICIPATES THAT THE TOTAL ANNUAL REVENUES REALIZED FROM SUCH FEES AND CHARGES WILL NOT INCREASE BY MORE THAN TWENTY PERCENT OVER THE AMOUNTS EARNED FROM FEES AND CHARGES AS THEY EXISTED ON JULY 1, 2011."."

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

YES	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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	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		

The Committee of the Whole took the following action:

Passed on second reading: SB11-180 as amended, SB11-193 as amended, SB11-201, SB11-189 as amended, SB11-206 as amended, SB11-197 as amended, HB11-1234 as amended, HB11-1182, HB11-1042 as amended, HB11-1071 as amended, HB11-1216 as amended, HB11-1230 as amended.

Laid over until April 13: SB11-052, SB11-126, SB11-168, HB11-1160, HB11-1109, HB11-1268, SB11-194, HB11-1138.

Laid over until April 18: SB11-208 as amended.

Laid over until April 19: SB11-060.

MESSAGE FROM THE GOVERNOR

March 24, 2011

The Honorable Colorado State Senate
Sixty-eighth General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I am filing with the Secretary of State Senate Bill 11-159, "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."

I will neither sign nor veto Senate Bill 11-159. Therefore, this bill will become law at 12:01 a.m. on March 25, 2011. This letter sets forth my reasons for allowing this bill to become law without my signature.

Among other provisions related to gaming, Senate Bill 11-159 also eliminates funding for the Governor's Energy Office. While not fatal to the mission of this office, we believe

restoration of funding from other revenue streams is important for job creation and energy development in Colorado.

My predecessor, Gov. Bill Ritter, working with Democrats and Republicans, created a legacy for Colorado as a global leader in the development of clean energy. Colorado's brand as a leader in the development of the "new energy economy" would be foolish to disregard, and the Governor's Energy Office plays a vital role in supporting it.

As we identify the key investments that will distinguish our economic recovery from other states, leadership on energy issues is a critical part of the equation. Funding the job-creating programs associated with the Governor's Energy Office is essential to delivering on this goal.

Over the next four years, with the support of our entire administration, the Governor's Energy Office intends to promote and facilitate the creation of thousands of new Colorado jobs across the energy industry.

- We must spur technology innovation and local manufacturing of equipment as we continue to advance renewable energy and energy efficiency research, development and manufacturing. This will help Colorado-based companies grow and will attract new companies to the state.
- We will improve energy production with an eye toward the exportation of our plentiful energy resources, including finding regional solutions to deliver Colorado electricity and natural gas to Western markets.
- We will work with the state's utilities to align incentives and incorporate new market development and technology improvements.
- We will diversify our transportation fuel supply to include increased use of natural gas, electricity and biofuels, first through pilots, then adoption by state fleets and then by identifying and addressing market barriers.

We appreciate the acknowledgement from legislative leaders that Colorado's energy industry is a priority for our state, and that Senate Bill 11-159 does not represent the final word on the General Assembly's intent for the Governor's Energy Office.

We look forward to a thoughtful discussion about funding to help advance energy development in Colorado. Because we have yet to resolve the question of funding for the Governor's Energy Office, I am allowing Senate Bill 11-159 to become law without my signature.

Sincerely,
(signed)
John W. Hickenlooper
Governor

SENATE SERVICES REPORT

Correctly Printed: SJR11-038.

Correctly Engrossed: SB11-184, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 228, 229 and 230; SJR11-009.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-057.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, April 12 was laid over until Wednesday, April 13, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024, SJR11-032, SJR11-035, SJR11-036, SJR11-037, SJR11-039.

Consideration of Memorials: SJM11-002.

Consideration of House Amendments to Senate Bills: SCR11-001, SB11-062, SB11-119, SB11-034, SB11-037, SB11-094, SB11-183.

Consideration of Governor's Appointments:

Members of the Board of Trustees for the Colorado School for the Deaf and the Blind

Members of the Board of Trustees for Adams State College

Members of the Colorado Commission on the Aging

Members of the Colorado State Fair Authority Board of Commissioners

Members of the Wildlife Commission

Members of the State Board for Community Colleges and Occupational Education

Member of the Colorado Commission on Higher Education

Members of the Medical Services Board

Member of the CoverColorado Board of Directors

Consideration of Conference Committee Reports: HB11-1258.

Conference Committees to Report: SB11-165, HB11-1209.



On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, April 13, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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