

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

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45th Legislative Day

Friday, February 25, 2011

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Prayer	By the chaplain, Pastor Mark Phillips, Berean Bible Church, Haxtun.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator Giron.	15
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Roll Call	Present--33	17
	Excused--2, Hodge, Mitchell.	18
	Present later--1, Mitchell.	19
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Quorum	The President announced a quorum present.	21
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Reading of Journal	On motion of Senator King S., reading of the Journal of Thursday, February 24, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.	23
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**MESSAGE FROM THE HOUSE**

February 24, 2011

Mr. President:

The House has granted authorization to go beyond the scope of the differences on SB11-164.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1192, amended as printed in House Journal, February 21, pages 354-355.  
HB11-1084, amended as printed in House Journal, February 21, page 383.  
HB11-1220, amended as printed in House Journal, February 21, pages 388-389.

The House has adopted and returns herewith SJR11-017, and SJR11-018.

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**MESSAGE FROM THE REVISOR OF STATUTES**

February 24, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, as amended, HB11-1084, 1192, and 1220.

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**MESSAGE FROM THE GOVERNOR**

Appointment Letters of designation and appointment from Governor Bill Ritter, Jr., were read and assigned to committees as follows:

December 20, 2010

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

**MEMBER OF THE  
COLORADO CIVIL RIGHTS COMMISSION**

for a term expiring March 13, 2011:

A. Susie Velasquez of Greeley, Colorado, to fill the vacancy occasioned by the resignation of Anthony R. Aragon of Denver, Colorado, and to serve as a representative for local (or state) government entities, appointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 1/3/11  
Cindi Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

May 13, 2010

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

**MEMBER OF THE  
EXAMINING BOARD OF PLUMBERS**

for a term expiring July 1, 2014:

Donald P. Crandell of Denver, Colorado, a person engaged in the construction of residential or commercial buildings as a plumbing contractor, reappointed.

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Sincerely,  
 (signed)  
 Bill Ritter, Jr.  
 Governor  
 Rec'd: 5/19/10  
 Karen Goldman, Secretary of the Senate

Committee on Business, Labor, & Technology

November 12, 2010

To the Honorable  
 Colorado Senate  
 Colorado General Assembly  
 State Capitol Building  
 Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

**MEMBER OF THE  
 SECURITIES BOARD**

for a term expiring July 1, 2013:

Scott R. Saltzman of Denver, Colorado, a certified public accountant, appointed.

Sincerely,  
 (signed)  
 Bill Ritter, Jr.  
 Governor  
 Rec'd: 11/29/10  
 Cindi Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

November 12, 2010

To the Honorable  
 Colorado Senate  
 Colorado General Assembly  
 State Capitol Building  
 Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

**MEMBERS OF THE  
 COLORADO STATE FAIR AUTHORITY  
 BOARD OF COMMISSIONERS**

for terms expiring November 1, 2014:

Paul Bernklau of Rifle, Colorado, a Republican from the 3rd Congressional District, who resides on the western slope of the state, reappointed;

Edward B. Cordes of Littleton, Colorado, a Republican from the 6th Congressional District, reappointed.

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Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 11/29/10  
Cindi Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, & Energy

December 3, 2010

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

MEMBERS OF THE  
COLORADO WATER RESOURCES  
AND POWER DEVELOPMENT AUTHORITY

for terms expiring October 1, 2014:

Steven C. Harris of Durango, Colorado, to serve as a representative from the San Miguel-Dolores-San Juan drainage basin, and as a representative with experience in the engineering aspects of water projects, reappointed;

Stephen T. LaBonde of Grand Junction, Colorado, to serve as a representative from the Main Colorado drainage basin, and as a representative with experience in public health issues related to drinking water or water quality matters, reappointed;

Gregory J. Higel of Alamosa, Colorado, to serve as a representative of the Rio Grande drainage basin, reappointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 1/3/11  
Cindi Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, & Energy

November 1, 2010

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration the following:

MEMBERS OF THE  
COLORADO TRAUMATIC BRAIN INJURY BOARD

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for terms expiring June 30, 2013:

Rhesia-Maria R. Ochoa of Centennial, Colorado, appointed;

Lt. Aaron D. Sanchez of Littleton, Colorado, appointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 11/9/10  
Cindi Markwell, Secretary of the Senate

Committee on Health & Human Services

June 7, 2010

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint, and submit to your consideration the following:

MEMBERS OF THE  
COLORADO TRAUMATIC BRAIN INJURY BOARD

effective June 30, 2010 for terms expiring June 30, 2013:

Kimberly A. Gorgens of Denver, Colorado, to serve as a psychologist, reappointed;

Holly Ann Batal of Denver, Colorado, to serve as a family member of an individual with a brain injury, reappointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 6/22/10  
Cindi Markwell, Asst. Secretary

Committee on Health & Human Services

May 13, 2010

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE  
GROUND WATER COMMISSION

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for a term expiring May 1, 2014:

Virgil F. Valdez of Alamosa, Colorado, to fill the vacancy occasioned by the passing of Douglas L. Shriver of Monte Vista, Colorado, and to serve as a representative from Water Division 3 and as an Agriculturist, appointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 5/19/10  
Karen Goldman, Secretary of the Senate

Committee on Agriculture, Natural Resources, & Energy

November 1, 2010

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE  
WASTE TIRE ADVISORY COMMITTEE

for a term expiring September 9, 2012:

Larry G. Hudson of Denver, Colorado, to serve as a representative of tire manufacturers, appointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 11/9/10  
Cindi Markwell, Secretary of the Senate

Committee on Health & Human Services

September 9, 2010

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBERS OF THE  
WASTE TIRE ADVISORY COMMITTEE

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for terms expiring September 9, 2011: 1

Verne A. Stuessy of Pueblo West, Colorado, to serve as a representative of waste tire 2  
monofills that are operating in compliance with their certificates of designation, 3  
appointed; 4  
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Michael "Scott" Skorka of Golden, Colorado, to serve as a tire retailer, appointed; 7  
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for terms expiring September 9, 2012: 9

Deputy Sheriff William E. Spalding of Kersey, Colorado, to serve as a representative of 10  
law enforcement from jurisdictions that have a waste tire facility, appointed; 11  
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Christopher B. Houtchens of Colorado Springs, Colorado, to serve as a waste tire 14  
hauler, appointed; 15  
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for terms expiring September 9, 2013: 17

Joel F. Bolduc of Colorado Springs, Colorado, to serve as a waste tire end user, 18  
appointed; 19  
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Richard K. Welle of Centennial, Colorado, to serve as a waste tire processor, appointed; 22  
James A. Reid of Colorado Springs, Colorado, to serve as a representative of a local fire 23  
authority from a jurisdiction that has a waste tire facility, appointed. 24  
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Sincerely, 27  
(signed) 28  
Bill Ritter, Jr. 29  
Governor 30  
Rec'd: 9/24/10 31  
Cindi Markwell, Asst. Secretary 32  
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Committee on Health & Human Services 34  
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November 12, 2010 37  
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To the Honorable 40  
Colorado Senate 41  
Colorado General Assembly 42  
State Capitol Building 43  
Denver, CO 80203 44  
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Ladies and Gentlemen: 46  
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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of 48  
Colorado, I have the honor to designate, appoint, and submit to your consideration, the 49  
following: 50  
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MEMBER OF THE  
COVERCOLORADO BOARD OF DIRECTORS 52  
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for a term expiring July 1, 2011: 55

Gary S. Carlson of Castle Rock, Colorado, representing individuals who are currently 56  
insured under the program, to fill the vacancy occasioned by the resignation of Jayne R. 57  
Howard of Columbine Valley, Colorado, appointed. 58  
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Sincerely, 61  
(signed) 62  
Bill Ritter, Jr. 63  
Governor 64  
Rec'd: 11/29/10 65  
Cindi Markwell, Secretary of the Senate 66  
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Committee on Health & Human Services 69

July 6, 2010

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

**MEMBER OF THE  
JUVENILE PAROLE BOARD**

for a term expiring at the pleasure of the Governor:

James A. Keown of Thornton, Colorado, to fill the vacancy occasioned by the resignation of Dean J. Conder of Denver, Colorado, and to serve as a representative from the Colorado Department of Labor and Employment, appointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 7/12/10  
Karen Goldman, Secretary of the Senate

Committee on Judiciary

January 4, 2011

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

**MEMBERS OF THE  
JUVENILE PAROLE BOARD**

for terms expiring at the pleasure of the Governor:

Paula Ramaekers-Mattas of Grand Junction, Colorado, to fill the vacancy occasioned by the resignation of Mary Beth Buescher of Grand Junction, Colorado, and to serve as a public at-large member from the Western Slope, appointed;

Charles F. Garcia of Denver, Colorado, to fill the vacancy occasioned by Allison A. Brittsan of Denver, Colorado, and to serve as a public member, appointed;

Carmen Q. Nelson of Denver, Colorado, to fill the vacancy occasioned by the resignation of Suzanne S. Ageton of Boulder, Colorado, and to serve as a public member, appointed.

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Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 1/10/11  
Cindi Markwell, Secretary of the Senate

Committee on Judiciary

December 3, 2010

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

MEMBER OF THE  
ADVISORY COMMITTEE TO THE PROPERTY  
TAX ADMINISTRATOR

for a term expiring September 1, 2014:

Christopher M. Woodruff of Greeley, Colorado, to serve as an assessor from a county of seventy-five thousand or more population according to the most recent federal census, reappointed.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor  
Rec'd: 1/3/11  
Cindi Markwell, Secretary of the Senate

Committee on Local Government

**SENATE SERVICES REPORT**

**Correctly Printed:** SJR11-018.  
**Correctly Engrossed:** SJR11-017 and 018.  
**Correctly Enrolled:** SJR11-017 and 018.

Committee  
of the Whole

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

**HB11-1077** by Representative(s) Peniston, Massey, Hamner, Murray, Ramirez, Schafer S., Solano, Summers, Todd; also Senator(s) Spence--Concerning the "Exceptional Children's Educational Act" as it refers to gifted children.

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Amendment No. 1, Education Committee Amendment.  
(Printed in Senate Journal, February 18, page 235 and placed in members' bill files.)

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

**HB11-1041** by Representative(s) Riesberg, Gardner B., McCann, Swalm; also Senator(s) Harvey--  
Concerning the Colorado insurance guaranty association.

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

**HB11-1051** by Representative(s) Swerdfeger, Waller; also Senator(s) King S.--Concerning clarification  
that a DNA sample expungement is never available for a felony conviction.

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

**HB11-1035** by Representative(s) Court; also Senator(s) Carroll--Concerning an informative statement to  
be included in the ballot information booklet preceding each measure that is to appear on  
the ballot.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.  
(Printed in Senate Journal, February 22, page 283 and placed in members' bill files.)

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

**HB11-1110** by Representative(s) Acree, Balmer, Holbert, Massey, Murray, Solano; also Senator(s)  
Harvey, Carroll, Renfroe--Concerning the rights of members of nonprofit corporations in  
which residency is a qualification for membership.

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

**HB11-1113** by Representative(s) Holbert; also Senator(s) Foster--Concerning the provision of  
information pertaining to impact fees imposed by local governments.

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

**HB11-1021** by Representative(s) Todd; also Senator(s) Steadman, Cadman--Concerning the fiscal year  
of the Colorado channel authority.

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

**HB11-1087** by Representative(s) Vigil; also Senator(s) Giron--Concerning reimbursement to county  
governments for charges incurred in pest control operations undertaken by the county.

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

**HB11-1018** by Representative(s) Tyler; also Senator(s) King S.--Concerning electronically transmitted  
court documents.

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

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

On motion of Senator Heath, 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	1
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y	2
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y	3
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	Y	4
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y	5
Carroll	Y	Jahn	Y	Newell	Y	White	Y	6
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y	7
Giron	Y	King K.	Y	Renfroe	Y	President	Y	8
Grantham	Y	King S.	Y	Roberts	Y			9

The Committee of the Whole took the following action:

Passed on second reading: HB11-1077 as amended, HB11-1041, HB11-1051, HB11-1035 as amended, HB11-1110, HB11-1113, HB11-1021, HB11-1087, HB11-1018.

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

**SB11-019** by Senator(s) King K.; also Representative(s) Stephens--Concerning payment of the costs of health insurance coverage to employees of small employers.

Amendment No. 1, Health & Human Services Committee Amendment.  
(Printed in Senate Journal, February 4, page 104 and placed in members' bill files.)

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

**SB11-055** by Senator(s) Lundberg, Lambert, Kopp, Renfroe; also Representative(s) Joshi, Holbert, Nikkel, Scott--Concerning notices required prior to the use of security scanning systems in the state.

Laid over until Monday, February 28, retaining its place on the calendar.

**SB11-049** by Senator(s) Williams S.; also Representative(s) Ryden--Concerning the use of prone restraints on persons.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, February 17, pages 216-217 and placed in members' bill files.)

Amendment No. 2(L.007), by Senator Tochtrop.

Amend the Judiciary Committee Report, dated February 16, 2011, page 1, line 16, strike "(a)".

Page 1, strike lines 21 through 25.

Page 2, strike lines 1 through 5.

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

**SB11-082** by Senator(s) King S., Carroll, Renfroe, Tochtrop; also Representative(s) Acree, Gardner D., Kerr J., Miklosi--Concerning the authority of the state auditor to conduct audits of security systems used for information technology operated by the state.

Amendment No. 1, Finance Committee Amendment.  
(Printed in Senate Journal, February 16, page 206 and placed in members' bill files.)

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

**SB11-115** by Senator(s) Carroll; also Representative(s) Miklosi--Concerning the authority of the state auditor to audit state governmental entities.

Amendment No. 1, Finance Committee Amendment.  
(Printed in Senate Journal, February 16, page 206 and placed in members' bill files.)

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

**SB11-084** by Senator(s) Boyd; also Representative(s) Summers--Concerning the employment of physicians at long-term care facilities.

Amendment No. 1, Health & Human Services Committee Amendment.  
(Printed in Senate Journal, February 17, pages 215-216 and placed in members' bill files.)

Amendment No. 2(L.006), by Senator Carroll.

Amend the Health and Human Services Committee Report, dated February 16, 2011, page 1, strike lines 3 through 5 and substitute:

""(b) NOTHING IN THIS SUBSECTION (2) ALLOWS A PHYSICIAN WHO IS NOT LICENSED PURSUANT TO ARTICLE 36 OF TITLE 12, C.R.S., AND NOT INVOLVED IN PATIENT CARE AT A LONG-TERM CARE FACILITY TO DIRECT OR CONTROL MEDICAL DECISIONS OR THE PRACTICE OF MEDICINE AS DEFINED IN SECTION 12-36-106, C.R.S., IN THE LONG-TERM CARE FACILITY."."

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

**SB11-015** by Senator(s) Foster; also Representative(s) Miklosi--Concerning the requirements for a homeowner's insurance company to take adverse action on existing insurance coverage for a home based on claims experience.

Laid over until Monday, February 28, retaining its place on the calendar.

**SB11-050** by Senator(s) Roberts; also Representative(s) Gerou--Concerning a requirement that a condemning authority pay fair market value for land subject to a conservation easement.

Laid over until Monday, February 28, retaining its place on the calendar.

**SB11-120** by Senator(s) Newell, Bacon, Foster, Giron, Guzman, Hudak, Jahn, Johnston, Morse, Nicholson, Schwartz, Shaffer B., Steadman, Williams S.; also Representative(s) Kefalas, Ferrandino, Kagan--Concerning rights of certain children in foster care, and, in connection therewith, establishing rights for children in foster care except for those in the custody of the division of youth corrections or a state mental hospital.

Amendment No. 1, Health & Human Services Committee Amendment.  
(Printed in Senate Journal, February 18, page 253 and placed in members' bill files.)

Amendment No. 2(L.006), by Senator Newell.

Amend printed bill, page 6, strike line 2 and substitute "AVAILABLE AND APPROPRIATE."

Page 6 of the bill, strike lines 9 through 11 and substitute "INFORM THE COURT AND REFER THE MATTER TO A GOVERNMENTAL OR NONPROFIT ENTITY ON THE REFERRAL LIST DEVELOPED PURSUANT TO SUBSECTION (2) OF THIS SECTION FOR REMEDIAL ACTION. THE CHILD'S GUARDIAN AD LITEM SHALL ADVISE THE YOUTH OF POSSIBLE CONSEQUENCES OF AND OPTIONS TO ADDRESS THE POSSIBLE IDENTITY THEFT, INCLUDING THE

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	RIGHT TO REPORT THE MATTER TO LAW ENFORCEMENT AND SEEK POSSIBLE PROSECUTION OF THE OFFENDER."	1
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	Page 6 of the bill, strike line 27 and substitute "SHALL NOT BE SUBJECT TO LIABILITY PURSUANT TO THE EXTENT PROVIDED BY ARTICLE 10 OF TITLE 24, C.R.S."	4
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	Page 7 of the bill, strike lines 1 through 3.	8
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	Page 8 of the bill, line 4, strike "BE IMMUNE FROM LIABILITY," and substitute "NOT BE SUBJECT TO LIABILITY PURSUANT TO THE EXTENT PROVIDED BY ARTICLE 10 OF TITLE 24, C.R.S."	10
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	Page 8 of the bill, strike lines 5 through 9.	14
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	Amend the Health and Human Services Committee Report, dated February 17, 2011, page 1, line 3, strike "23." and substitute "23 and substitute the following:	16
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	"(k) TO NOT BE LOCKED IN ANY ROOM, BUILDING, OR FACILITY PREMISES, UNLESS HIS OR HER PHYSICAL SAFETY OR EMOTIONAL WELL-BEING IS AT RISK, OR IF PLACED BY A FURTHER COURT ORDER;".	20
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	Page 1 of the committee report, strike line 4.	24
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	<u>Amendment No. 3(L.007), by Senator Lundberg.</u>	26
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	Amend printed bill, page 3, line 24, strike "TO ATTEND SCHOOL," and substitute "TO RECEIVE AN APPROPRIATE EDUCATION,".	28
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	As amended, ordered engrossed and placed on the calendar for third reading and final passage.	31
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<b>SB11-107</b>	by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident.	35
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	Laid over until Monday, February 28, retaining its place on the calendar.	38
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<b>SB11-119</b>	by Senator(s) Guzman; --Concerning procedures governing the appeal of a valuation of income-producing commercial real property.	41
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	<u>Amendment No. 1, Local Government Committee Amendment.</u>	44
	(Printed in Senate Journal, February 17, pages 211-212 and placed in members' bill files.)	45
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	<u>Amendment No. 2(L.004), by Senator Guzman.</u>	47
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	Amend the Local Government and Energy Committee Report, dated February 15, 2011, page 1, line 8, strike "INCOME-PRODUCING NONRESIDENTIAL" and substitute "RENT-PRODUCING COMMERCIAL".	49
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	Page 1, strike line 14 and substitute:	53
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	"(I) ACTUAL ANNUAL RENTAL INCOME;".	55
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	Page 1, strike line 16 and substitute:	57
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	"(III) ITEMIZED EXPENSES; AND".	59
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	Page 1, line 17, strike "DETAILED RENT" and substitute "RENT".	61
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	Page 1, line 21, strike "YEAR; AND" and substitute "YEAR.".	63
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	Page 1, strike lines 22 and 23.	65
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	Page 2, strike lines 1 through 4 and substitute:	67
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	"(b) THE".	69
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	Page 2, strike lines 8 and 9 and substitute:	71
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"THE ASSESSOR SHALL".

Page 2, strike lines 14 through 16 and substitute:

"THE PETITIONER MAY BE GRANTED AN EXTENSION OF".

Page 2, line 24, strike "ASSESSOR" and substitute "ATTORNEY".

Page 2, line 34, after "PETITIONER." add "INTEREST SHALL CEASE TO ACCRUE ON THE UNDERLYING PROPERTY TAX OBLIGATION AS OF THE DATE THE ORDER COMPELLING DISCLOSURE IS ISSUED."

Page 2, strike lines 39 through 41.

Page 3, strike lines 1 through 23 and substitute:

"(f) ANY INFORMATION PROVIDED BY A PETITIONER PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) THAT IS EXEMPT FROM DISCLOSURE UNDER EITHER SECTION 24-72-204 (3) (a) (IV), C.R.S., OR PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S., SHALL BE AND REMAIN CONFIDENTIAL AND MAY BE USED ONLY BY THE BOARD OF ASSESSMENT APPEALS, THE COUNTY BOARD OF EQUALIZATION, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH THE SUBJECT PROPERTY IS LOCATED, THE OFFICE OF THE COUNTY ASSESSOR, OR BY A PERSON HIRED TO APPRAISE THE SUBJECT PROPERTY WHEN SUCH INFORMATION IS PERTINENT TO AN APPEAL."

Renumber succeeding section accordingly.

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

**SB11-063** by Senator(s) Giron and Newell; --Concerning the promotion of health care accessibility by encouraging local governments to consider the health care needs of their communities in the composition of their master land use plans.

Amendment No. 1, Local Government Committee Amendment.

(Printed in Senate Journal, February 17, pages 212-214 and placed in members' bill files.)

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

**HB11-1031** by Representative(s) Miklosi; also Senator(s) Foster--Concerning the creation of creative districts, and, in connection therewith, authorizing specified local governments to designate a portion of their territory as a creative district subject to certification by the creative industries division within the Colorado office of economic development.

Laid over until Monday, February 28, retaining its place on the calendar.

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

On motion of Senator Heath, 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	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	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: SB11-019 as amended, SB11-049 as amended, SB11-082 as amended, SB11-115 as amended, SB11-084 as amended, SB11-120 as amended, SB11-119 as amended, SB11-063 as amended.

Laid over until Monday, February 28: SB11-055, SB11-015, SB11-050, SB11-107, HB11-1031.

**COMMITTEE OF REFERENCE REPORTS**

Appropriations

After consideration on the merits, the Committee recommends that **SB11-102** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

**"SECTION 1.** 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, WITH THE BILL THAT WAS SIGNED FIRST IN TIME BEING FIRST IN THE QUEUE, THE BILL THAT WAS SIGNED 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 STATUES 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 THREE CONSECUTIVE TAX YEARS 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 THREE CONSECUTIVE TAX YEARS IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE EXECUTIVE DIRECTOR CERTIFIES THAT THERE ARE LINES AVAILABLE AS SPECIFIED IN PARAGRAPH

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(b) OF THIS SUBSECTION (8), AND SO ON."

Renumber succeeding sections accordingly.

Page 5, after line 8 insert:

**"SECTION 2. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the families in action for mental health fund created in Section 39-22-3903 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the information technology division, for the fiscal year beginning July 1, 2011, the sum of twenty-nine thousand six hundred dollars (\$29,600) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of twenty-nine thousand six hundred dollars (\$29,600), or so much thereof as may be necessary, for the programming services to be provided to the department of revenue related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section."

Renumber succeeding section accordingly.

Page 1, line 104 strike "FORMS." and substitute "FORMS, AND MAKING AN APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the Committee recommends that **SB11-037** 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 3, after line 8 insert:

**"SECTION 4. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado state titling and registration account of the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the information technology division, for the fiscal year beginning July 1, 2011, the sum of two thousand nine hundred sixty dollars (\$2,960) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of two thousand nine hundred sixty dollars (\$2,960), or so much thereof as may be necessary, for the programming services to be provided to the department of revenue related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund created in section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the division of motor vehicles, for the fiscal year beginning July 1, 2011, the sum of nine thousand eighty dollars (\$9,080) cash funds, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

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

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Appropriations	After consideration on the merits, the Committee recommends that <b>SB11-065</b> be postponed indefinitely.	1 2 3 4
Appropriations	After consideration on the merits, the Committee recommends that <b>SB11-057</b> be referred to the Committee of the Whole with favorable recommendation.	5 6 7 8
Appropriations	After consideration on the merits, the Committee recommends that <b>SB11-114</b> be postponed indefinitely.	9 10 11 12
Appropriations	After consideration on the merits, the Committee recommends that <b>SB11-108</b> be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	13 14 15 16 17
Appropriations	After consideration on the merits, the Committee recommends that <b>SB11-089</b> be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	18 19 20 21 22
Appropriations	After consideration on the merits, the Committee recommends that <b>SB11-003</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	23 24 25 26
	Amend printed bill, page 4, after line 11 insert:	27 28
	<b>"SECTION 3. Appropriation.</b> (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado state titling and registration account of the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the information technology division, for the fiscal year beginning July 1, 2011, the sum of two thousand nine hundred sixty dollars (\$2,960) cash funds, or so much thereof as may be necessary, for the implementation of this act.	29 30 31 32 33 34 35 36 37
	(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of two thousand nine hundred sixty dollars (\$2,960), or so much thereof as may be necessary, for the programming services to be provided to the department of revenue related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section.	38 39 40 41 42 43 44 45 46
	(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund created in section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the division of motor vehicles, for the fiscal year beginning July 1, 2011, the sum of seventeen thousand seven hundred sixty dollars (\$17,760) cash funds, or so much thereof as may be necessary, for the implementation of this act."	47 48 49 50 51 52 53 54
	Re-number succeeding section accordingly.	55 56
	Page 1, line 102 strike " <b>HOSPITAL.</b> " and substitute " <b>HOSPITAL, AND MAKING AN APPROPRIATION THEREFOR.</b> ".	57 58 59
Appropriations	After consideration on the merits, the Committee recommends that <b>SB11-090</b> be referred to the Committee of the Whole with favorable recommendation.	60 61 62 63
Appropriations	After consideration on the merits, the Committee recommends that <b>SB11-126</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	64 65 66 67 68
	Amend printed bill, page 5, after line 3 insert:	69

"SECTION 2. 23-1-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**23-1-104. Financing the system of postsecondary education - report - repeal.** (1.5) FOR FISCAL YEARS 2011-12 THROUGH 2015-16, CASH FUNDS RECEIVED BY AN INSTITUTION AS UNSUBSIDIZED IN-STATE TUITION PURSUANT TO SECTION 23-7-112 SHALL NOT BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY OR INCLUDED IN THE SINGLE LINE ITEM APPROPRIATION TO EACH GOVERNING BOARD PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION. THE INSTITUTION SHALL REPORT UNSUBSIDIZED IN-STATE TUITION, CLASSIFIED AS SUCH PURSUANT TO SECTION 23-7-112, IN THE SAME MANNER THAT THE INSTITUTION REPORTS ALL OTHER TUITION RECEIPTS."

Renumber succeeding sections accordingly.

Education After consideration on the merits, the Committee recommends that **HB11-1060** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Education After consideration on the merits, the Committee recommends that **SB11-070** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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

"SECTION 1. 22-20-104 (2), Colorado Revised Statutes, is amended to read:

**22-20-104. Administration - advisory committee - rules.**

(2) (a) In order to assist the state board in the performance of its responsibilities for the implementation of this article, the state board shall appoint a state special education advisory committee of an appropriate size. The members of the advisory committee shall be representative of the state population and shall be composed of persons involved in or concerned with the education of children with disabilities, including:

- (I) Parents of children with disabilities ages birth through twenty-six years;
  - (II) Individuals with disabilities;
  - (III) Teachers;
  - (IV) Representatives of institutions of higher education that prepare special education and related services personnel;
  - (V) State and local education officials, including officials who carry out activities under section 22-33-103.5;
  - (VI) Administrators of programs for children with disabilities;
  - (VII) Representatives of other state agencies involved in the financing or delivery of related services to children with disabilities;
  - (VIII) Representatives of private schools, district charter schools, and institute charter schools;
  - (IX) At least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
  - (X) REPRESENTATIVES OF A CONSORTIUM OF DISABILITIES SERVICES PROFESSIONALS FROM THE STATE INSTITUTIONS OF HIGHER EDUCATION;
  - (XI) A representative from child welfare services in the department of human services established pursuant to section 26-5-102, C.R.S.; and
  - (XII) Representatives from the division of youth corrections in the department of human services and from the department of corrections.
- (a.5) A majority of the members of the advisory committee shall be individuals with disabilities or parents of children with disabilities. Members shall be appointed for one-year or two-year terms. Any additions to the composition of the advisory committee shall be made pursuant to the procedures of the state board.
- (b) (Deleted by amendment, L. 91, p. 694, § 6, effective April 20, 1991.)
- (c) IN ADDITION TO MAKING RECOMMENDATIONS TO THE STATE

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BOARD PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), THE STATE SPECIAL EDUCATION ADVISORY COMMITTEE SHALL CONSIDER ISSUES PERTAINING TO:

(I) TRANSITIONING STUDENTS WITH DISABILITIES FROM SECONDARY TO POSTSECONDARY EDUCATION, INCLUDING BUT NOT LIMITED TO THE DOCUMENTATION REQUIRED BY INSTITUTIONS OF HIGHER EDUCATION TO OBTAIN DISABILITIES SERVICES;

(II) CREATING POSTSECONDARY EMPLOYMENT TRAINING PROGRAMS AND OPPORTUNITIES FOR STUDENTS WITH DISABILITIES, INCLUDING INTELLECTUAL DISABILITIES, WHO CHOOSE TO CONTINUE INTO POSTSECONDARY EDUCATION BUT MAY NOT BE SEEKING A POSTSECONDARY DEGREE; AND

(III) SERVING STUDENTS WITH INTELLECTUAL DISABILITIES IN POSTSECONDARY INSTITUTIONS.

(d) IN CONSIDERING THE ISSUES SPECIFIED IN PARAGRAPH (c) OF THIS SUBSECTION (2), THE STATE SPECIAL EDUCATION ADVISORY COMMITTEE SHALL WORK WITH:

(I) A CONSORTIUM OF DISABILITIES SERVICES PROFESSIONALS FROM THE STATE INSTITUTIONS OF HIGHER EDUCATION;

(II) PERSONS FROM THE UNIT WITHIN THE DEPARTMENT THAT ADDRESSES EXCEPTIONAL STUDENT ISSUES, WHICH PERSONS SPECIALIZE IN SECONDARY TRANSITION ISSUES; AND

(III) ONE OR MORE REPRESENTATIVES FROM THE DEPARTMENT OF HIGHER EDUCATION.

(e) IN ADDITION TO SUBMITTING RECOMMENDATIONS TO THE STATE BOARD, THE STATE SPECIAL EDUCATION ADVISORY COMMITTEE MAY SUBMIT RECOMMENDATIONS TO THE DEPARTMENT OF HIGHER EDUCATION AS APPROPRIATE.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Finance

After consideration on the merits, the Committee recommends that **SB11-169** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend the Health and Human Services Committee Report, dated February 17, 2011, page 2, line 27, after "THERAPIST" insert "RESPONSIBLE FOR PATIENT RECORDS".

Page 4 of the committee report, line 40, strike "(1) EXCEPT" and substitute "(1) EFFECTIVE JUNE 1, 2012, EXCEPT".

Page 5 of the committee report, strike lines 21 through 24 and substitute:

"(a) SUCCESSFULLY COMPLETED A PHYSICAL THERAPIST ASSISTANT PROGRAM".

Page 5 of the committee report, after line 39 insert:

"(5) (a) IN LIEU OF QUALIFYING UNDER SUBSECTION (2) OF THIS SECTION, A PERSON MAY QUALIFY AS A PHYSICAL THERAPIST ASSISTANT IF THE PERSON HAS AT LEAST FIVE YEARS OF EXPERIENCE PRACTICING AS A PHYSICAL THERAPIST ASSISTANT OR IS OTHERWISE QUALIFIED AS DETERMINED BY THE BOARD.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JUNE 1, 2013."

Finance

After consideration on the merits, the Committee recommends that **SB11-094** be referred to the Committee on Appropriations with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB11-1105** be referred to the Committee of the Whole with favorable recommendation.

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Health & Human Services      After consideration on the merits, the Committee recommends that **SB11-170** 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 11, strike "STATE BOARD." and substitute "JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY."

Health & Human Services      After consideration on the merits, the Committee recommends that **HB11-1019** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Health & Human Services      After consideration on the merits, the Committee recommends that **HB11-1016** be referred to the Committee on Appropriations with favorable recommendation.

Agriculture, Natural Resources, and Energy      After consideration on the merits, the Committee recommends that **SB11-092** be referred to the Committee on Appropriations with favorable recommendation.

Agriculture, Natural Resources, and Energy      After consideration on the merits, the Committee recommends that **SB11-045** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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

**"SECTION 1.** Article 4 of title 40, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**40-4-119. Siting of electric transmission facilities - task force - repeal.** (1) **Legislative declaration.** THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT THE DEVELOPMENT OF NEW ELECTRIC TRANSMISSION FACILITIES IS NECESSARY TO PROMOTE THE DEVELOPMENT OF ADDITIONAL CLEAN AND RENEWABLE ELECTRIC GENERATION RESOURCES, COLORADO'S ENERGY SECURITY, AND THE STATE'S LONG-TERM ECONOMIC GROWTH. THE SITING AND PERMITTING OF ELECTRIC TRANSMISSION FACILITIES IS CURRENTLY SUBJECT TO VARIOUS STATE AND LOCAL GOVERNMENT REQUIREMENTS. BECAUSE ELECTRIC TRANSMISSION FACILITIES OFTEN TRAVERSE MULTIPLE JURISDICTIONS, COMPLIANCE WITH MULTIPLE REQUIREMENTS CREATES THE POTENTIAL FOR PERMITTING DELAYS OR INCONSISTENT DECISIONS. IT IS, THEREFORE, IN THE STATE'S INTEREST TO CONSIDER OPPORTUNITIES TO IMPROVE EXISTING SITING AND PERMITTING PROCESSES APPLICABLE TO ELECTRIC TRANSMISSION FACILITIES, INCLUDING THE POSSIBLE ESTABLISHMENT OF A SINGLE, STATEWIDE SITING AND PERMITTING PROCESS FOR SUCH FACILITIES.

(2) **Task force and report.** (a) THERE IS HEREBY CREATED THE TASK FORCE ON STATEWIDE TRANSMISSION SITING AND PERMITTING, ALSO REFERRED TO IN THIS SECTION AS THE "TASK FORCE". THE TASK FORCE SHALL MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY REGARDING COLORADO'S EXISTING STATUTORY AND REGULATORY FRAMEWORK APPLICABLE TO THE SITING AND PERMITTING OF ELECTRIC TRANSMISSION FACILITIES AS WELL AS OPPORTUNITIES TO IMPROVE THAT FRAMEWORK. THE TASK FORCE SHALL TAKE TESTIMONY ON THE TOPICS LISTED IN SUBSECTION (4) OF THIS SECTION AND SHALL REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY ON SUCH TESTIMONY AND RECOMMENDATIONS NO LATER THAN DECEMBER 1, 2011. EACH RECOMMENDATION MADE BY THE TASK FORCE REQUIRES THE AFFIRMATIVE CONSENT OF A MAJORITY OF ITS MEMBERS AND MAY BE ACCOMPANIED BY A MINORITY REPORT, AS APPROPRIATE.

(b) THE TASK FORCE SHALL HOLD AT LEAST FOUR MEETINGS, WHICH SHALL BE OPEN TO THE PUBLIC. THE TASK FORCE SHALL ELECT A CHAIR AND A VICE-CHAIR FROM ITS MEMBERS AT ITS FIRST MEETING. THE TASK FORCE SHALL SOLICIT AND RECEIVE COMMENTS FROM MEMBERS OF

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THE PUBLIC, WHICH MUST INCLUDE AN OPPORTUNITY FOR COLORADO RESIDENTS TO SUBMIT WRITTEN COMMENTS TO THE TASK FORCE. THE TASK FORCE MAY DETERMINE THE MANNER IN WHICH SUCH COMMENTS ARE RECEIVED.

(c) THE TASK FORCE SHALL CONSIDER AND GIVE WEIGHT TO PUBLIC COMMENTS RECEIVED DURING THE PUBLIC HEARING PROCESS, AS WELL AS WRITTEN COMMENTS FROM AFFECTED COUNTIES, CITIES, ELECTRIC UTILITIES, OTHER ELECTRIC POWER PROVIDERS, CUSTOMERS, ENVIRONMENTAL GROUPS, AND OTHER INTERESTED STAKEHOLDERS.

(3) **Membership.** (a) THE TASK FORCE CONSISTS OF SIXTEEN MEMBERS AS FOLLOWS:

(I) THE DIRECTOR OF THE COMMISSION, OR HIS OR HER DESIGNEE, WHO SHALL CONVENE THE TASK FORCE AND WHO IS AUTHORIZED TO CONTRACT WITH A MEDIATOR OR OTHER THIRD PARTY TO FACILITATE ACCOMPLISHMENT OF THE TASK FORCE'S DUTIES;

(II) EIGHT MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

(A) ONE MEMBER REPRESENTING COOPERATIVE ELECTRIC ASSOCIATIONS THAT DISTRIBUTE ELECTRICITY;

(B) ONE MEMBER REPRESENTING COOPERATIVE ELECTRIC ASSOCIATIONS THAT GENERATE AND TRANSMIT ELECTRICITY;

(C) TWO MEMBERS REPRESENTING INVESTOR-OWNED ELECTRIC UTILITIES;

(D) TWO MEMBERS REPRESENTING MUNICIPALLY OWNED ELECTRIC UTILITIES;

(E) ONE MEMBER REPRESENTING RENEWABLE ENERGY ELECTRIC GENERATION INTERESTS; AND

(F) ONE MEMBER REPRESENTING LARGE COMMERCIAL CONSUMERS OF ELECTRICITY;

(III) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, WHO MUST NOT BE AFFILIATED WITH ANY OF THE GROUPS REPRESENTED BY OTHER MEMBERS OF THE TASK FORCE;

(IV) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE, WHO MUST NOT BE AFFILIATED WITH ANY OF THE GROUPS REPRESENTED BY OTHER MEMBERS OF THE TASK FORCE;

(V) TWO MEMBERS REPRESENTING THE INTERESTS OF COLORADO MUNICIPALITIES, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE COLORADO MUNICIPAL LEAGUE OR ITS SUCCESSOR ORGANIZATION;

(VI) TWO MEMBERS REPRESENTING THE INTERESTS OF COLORADO COUNTIES, APPOINTED BY THE EXECUTIVE DIRECTOR OF COLORADO COUNTIES, INCORPORATED, OR ITS SUCCESSOR ORGANIZATION; AND

(VII) THE DIRECTOR OF THE GOVERNOR'S ENERGY OFFICE CREATED IN SECTION 24-38.5-101, C.R.S., OR HIS OR HER DESIGNEE.

(b) THE APPOINTING AUTHORITIES SHALL MAKE THEIR APPOINTMENTS WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

(c) THE OFFICIAL WHO APPOINTED A MEMBER WHOSE ABSENCE RESULTS IN A VACANCY SHALL FILL THE VACANCY BY APPOINTMENT.

(4) **Scope of inquiry.** AT A MINIMUM, THE TASK FORCE SHALL TAKE COMMENTS ON THE FOLLOWING TOPICS:

(a) AN INVENTORY AND EVALUATION OF COLORADO'S CURRENT SITING AND PERMITTING FRAMEWORK FOR ELECTRIC TRANSMISSION FACILITIES, INCLUDING ITS BENEFITS AND SHORTCOMINGS;

(b) RESEARCH INTO EXAMPLES OF HOW OTHER STATES APPROACH SITING AND PERMITTING OF ELECTRIC TRANSMISSION FACILITIES;

(c) IDENTIFICATION OF POSSIBLE MODELS FOR IMPROVING COLORADO'S EXISTING SITING AND PERMITTING PROCESSES APPLICABLE TO ELECTRIC TRANSMISSION FACILITIES;

(d) RECOMMENDED ACTIONS TO STREAMLINE SITING AND PERMITTING PROCESSES APPLICABLE TO ELECTRIC TRANSMISSION FACILITIES, INCLUDING A BALANCING OF ENVIRONMENTAL, LAND USE, AND COMMUNITY EFFECTS WITH TRANSMISSION PROJECT COSTS AND SCHEDULE RISKS;

(e) AN EXAMINATION OF THE ADVANTAGES AND DISADVANTAGES OF A STATEWIDE TRANSMISSION SITING AND PERMITTING FRAMEWORK FOR ELECTRIC TRANSMISSION FACILITIES; AND

(f) AN EXAMINATION OF THE POLITICAL ACCEPTABILITY OF, AND POTENTIAL STRATEGIES FOR, CREATING A STATE-LEVEL SITING ENTITY.

(5) **Funding.** (a) THE COMMISSION MAY ACCEPT PRIVATE GIFTS, GRANTS, AND DONATIONS FOR THE PURPOSE OF PROVIDING SUPPORT TO

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THE TASK FORCE TO PERFORM ITS RESPONSIBILITIES. THE COMMISSION SHALL TRANSFER ALL SUCH GIFTS, GRANTS, AND DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO A SEPARATE ACCOUNT, WHICH IS HEREBY CREATED, IN THE PUBLIC UTILITIES COMMISSION FIXED UTILITY FUND CREATED IN SECTION 40-2-114.

(b) THE COMMISSION IS NOT REQUIRED TO SOLICIT GIFTS, GRANTS, OR DONATIONS FROM ANY SOURCE FOR THE PURPOSES OF THE TASK FORCE. NO GENERAL FUND MONEYS SHALL BE USED TO PAY FOR ANY EXPENSES OF THE TASK FORCE.

(c) IF, BY JUNE 1, 2011, MONEYS IN THE ACCOUNT HAVE NOT REACHED AN AMOUNT SUFFICIENT TO PAY THE EXPENSES OF THE TASK FORCE:

(I) THE TASK FORCE SHALL NOT MEET OR UNDERTAKE ANY OTHER DUTIES PURSUANT TO THIS SECTION;

(II) THE COMMISSION SHALL RETURN TO EACH GRANTOR OR DONOR AN AMOUNT EQUAL TO SUCH GRANTOR'S OR DONOR'S CONTRIBUTION; AND

(III) THE STATE TREASURER SHALL TRANSFER THE INTEREST, IF ANY, EARNED FROM THE INVESTMENT OF MONEYS IN THE ACCOUNT TO THE GENERAL FUND.

(6) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2011.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Page 1, line 103, strike "FACILITIES." and substitute "FACILITIES, AND, IN CONNECTION THEREWITH, CREATING A TASK FORCE."

Agriculture,  
Natural  
Resources,  
and Energy

After consideration on the merits, the Committee recommends that **HJR11-1008** be referred to the Senate for final action.

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 25 was laid over until Monday, February 28, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-009.

Consideration of Governor's Appointments:

Executive Director of the Department of Local Affairs

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

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, February 28, 2011.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Cindi Markwell  
Secretary of the Senate

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