

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

36th Legislative Day

Wednesday, February 16, 2011

Prayer	By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.	11
Musical	By Ransom Notes bluegrass, folk, and Celtic music group, Amanda, Michael, and Amelia Ransom.	13
Presentation		14
Call to Order	By the President at 9:00 a.m.	16
Pledge	By Stefanie Holland Hagerty, Centennial.	17
Roll Call	Present--35	18
Quorum	The President announced a quorum present.	19
Reading of Journal	On motion of Senator Jahn, reading of the Journal of Tuesday, February 15, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.	20

MESSAGE FROM THE HOUSE

February 15, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1159, 1073, 1202, 1176.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
 HB11-1030, amended as printed in House Journal, February 14, page 234.
 HB11-1058, amended as printed in House Journal, February 14, page 234.
 HB11-1083, amended as printed in House Journal, February 14, page 235.
 HB11-1069, amended as printed in House Journal, February 14, page 235.
 HB11-1109, amended as printed in House Journal, February 14, page 235.
 HB11-1148, amended as printed in House Journal, February 14, pages 235-236.
 HB11-1053, amended as printed in House Journal, February 14, page 236.
 HB11-1118, amended as printed in House Journal, February 14, page 236.
 HB11-1002, amended as printed in House Journal, February 14, page 236.
 HB11-1033, amended as printed in House Journal, February 14, page 237.
 HB11-1177, amended as printed in House Journal, February 14, page 237.
 HB11-1187, amended as printed in House Journal, February 14, page 237.
 HB11-1027, amended as printed in House Journal, February 14, page 237.
 HB11-1117, amended as printed in House Journal, February 14, page 238.

MESSAGE FROM THE REVISOR OF STATUTES

February 15, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, HB11-1073, 1159, 1176, and 1202.

Without comment, as amended, HB11-1002, 1027, 1030, 1033, 1053, 1058, 1069, 1083, 1109, 1117, 1118, 1148, 1177, and 1187.

SENATE SERVICES REPORT

Correctly Printed: SJR11-016.

Correctly Engrossed: SB11-031, 061, 087, 100, 101, 103, 106 and 123.

Correctly Revised: HB11-1006, 1022 and 1037.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of resolutions.

CONSIDERATION OF RESOLUTIONS

SJR11-016 by Senator(s) Aguilar; also Representative(s) Kerr J.--Concerning Awareness Day for Individuals with Developmental Disabilities.

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

Amend printed joint resolution, page 2, line 2, strike "communities" and substitute "families".

Page 2, line 13, strike "and" and substitute "with".

The amendment was passed on the following roll call vote:

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

On motion of Senator Aguilar, the resolution, as amended, was read at length and was adopted by the following roll call vote:

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

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

**THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR**

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB11-061 by Senator(s) Spence; also Representative(s) Ferrandino--Concerning the process for appeals under the "Exceptional Children's Education Act".

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

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

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

SB11-106 by Senator(s) Spence, Bacon, Heath, Hudak, Johnston, King K.; also Representative(s) Ferrandino--Concerning the repeal of the science and technology education center grants advisory board.

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

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

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

SB11-101 by Senator(s) Spence, Bacon, Heath, Johnston, King K.; also Representative(s) Swalm-- Concerning the continuation of the fixed tuition and fee rate program.

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

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

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

SB11-123 by Senator(s) Foster; also Representative(s) Summers--Concerning technical changes to child support procedures.

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

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

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

Co-sponsors added: Newell

HB11-1037 by Representative(s) Ryden and Fields; also Senator(s) Carroll--Concerning the voluntary contribution designation benefiting the military family relief fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Foster, Giron, Guzman, Heath, Johnston, King K., Morse, Newell, Schwartz, Shaffer B., Steadman and Williams S.

SB11-031 by Senator(s) Cadman; also Representative(s) Looper--Concerning motor vehicles valued as collector's items for historical reasons.

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

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

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

Co-sponsors added: Boyd, Scheffel, Tochtrop and Williams S.

SB11-100 by Senator(s) Hudak and King K.; also Representative(s) Murray--Concerning continuation of the council of higher education representatives.

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

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

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

Co-sponsors added: Schwartz and Williams S.

SB11-087 by Senator(s) Boyd; also Representative(s) Beezley--Concerning authority for the public utilities commission to create an exemption from tiered electricity rate plans based on a customer's medical condition.

Laid over until Thursday, February 17, retaining its place on the calendar.

SB11-103 by Senator(s) Lundberg and Foster, Carroll, Newell, Roberts, White; also Representative(s) Scott--Concerning the repeal of the benefit design advisory committee.

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

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

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

HB11-1006 by Representative(s) Coram; also Senator(s) Schwartz--Concerning the composition of a regional tourism authority governing board when the board will be comprised of more than two local governmental entities that are counties.

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

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

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

Co-sponsors added: Guzman, Jahn, King S. and Newell.

HB11-1022 by Representative(s) Scott, Massey, Holbert, Joshi, McNulty; also Senator(s) Morse, Harvey, Grantham, Steadman--Concerning the exemption from laws regulating mortgage loan originators of certain persons providing seller financing for the sale of a limited number of residential properties.

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

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

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

Co-sponsors added: Aguilar, Giron, Jahn, Newell, Scheffel and Williams S.

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 Wednesday, February 16, was laid over until Thursday, February 17, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB11-013, SB11-010, SB11-039,
 SB11-012, SB11-019, SB11-034, SB11-043, SB11-009, SB11-007, SB11-016,
 SB11-055, SB11-110, SB11-008, SB11-107, SB11-025, SB11-040, SB11-124.
 Consideration of Resolutions: SJR11-005.
 Consideration of Governor's Appointments:
 Executive Director of the Department of Local Affairs

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COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB11-098** be postponed indefinitely.

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State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB11-112** be postponed indefinitely.

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State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB11-073** be postponed indefinitely.

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State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB11-056** be postponed indefinitely.

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State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB11-074** be postponed indefinitely.

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State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB11-121** be postponed indefinitely.

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State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB11-127** be postponed indefinitely.

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State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SCR11-001** be referred to the Committee of the Whole with favorable recommendation.

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Transportation After consideration on the merits, the Committee recommends that **SB11-099** be postponed indefinitely.

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Trans- portation	After consideration on the merits, the Committee recommends that SB11-023 be postponed indefinitely.	1 2 3 4 5 6
Finance	After consideration on the merits, the Committee recommends that SB11-108 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	7 8 9 10 11
Finance	After consideration on the merits, the Committee recommends that SB11-089 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	12 13 14 15
Finance	After consideration on the merits, the Committee recommends that HB11-1028 be referred to the Committee of the Whole with favorable recommendation.	16 17 18 19
Finance	After consideration on the merits, the Committee recommends that SB11-082 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend printed bill, page 4, line 3, strike "STATE; AND" and substitute "STATE." Page 4, line 6, strike "AGENCY." and substitute "AGENCY; AND (III) AFTER THE STATE AUDITOR AND ANY OTHER PERSON WITH WHOM THE STATE AUDITOR IS REQUIRED TO CONSULT IN ACCORDANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) HAVE AGREED IN WRITING TO RULES GOVERNING THE MANNER IN WHICH THE TESTING OR ASSESSMENT IS TO BE CONDUCTED, INCLUDING A MITIGATION PLAN FOR HANDLING SIGNIFICANT SYSTEM OUTAGES OR DISRUPTIONS IN THE EVENT THEY OCCUR."	20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35
Finance	After consideration on the merits, the Committee recommends that SB11-115 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 19, strike "THEREOF." and substitute "THEREOF, EXCEPT FOR ANY SPECIAL PURPOSE ENTITY OR STATE ENTITY WHOSE GOVERNING BODY INCLUDES THE STATE AUDITOR AS AN EX OFFICIO MEMBER. THE PROVISIONS OF THIS PARAGRAPH (b) SHALL NOT APPLY TO ANY HOSPITAL THAT IS SUBJECT TO AUDIT UNDER THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4 TO 6 OF TITLE 25.5, C.R.S., OR MEDICARE, TITLE XVIII OF THE FEDERAL "SOCIAL SECURITY ACT", AS AMENDED."	36 37 38 39 40 41 42 43 44 45 46 47 48 49 50
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-027 be postponed indefinitely.	51 52 53 54 55 56
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB11-118 be postponed indefinitely.	57 58 59 60 61 62 63 64 65 66

TRIBUTES

Honoring:

Centennial School District R-1, New K-12 School, San Luis, Colorado -- By Senator Schwartz.
Plum Creek Kennel Club -- By Senator Carroll.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, February 17, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

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