

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

105th Legislative Day Tuesday, April 26, 2011

Prayer By the chaplains, Dr. Michael Dent, Trinity United Methodist Church, Denver, and Gary Hayes, Chairman of the Ute Mountain Ute Tribe.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Grantham.

Roll Call Present--33
 Absent--1, Brophy.
 Excused--1, Mitchell.
 Present later--2, Brophy, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Jahn, reading of the Journal of Monday, April 25, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

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

SJR11-049 by Senator(s) Newell; also Representative(s) Gardner B.--Concerning recognition of October as "Conflict Resolution Month" in Colorado.

On motion of Senator Newell, the resolution was read at length and **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: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

SJR11-042 by Senator(s) Roberts and Williams S.; also Representative(s) Brown and Coram-- Concerning the recognition of the Tri-Ute meeting in Colorado, and, in connection therewith, honoring the culture and heritage of the Ute Indian Tribes.

On motion of Senator Williams S., the resolution was read at length and 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: Aguilar, 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, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop and White.

Senate in recess. Senate reconvened.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for consideration of Governor's appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Bacon, the following Governor's appointment was confirmed by a roll call vote:

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HIGHER EDUCATION AND THE COLORADO COMMISSION ON HIGHER EDUCATION

for a term expiring at the pleasure of the Governor:

Joseph Garcia, of Colorado Springs, Colorado.

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		

CONSIDERATION OF RESOLUTIONS

SJR11-039 by Senator(s) Grantham, Giron, Scheffel, King K., Schwartz; also Representative(s) Gerou, Pace, Joshi, Lee, Swerdfeger--Concerning support for the establishment of the Pike National Historic Trail.

On motion of Senator Grantham, the resolution 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: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

SJR11-048 by Senator(s) King K. and Johnston; also Representative(s) Massey and Casso--Concerning recognizing April 25 through 29, 2011, as "Colorado Charter Schools Week" in the state of Colorado.

On motion of Senator King K., the resolution 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: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, 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 title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB11-078 by Senator(s) Morse, Carroll, Roberts, Schwartz; also Representative(s) Gardner B., Labuda, Levy, Murray, Waller--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

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.

THIRD READING OF BILLS -- FINAL PASSAGE

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

SB11-220 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning a reduction in the mileage allowance for the use of a personal motor vehicle for official state business, and making an appropriation therefor.

Laid over until Friday, May 13.

SB11-200 by Senator(s) Boyd; also Representative(s) Stephens--Concerning a Colorado health benefit exchange, and, in connection therewith, creating a process for the implementation of a health benefit exchange in Colorado.

Laid over until Wednesday, April 27, retaining its place on the calendar.

SB11-044 by Senator(s) Steadman; also Representative(s) Levy--Concerning the collateral consequences of a conviction.

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 and Guzman.

SB11-133 by Senator(s) Hudak and Newell, Foster, Giron, Steadman, Bacon, Jahn, King K.; also Representative(s) Nikkel, Ferrandino, Gardner B., Kagan, Levy, Waller, Solano--Concerning a study of disciplinary actions taken in public schools.

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

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YES	28	NO	7	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	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-sponsor added: Nicholson

NOTICE OF INTENT TO MOVE FOR RECONSIDERATION OF SB11-044

SB11-044 by Senator(s) Steadman; also Representative(s) Levy--Concerning the collateral consequences of a conviction.

Senator Kopp gave notice of intent to reconsider **SB11-044**.

THIRD READING OF BILLS -- FINAL PASSAGE

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

SB11-051 by Senator(s) Giron; also Representative(s) Swerdfeger--Concerning an intercept of a person's winnings for the purpose of paying an unpaid debt due to the state, and making an appropriation therefor.

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

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

Co-sponsors added: Aguilar, Boyd, Foster, Guzman, Hodge, Morse, Tochtrop and Williams S.

IMMEDIATE RECONSIDERATION OF SB11-051

SB11-051 by Senator(s) Giron; also Representative(s) Swerdfeger--Concerning an intercept of a person's winnings for the purpose of paying an unpaid debt due to the state, and making an appropriation therefor.

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **SB11-051**.

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

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB11-051 by Senator(s) Giron; also Representative(s) Swerdfeger--Concerning an intercept of a person's winnings for the purpose of paying an unpaid debt due to the state, and making an appropriation therefor.

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

YES	20	NO	15	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

Co-sponsors added: Aguilar, Boyd, Foster, Guzman, Hodge, Morse, Tochtrop and Williams S.

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 conference committee reports.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

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

Senator Hodge moved for the adoption of the first report of the first conference committee on **SB11-226**, as printed in Senate journal, April 21, page 830. The motion 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		

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	N
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB11-209

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

Senator Hodge moved for the adoption of the first report of the first conference committee on **SB11-209**, as printed in Senate journal, April 21, pages 830-840. The motion was **adopted** by the following roll call vote:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	N	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 question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	32	NO	3	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	N	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	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Committee of the Whole

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

- HB11-1274** by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.
 - Ordered revised and placed on the calendar for third reading and final passage.
- HB11-1283** by Representative(s) Gerou and Riesberg, Massey; also Senator(s) Steadman--Concerning the extension of the bioscience discovery evaluation grant program.
 - Ordered revised and placed on the calendar for third reading and final passage.
- HB11-1100** by Representative(s) Looper, Acree, Baumgardner, Brown, Court, Fields, Holbert, Kerr A., Priola, Ryden, Solano, Soper; also Senator(s) Morse--Concerning the consideration of military experience towards qualification for professional licensure and certification, and making an appropriation therefor.
 - Ordered revised and placed on the calendar for third reading and final passage.
- HB11-1289** by Representative(s) Sonnenberg; also Senator(s) Hodge--Concerning the manner in which the state historical society acts with regard to water supply structures.
 - Ordered revised and placed on the calendar for third reading and final passage.
- SB11-204** by Senator(s) Giron and Morse; also Representative(s) Swerdfeger and Stephens, Barker, Gardner B., Lee--Concerning the role of certain southern Colorado university campuses.
 - Ordered engrossed and placed on the calendar for third reading and final passage.

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

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

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

The Committee of the Whole took the following action:

Passed on second reading: SB11-204, HB11-1274, HB11-1283, HB11-1100, HB11-1289.

Call of the Senate.

Call raised.

RECONSIDERATION OF SB11-209

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

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Repassage of Bills, on **SB11-209**.

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

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

Senator Hodge moved for the repassage of **SB11-209**. The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	29	NO	6	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	N	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	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	N	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

NOTICE OF INTENT TO MOVE FOR RECONSIDERATION WITHDRAWN

SB11-044 by Senator(s) Steadman; also Representative(s) Levy--Concerning the collateral consequences of a conviction.

Senator Kopp withdrew his notice of intent to move for reconsideration of **SB11-044**.

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

SB11-232 by Senator(s) Jahn; also Representative(s) Gardner B.--Concerning the child abuse investigation surcharge.

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

Senator Morse moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 3:30 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in recess.

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

REPORT OF CONFERENCE COMMITTEES

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-219**

THIS REPORT AMENDS THE
REENGROSSED BILL

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

Your first conference committee appointed on SB11-219,
concerning moneys appropriated in the 2011-12 fiscal year for health
clinics, and making an appropriation therefor, has met and reports that it
has agreed upon the following:

1. That the House recede from its amendments made to the bill,
as the amendments appear in the rerevised bill and that the following
amendments be substituted therefor:

Amend reengrossed bill, page 2, line 11, strike "TEN" and substitute
"ELEVEN".

Page 4, line 1, strike "EIGHT HUNDRED THIRTEEN THOUSAND FIVE
HUNDRED".

Page 7, strike line 27.

Page 8, strike lines 1 through 8 and substitute:

"(1) Twenty-three million five hundred ten thousand dollars
(\$23,510,000) for allocation to the health care services fund for
community primary care providers pursuant to section 25.5-3-112 (2.8),
Colorado Revised Statutes. Of said sum, eleven million seven hundred
fifty-five thousand dollars (\$11,755,000) shall be cash funds from the
Colorado health care services fund created in section 25.5-3-112 (1),
Colorado Revised Statutes, and eleven million seven hundred fifty-five
thousand dollars (\$11,755,000) shall be from federal funds."

2. That, under the authority granted the committee to consider
matters not at issue between the two houses, the following amendments
be recommended:

Amend reengrossed bill, page 3, line 6, strike "ONE MILLION".

Page 3, strike line 7 and substitute "TWO MILLION ONE HUNDRED THIRTY-
FIVE THOUSAND EIGHT HUNDRED THIRTY".

Page 6, line 16, strike "ONE MILLION".

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Page 6, strike line 17 and substitute:

"TWO MILLION ONE HUNDRED THIRTY-FIVE THOUSAND EIGHT HUNDRED THIRTY".

Page 8, strike lines 9 and 10 and substitute:

"(2) Two million one hundred thirty-five thousand eight hundred thirty dollars (\$2,135,830) from the primary care special distribution fund".

Respectfully submitted,

Senate Committee:
(signed)
Mary Hodge, Chairman
Pat Steadman
Kent D. Lambert

House Committee:
(signed)
Cheri Gerou, Chairman
Mark Ferrandino
Jon Becker

MESSAGE FROM THE HOUSE

April 26, 2011

Mr. President:

The House has postponed indefinitely SB11-126. The bill is returned herewith.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1297, amended as printed in House Journal, April 25, page 1085.

The House has passed on Third Reading and returns herewith SB11-179, 169.

The House has adopted the First Report of the First Conference Committee on HB11-1209, as printed in House Journal, April 25, page 1119-1120, and has repassed the bill as amended.

The House has voted to grant the House conferees on the First Conference Committee on SB11-219 to consider matters not at issue between the two houses.

The House has adopted and returns herewith SJR11-049, SJR11-042, SJR11-041, SJR11-039, SJR11-048.

The House has voted to concur in the Senate amendments to HB11-1230, 1196, 1026, 1145, 1146, 1218, and has repassed the bills as so amended.

MESSAGE FROM THE REVISOR OF STATUTES

April 26, 2011

We herewith transmit:

Without comment, as amended, HB11-1297.

CHANGE IN SPONSORSHIP

Upon announcement of President Shaffer, Senator Spence was added as a Senate joint prime sponsor on HB11-1043.

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RECALL OF HB11-1080

Senator Morse moved for recall of **HB11-1080** from the House for purpose of reconsideration. A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**. The bill was ordered recalled.

Committee of the Whole reconvened.

GENERAL ORDERS -- SECOND READING OF BILLS - cont'd

SB11-207 by Senator(s) Tochtrop; also Representative(s) Priola--Concerning the regulation of roofers by the division of registrations in the department of regulatory agencies.
Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, April 19, pages 800-801 and placed in members' bill files.)
Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 21, pages 842-843 and placed in members' bill files.)
Amendment No. 3(L.002), by Senator Tochtrop.
Amend printed bill, page 10, after line 9 insert:

"(3) THIS ARTICLE DOES NOT REQUIRE SHEET METAL, ELECTRICAL, PLUMBING, REFRIGERATION, OR MASON CONTRACTORS OR CARPENTERS WHO PERFORM CHIMNEY REPAIRS OR INSTALL SOIL PIPES, ELECTRICAL JACKS, GUTTERS, HEATING AND COOLING VENTS, WOOD ROOF DECKS, OR ANY OTHER KIND OF ROOF DECK OR TELEVISION ANTENNA TO BE REGISTERED UNDER THIS ARTICLE."

As amended, laid over until Wednesday, April 27.

HB11-1291 by Representative(s) McNulty; also Senator(s) Morse--Concerning legislative approval of the regional haze element of the state implementation plan, and, in connection therewith, postponing the automatic expiration of the portion of the plan that consists of rules.
Ordered revised 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.
Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, March 18, pages 494-508 and placed in members' bill files.)

Laid over until Wednesday, April 27, retaining its place on the calendar.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB11-052 as amended, HB11-1109, HB11-1268, HB11-1138, HB11-1267, SB11-182, SB11-125, HB11-1219, SB11-050, SB11-111, HB11-1095, HB11-1163, HB11-1115, HB11-1121, SB11-186, HB11-1211, HB11-1237, SB11-207 as amended) of Tuesday, April 26 was laid over until Wednesday, April 27, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	N
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB11-232, HB11-1291.

Laid over until April 27: SB11-052 as amended, HB11-1109, HB11-1268, HB11-1138, HB11-1267, SB11-182, SB11-125, HB11-1219, SB11-050, SB11-111, HB11-1095, HB11-1163, HB11-1115, HB11-1121, SB11-186, HB11-1211, HB11-1237, SB11-207 as amended

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR11-053 by Senator(s) Boyd; also Representative(s) Riesberg--Concerning the declaration of April 30, 2011, as "Colorado Meningitis Awareness Day".

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

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

SB11-263 by Senator(s) Tochtrop, Brophy, Jahn; also Representative(s) Becker--Concerning clarification of the state sales tax exemption for sales of medical products.
Finance

SB11-264 by Senator(s) Newell; also Representative(s) Gardner B. and Lee--Concerning a clarification of state law governing the circumstances under which a notice of lis pendens must be recorded in connection with the filing of a debt security instrument as a substitute for the filing of certain liens.
Judiciary

SB11-265 by Senator(s) Johnston and King S., Schwartz; also Representative(s) Duran and Scott--Concerning changing the name of Mesa state college to Colorado Mesa university.
Education

SB11-266 by Senator(s) Bacon and King K.; also Representative(s) Ramirez and Kerr A.--Concerning background checks for employees of entities that contract to perform services for public schools.
Education

SB11-267 by Senator(s) Schwartz, Shaffer B., Bacon, Foster, Giron, Guzman, Heath, Hodge, Jahn, Johnston, King S., Nicholson, Roberts, Tochtrop, White, Williams S.; also Representative(s) Coram and Hamner, Court--Concerning measures to promote forest health, and, in connection therewith, creating the Colorado forest biomass use work group and promoting the creation of sustainable market-based models for active forest management and woody biomass energy development.
Agriculture, Natural Resources, and Energy

HB11-1277 by Representative(s) Massey and Solano; also Senator(s) Bacon--Concerning statutory changes involving K-12 education, and making an appropriation in connection therewith.
Education

MESSAGE FROM THE HOUSE

April 26, 2011

Mr. President:

In response to the request from the Senate, HB11-1080 is returned herewith.

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MESSAGE FROM THE GOVERNOR

April 26, 2011

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

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB11-119 CONCERNING PROCEDURES GOVERNING THE APPEAL OF A VALUATION OF INCOME-PRODUCING COMMERCIAL REAL PROPERTY

Approved April 26, 2011 at 11:51 a.m.

SB11-183 CONCERNING MANDATING REPRESENTATION BY PERSONS WITH DISABILITIES ON CERTAIN STATE BOARDS

Approved April 26, 2011 at 12:03 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

SENATE SERVICES REPORT

Correctly Printed: SB11-259, 260, 261 and 262; SCR11-002, 003 and 004; SJR11-049, 050, 051 and 052.
Correctly Engrossed: SB11-044, 051, 078, 133 and 200.
Correctly Enrolled: SJR11-035 and 043.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1080, 1097, 1216, 1258, SB11-165, 188, 210, 225, 209.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Tuesday, April 26, 2011, at 1:06 p.m.:
SB11-209, 211, 212, 214, 215, 216, 217, 218, 221, 222, 223, 224, 228 and 229.

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the Committee recommends that **HB11-1072** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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

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"SECTION 1. Legislative declaration. According to decisions of the Colorado supreme court, an address falsely represents a person's residential address when it does not state the complete street number and name, apartment or room number, if applicable, city, and state of the place where a person makes his or her permanent domicile. The codification of the meaning of "false address" in House Bill 11-1072, enacted in 2011, is a clarification of existing law for future designated representatives."

Renumber succeeding sections accordingly.

Page 2, after line 9 insert:

"SECTION 3. 1-40-105 (4), Colorado Revised Statutes, is amended, and the said 1-40-105 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

1-40-105. Filing procedure - review and comment - amendments - filing with secretary of state. (4) After the conference provided in subsections (1) and (2) of this section, a copy of the original typewritten draft submitted to the directors of the legislative council and the office of legislative legal services, a copy of the amended draft with changes highlighted or otherwise indicated, if any amendments were made following the last conference conducted pursuant to subsections (1) and (2) of this section, and an original final draft which gives the final language for printing shall be submitted to the secretary of state without any title, submission clause, or ballot title providing the designation by which the voters shall express their choice for or against the proposed law or constitutional amendment. THE DESIGNATED PROPONENTS SHALL SUBMIT TO THE DIRECTOR OF THE LEGISLATIVE COUNCIL A COPY OF ANY DOCUMENTS SUBMITTED TO THE SECRETARY OF STATE PURSUANT TO THIS SUBSECTION (4).

(5) LEGISLATIVE COUNCIL STAFF SHALL PREPARE A FISCAL NOTE FOR EACH INITIATIVE PETITION SUBMITTED TO THE SECRETARY OF STATE BY A DESIGNATED REPRESENTATIVE PURSUANT TO SUBSECTION (4) OF THIS SECTION. THE FISCAL NOTE SHALL INCLUDE THE SAME ANALYSIS AS IS REQUIRED FOR A LEGISLATIVE MEASURE PURSUANT TO SECTION 2-2-322, C.R.S., AND ANY RULES ADOPTED BY THE GENERAL ASSEMBLY. THE FISCAL NOTE SHALL BE BASED ON THE AMENDED DRAFT, IF ANY, AND ON THE ORIGINAL DRAFT IN ALL OTHER CASES."

Renumber succeeding sections accordingly.

Page 3, line 2, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,".

Page 4, line 17, strike "ARTICLE" and substitute "ARTICLE, INCLUDING BUT NOT LIMITED TO THE PROHIBITION ON CIRCULATORS' USE OF FALSE ADDRESSES IN COMPLETING CIRCULATOR AFFIDAVITS,".

Page 5, after line 8 insert:

"(5) (a) THE TITLE BOARD SHALL INCLUDE IN THE TITLE THE FOLLOWING INFORMATION RELATED TO THE PROPOSED MEASURE, IF APPLICABLE:

(I) THE AMOUNT OF THE STATE'S ADMINISTRATIVE COSTS OR SAVINGS; AND

(II) THE AMOUNT OF THE INCREASE OR DECREASE IN STATE REVENUE.

(b) THE INFORMATION REQUIRED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL BE BASED ON THE FISCAL NOTE PREPARED BY LEGISLATIVE COUNCIL STAFF PURSUANT TO SECTION 1-40-105 (5) FOR EACH YEAR THAT THE INFORMATION IS INCLUDED IN THE FISCAL NOTE."

Page 7, after line 22 insert:

"(b) "FALSE ADDRESS" MEANS THE STREET ADDRESS, POST OFFICE BOX, CITY, STATE, OR ANY OTHER DESIGNATION OF PLACE USED IN A CIRCULATOR'S AFFIDAVIT THAT DOES NOT REPRESENT THE CIRCULATOR'S

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CORRECT ADDRESS OF PERMANENT DOMICILE AT THE TIME HE OR SHE CIRCULATED PETITIONS. "FALSE ADDRESS" DOES NOT INCLUDE AN ADDRESS THAT MERELY OMITTS THE DESIGNATION OF "STREET," "AVENUE," "BOULEVARD," OR ANY COMPARABLE TERM."

Reletter succeeding paragraph accordingly.

Page 8, line 5, strike the first "AND" and strike "HOURS;" and substitute "HOURS, AND ANY ADDRESSES USED BY CIRCULATORS ON THEIR AFFIDAVITS THAT THE DESIGNATED REPRESENTATIVES OR THEIR AGENTS HAVE DETERMINED, PRIOR TO PETITION FILING, TO BE FALSE ADDRESSES;"

Judiciary

After consideration on the merits, the Committee recommends that **HB11-1278** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, strike lines 12 through 16.

Renumber succeeding sections accordingly.

Page 9, strike lines 7 through 14 and substitute "EXCEED SEVENTY-FIVE DOLLARS FOR THE INITIAL REGISTRATION WITH THE LOCAL LAW ENFORCEMENT AGENCY AND TWENTY-FIVE DOLLARS FOR ANY SUBSEQUENT ANNUAL OR QUARTERLY REGISTRATION.

(b) THE LOCAL LAW ENFORCEMENT AGENCY MAY WAIVE THE FEE FOR AN INDIGENT PERSON. FOR ALL OTHER PERSONS, THE LOCAL LAW ENFORCEMENT AGENCY MAY PURSUE PAYMENT OF THE FEE THROUGH A CIVIL COLLECTION PROCESS OR ANY OTHER LAWFUL MEANS IF THE PERSON IS UNABLE TO PAY AT THE TIME OF REGISTRATION. A LOCAL LAW ENFORCEMENT AGENCY SHALL ACCEPT A TIMELY REGISTRATION IN ALL CIRCUMSTANCES EVEN IF THE PERSON IS UNABLE TO PAY THE FEE AT THE TIME OF REGISTRATION."

Page 9, line 15, strike "(b)" and substitute "(c)".

Judiciary

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

Amend reengrossed bill, page 2, line 9, after "section," insert "THERE SHALL BE A REBUTTABLE PRESUMPTION THAT".

Page 2, line 15, after the period add "AT ANY TIME AFTER SENTENCING AND PRIOR TO THE DISCHARGE OF THE DEFENDANT'S SENTENCE, THE VICTIM MAY REQUEST THAT THE DEFENDANT PARTICIPATE IN RESTORATIVE JUSTICE PRACTICES WITH THE VICTIM. IF THE DEFENDANT ACCEPTS RESPONSIBILITY FOR AND EXPRESSES REMORSE FOR HIS OR HER ACTIONS AND IS WILLING TO REPAIR THE HARM CAUSED BY HIS OR HER ACTIONS, AN INDIVIDUAL RESPONSIBLE FOR THE DEFENDANT'S SUPERVISION SHALL MAKE THE NECESSARY ARRANGEMENTS FOR THE RESTORATIVE JUSTICE PRACTICES REQUESTED BY THE VICTIM."

Judiciary

After consideration on the merits, the Committee recommends that **HB11-1195** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 3, line 19, strike "DIVISION." and substitute "DIVISION OR THE DIRECTOR'S DESIGNEE."

Page 4, line 10, strike "DETERMINE" and substitute "THE DETERMINATION OF".

Page 6, strike lines 20 through 27.

Page 7, strike line 1.

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Reletter succeeding paragraphs accordingly.

Page 7, line 11, after "THE" insert "ETHICS AND".

Page 7, strike lines 12 and 13 and substitute "IN THIS STATE."

Page 9, line 3, strike "FELONY; EXCEPT THAT" and substitute "FELONY, TO AN OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT TO INVOLVE UNLAWFUL SEXUAL BEHAVIOR, DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S., OR STALKING, AS DEFINED IN SECTION 18-3-602, C.R.S.; OR TO VIOLATION OF A PROTECTION ORDER, AS DEFINED IN SECTION 18-6-803.5, C.R.S. IN CONSIDERING THE DISCIPLINARY ACTION,".

Page 9, strike lines 11 through 23 and substitute:

"(2) THE DIRECTOR MAY ADOPT RULES ESTABLISHING FINES THAT HE OR SHE MAY IMPOSE ON A LICENSEE, WHICH RULES MUST INCLUDE A GRADUATED FINE STRUCTURE, WITH A MAXIMUM ALLOWABLE FINE OF NOT MORE THAN THREE THOUSAND DOLLARS PER VIOLATION. THE DIRECTOR SHALL TRANSMIT ANY FINES HE OR SHE COLLECTS FROM A LICENSEE TO THE STATE TREASURER FOR DEPOSIT IN THE GENERAL FUND.

(3) THE DIRECTOR NEED NOT FIND THAT THE ACTIONS THAT ARE GROUNDS FOR DISCIPLINE WERE WILLFUL BUT MAY CONSIDER WHETHER THE ACTIONS WERE WILLFUL WHEN DETERMINING THE NATURE OF DISCIPLINARY SANCTIONS TO BE IMPOSED.

(4) (a) THE DIRECTOR MAY COMMENCE A PROCEEDING TO DISCIPLINE A LICENSEE WHEN THE DIRECTOR HAS REASONABLE GROUNDS TO BELIEVE THAT THE LICENSEE HAS COMMITTED AN ACT ENUMERATED IN THIS SECTION.

(b) IN ANY PROCEEDING HELD UNDER THIS SECTION, THE DIRECTOR MAY ACCEPT AS EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION ANY DISCIPLINARY ACTION TAKEN AGAINST A LICENSEE IN ANOTHER JURISDICTION IF THE VIOLATION THAT PROMPTED THE DISCIPLINARY ACTION IN THE OTHER JURISDICTION WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS ARTICLE.

(5) THE DIRECTOR SHALL CONDUCT DISCIPLINARY PROCEEDINGS IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE APPOINTED BY THE DIRECTOR PURSUANT TO PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION SHALL CONDUCT THE HEARING AND OPPORTUNITY FOR REVIEW PURSUANT TO THAT ARTICLE. THE DIRECTOR HAS THE AUTHORITY TO EXERCISE ALL POWERS AND DUTIES CONFERRED BY THIS ARTICLE DURING THE DISCIPLINARY PROCEEDINGS.

(6) (a) THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL TO SEEK AN INJUNCTION, IN ANY COURT OF COMPETENT JURISDICTION, TO ENJOIN A PERSON FROM COMMITTING AN ACT PROHIBITED BY THIS ARTICLE. WHEN SEEKING AN INJUNCTION UNDER THIS PARAGRAPH (a), THE ATTORNEY GENERAL IS NOT REQUIRED TO ALLEGE OR PROVE THE INADEQUACY OF ANY REMEDY AT LAW OR THAT SUBSTANTIAL OR IRREPARABLE DAMAGE IS LIKELY TO RESULT FROM A CONTINUED VIOLATION OF THIS ARTICLE.

(b) (I) THE DIRECTOR MAY INVESTIGATE, HOLD HEARINGS, AND GATHER EVIDENCE IN ALL MATTERS RELATED TO THE EXERCISE AND PERFORMANCE OF THE POWERS AND DUTIES OF THE DIRECTOR.

(II) IN ORDER TO AID THE DIRECTOR IN ANY HEARING OR INVESTIGATION INSTITUTED PURSUANT TO THIS SECTION, THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (6) MAY ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS COMPELLING THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT RECORDS, PAPERS, BOOKS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER BEFORE THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE.

(III) UPON FAILURE OF ANY WITNESS OR LICENSEE TO COMPLY WITH A SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THE PERSON OR LICENSEE TO APPEAR

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BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. IF THE PERSON OR LICENSEE FAILS TO OBEY THE ORDER OF THE COURT, THE COURT MAY HOLD THE PERSON OR LICENSEE IN CONTEMPT OF COURT.

(c) THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO CONDUCT HEARINGS, TAKE EVIDENCE, MAKE FINDINGS, AND REPORT SUCH FINDINGS TO THE DIRECTOR.

(7) (a) THE DIRECTOR, THE DIRECTOR'S STAFF, A PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, A WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, OR A PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE IS IMMUNE FROM LIABILITY IN A CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF THE INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS.

(b) A PERSON PARTICIPATING IN GOOD FAITH IN MAKING A COMPLAINT OR REPORT OR IN AN INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS SECTION IS IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT OTHERWISE MIGHT RESULT BY REASON OF THE PARTICIPATION.

(8) A FINAL ACTION OF THE DIRECTOR IS SUBJECT TO JUDICIAL REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11), C.R.S. THE DIRECTOR MAY INSTITUTE A JUDICIAL PROCEEDING IN ACCORDANCE WITH SECTION 24-4-106, C.R.S., TO ENFORCE AN ORDER OF THE DIRECTOR.

(9) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, WARRANTS FORMAL ACTION, THE DIRECTOR SHALL NOT RESOLVE THE COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

(10) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS HOLDING HIMSELF OR HERSELF OUT AS OR IS USING THE TITLE "LICENSED PRIVATE INVESTIGATOR" WITHOUT HAVING OBTAINED A LICENSE, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST THE ACTIVITY. THE DIRECTOR SHALL SET FORTH IN THE ORDER THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNREGISTERED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (10), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE, AS APPLICABLE, SHALL CONDUCT THE HEARING PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(11) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ISSUE TO THE PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNREGISTERED PRACTICE.

(b) THE DIRECTOR SHALL PROMPTLY NOTIFY THE PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11) OF THE ISSUANCE OF THE ORDER AND SHALL INCLUDE IN THE NOTICE A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A HEARING ON THE ORDER. THE DIRECTOR MAY SERVE THE NOTICE ON THE PERSON AGAINST WHOM THE ORDER HAS BEEN ISSUED BY PERSONAL

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SERVICE, BY FIRST-CLASS, POSTAGE-PREPAID UNITED STATES MAIL, OR IN ANOTHER MANNER AS MAY BE PRACTICABLE. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS PARAGRAPH (b) CONSTITUTES NOTICE OF THE ORDER TO THE PERSON.

(c) (I) THE DIRECTOR SHALL HOLD THE HEARING ON AN ORDER TO SHOW CAUSE NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (11). THE DIRECTOR MAY CONTINUE THE HEARING BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE DIRECTOR HOLD THE HEARING LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11) DOES NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED ON THE PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (11) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER BECOMES FINAL AS TO THAT PERSON BY OPERATION OF LAW. THE HEARING MUST BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED REGISTRATION, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, THE DIRECTOR MAY ISSUE A FINAL CEASE-AND-DESIST ORDER DIRECTING THE PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR PRACTICES.

(IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (11), OF THE FINAL CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) IS EFFECTIVE WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(12) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED OR IS ABOUT TO ENGAGE IN AN ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, A RULE PROMULGATED PURSUANT TO THIS ARTICLE, OR AN ORDER ISSUED PURSUANT TO THIS ARTICLE; OR AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ENTER INTO A STIPULATION WITH THE PERSON.

(13) IF A PERSON FAILS TO COMPLY WITH A FINAL CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED THE ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(14) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION OR OF THE DIRECTOR'S FINAL ORDER AS PROVIDED IN SUBSECTION (8) OF THIS SECTION."

Renumber succeeding subsections accordingly.

Page 10, strike lines 22 through 27.

Page 11, strike lines 1 through 15 and substitute:

"12-58.5-108. Revocation. A PERSON WHOSE LICENSE IS REVOKED IS INELIGIBLE TO APPLY FOR A LICENSE UNDER THIS ARTICLE FOR AT LEAST TWO YEARS AFTER THE DATE OF REVOCATION OF THE LICENSE.

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THE DIRECTOR SHALL TREAT A SUBSEQUENT APPLICATION FOR LICENSURE FROM A PERSON WHOSE LICENSE WAS REVOKED AS AN APPLICATION FOR A NEW LICENSE UNDER THIS ARTICLE."

Business, Labor, & Technology

The Committee on Business, Labor, and Technology has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE COLORADO TOURISM OFFICE BOARD OF DIRECTORS

for terms expiring June 1, 2014:

Jeanne C. Mackowski of Carbondale, Colorado, a representative of the ski industry, appointed;

Richard W. Scharf, Jr. of Littleton, Colorado, a representative of the destination marketing industry, reappointed;

Ian Steyn of Larkspur, Colorado, a representative of other outdoor recreation industries, appointed.

State, Veterans, & Military Affairs

The Committee on State, Veterans, and Military Affairs has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE COLORADO CIVIL RIGHTS COMMISSION

for a term expiring March 13, 2015:

Susie Velasquez of Greeley, Colorado, to serve as a representative for local (or state) government entities, and as a Democrat, reappointed.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB11-236** be postponed indefinitely.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB11-237** be postponed indefinitely.

Judiciary

After consideration on the merits, the Committee recommends that **SB11-244** be referred to the Committee of the Whole with favorable recommendation.

Judiciary

After consideration on the merits, the Committee recommends that **SB11-176** 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. Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-1-113.9. Use of administrative segregation for state inmates

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- reporting. (1) ON OR BEFORE JANUARY 1, 2012, AND EACH JANUARY 1 THEREAFTER, THE EXECUTIVE DIRECTOR SHALL PROVIDE A WRITTEN REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, CONCERNING THE STATUS OF ADMINISTRATIVE SEGREGATION; RECLASSIFICATION EFFORTS FOR OFFENDERS WITH MENTAL ILLNESSES OR DEVELOPMENTAL DISABILITIES, INCLUDING DURATION OF STAY, REASON FOR PLACEMENT, AND NUMBER AND PERCENTAGE DISCHARGED; AND ANY INTERNAL REFORM EFFORTS SINCE JULY 1, 2011.

(2) ANY COST SAVINGS ACHIEVED AS A RESULT OF THE IMPLEMENTATION OF SECTION 17-1-109 (2) SHALL BE APPROPRIATED AND REDIRECTED TO THE DEPARTMENT TO SUPPORT BEHAVIOR-MODIFICATION PROGRAMS, INCENTIVE PROGRAMS, MENTAL HEALTH SERVICES OR PROGRAMS, OR SIMILAR EFFORTS DESIGNED AS VIABLE ALTERNATIVES TO ADMINISTRATIVE SEGREGATION.

SECTION 2. 17-1-109 (2), Colorado Revised Statutes, is amended to read:

17-1-109. Duties and functions of the warden. (2) (a) The warden of each correctional facility should, wherever possible, take such measures as are reasonably necessary to restrict the confinement of any person ~~with known past or current affiliations or associations with any security threat group~~ WHO ACTIVELY PARTICIPATES IN DISRUPTIVE SECURITY-THREAT GROUP BEHAVIOR, as defined in paragraph (b) of this subsection (2), so as to prevent contact with other inmates at such facility. The warden should, wherever possible, also take such measures as are reasonably necessary to prevent recruitment of new security-threat group members from among the general inmate population. ASSOCIATION WITH AN INMATE GANG OR SECURITY-THREAT GROUP ALONE SHALL NOT BE SUFFICIENT TO MEET THE REQUIREMENTS OF THIS PARAGRAPH (a).

(b) For the purposes of this subsection (2), unless the context otherwise requires, "security-threat group" means a group of three or more individuals ~~with a common interest, bond, or activity characterized by criminal or delinquent conduct engaged in either collectively or individually~~ ACTING IN CONCERT OR INDIVIDUALLY IN AN ACTIVITY THAT IS CHARACTERIZED BY CRIMINAL CONDUCT OR CONDUCT THAT VIOLATES THE DEPARTMENT'S CODE OF PENAL DISCIPLINE FOR THE PURPOSE OF DISRUPTING PRISON OPERATIONS, RECRUITING NEW MEMBERS, DAMAGING PROPERTY, OR INFLICTING OR THREATENING TO INFLICT HARM TO EMPLOYEES, CONTRACT WORKERS, VOLUNTEERS, OR OTHER STATE INMATES.

SECTION 3. 17-22.5-302, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

17-22.5-302. Earned time. (1.3) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, AFTER HIS OR HER FIRST NINETY DAYS IN ADMINISTRATIVE SEGREGATION, A STATE INMATE IN ADMINISTRATIVE SEGREGATION SHALL BE ELIGIBLE TO RECEIVE EARNED TIME IF HE OR SHE MEETS THE CRITERIA REQUIRED BY THIS SECTION OR ANY MODIFIED CRITERIA DEVELOPED BY THE DEPARTMENT TO ALLOW A STATE INMATE TO RECEIVE THE MAXIMUM AMOUNT OF EARNED TIME ALLOWABLE FOR GOOD BEHAVIOR AND PARTICIPATION IN ANY PROGRAMS AVAILABLE TO THE STATE INMATE IN ADMINISTRATIVE SEGREGATION.

SECTION 4. 17-22.5-405, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

17-22.5-405. Earned time - earned release time. (8) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, AFTER HIS OR HER FIRST NINETY DAYS IN ADMINISTRATIVE SEGREGATION, A STATE INMATE IN ADMINISTRATIVE SEGREGATION SHALL BE ELIGIBLE TO RECEIVE EARNED TIME IF HE OR SHE MEETS THE CRITERIA REQUIRED BY THIS SECTION OR ANY MODIFIED CRITERIA DEVELOPED BY THE DEPARTMENT TO ALLOW A STATE INMATE TO RECEIVE THE MAXIMUM AMOUNT OF EARNED TIME ALLOWABLE FOR GOOD BEHAVIOR AND PARTICIPATION IN ANY PROGRAMS AVAILABLE TO THE STATE INMATE IN ADMINISTRATIVE SEGREGATION.

SECTION 5. Effective date - applicability. This act shall take effect July 1, 2011, and shall apply to an offender placed in administrative segregation on or after July 1, 2011, or an offender who is housed in administrative segregation at the time this act takes effect.

SECTION 6. Safety clause. The general assembly hereby finds,

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determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Local Government After consideration on the merits, the Committee recommends that **SB11-255** be postponed indefinitely.

Local Government After consideration on the merits, the Committee recommends that **SB11-202** be postponed indefinitely.

Finance After consideration on the merits, the Committee recommends that **HB11-1296** be referred to the Committee on Appropriations with favorable recommendation.

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

**MEMBERS OF THE
ADVISORY COMMITTEE ON
GOVERNMENTAL ACCOUNTING**

for terms expiring May 18, 2015:

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

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

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

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 26 was laid over until Wednesday, April 27, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024, SJR11-032, SJR11-036, SJR11-037, SJR11-045, SJR11-046, SJR11-047, SJR11-050, SJR11-051, SJR11-052, SR11-005.

Consideration of Memorials: SJM11-002, SJM11-003.

Consideration of House Amendments to Senate Bills: SCR11-001, SB11-213, SB11-089, SB11-090, SB11-092, SB11-173, SB11-230.

Consideration of Governor's Appointments:

Members of the Board of Mortgage Loan Originators

Member of the Colorado Banking Board

Member of the Public Utilities Commission of the State of Colorado

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, April 27, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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