

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

23rd Legislative Day

Thursday, February 3, 2011

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Prayer	By the chaplain, Reverend Paul Kottke, University Park United Methodist Church, Denver.	11
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Call to Order	By the President at 9:00 a.m.	14
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Pledge	By Senator White.	17
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Roll Call	Present--31	19
	Absent--2, Heath, Mitchell.	20
	Excused--2, Renfroe, Spence.	21
	Present later--3, Heath, Mitchell, Spence.	22
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Quorum	The President announced a quorum present.	24
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Reading of Journal	On motion of Senator Nicholson, reading of the Journal of Wednesday, February 2, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.	26
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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--	45
	Concerning a study of disciplinary actions taken in public schools.	46
	Judiciary	47
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SJR11-010	by Senator(s) Williams S.; also Representative(s) Todd--Concerning the designation of February 4, 2011, as "National Wear Red Day".	57
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	Laid over one day under Senate Rule 30(b).	60
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SENATE SERVICES REPORT

Correctly Printed: SB11-132.
Correctly Reengrossed: SB11-020 and 028.
Correctly Enrolled: SJR11-008.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

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.
Judiciary

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR11-010 by Senator(s) Williams S.; also Representative(s) Todd--Concerning the designation of February 4, 2011, as "National Wear Red Day".

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

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES

for a term expiring at the pleasure of the Governor:

Barbara J. Kelley, of Denver, Colorado.

YES	33	NO	0	EXCUSED	1	ABSENT	1
Aguilar		Y Guzman		Y Kopp		Y Scheffel	Y
Bacon		Y Harvey		Y Lambert		Y Schwartz	Y
Boyd		Y Heath	A	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	E	President	Y
Grantham		Y King S.		Y Roberts	Y		

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

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES

for a term expiring at the pleasure of the Governor:

Michael E. King, of Parker, Colorado.

YES	33	NO	0	EXCUSED	1	ABSENT	1
Aguilar		Y Guzman		Y Kopp		Y Scheffel	Y
Bacon		Y Harvey		Y Lambert		Y Schwartz	Y
Boyd		Y Heath	A	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	E	President	Y
Grantham		Y King S.		Y Roberts	Y		

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 Thursday, February 3 was laid over until Friday, February 4, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: SB11-002, SB11-021.
- General Orders -- Second Reading of Bills: SB11-013.
- Consideration of Governor's Appointments:
 - Executive Director of the Department of Personnel and Administration
 - Commissioner of Agriculture
 - Executive Director of the Department of Corrections
 - Executive Director of the Department of Public Safety
- Conference Committees to Report: HJR11-1007.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

February 3, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1050.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1044, amended as printed in House Journal, February 2, pages 133-134.
HB11-1102, amended as printed in House Journal, February 2, page 134.
HB11-1028, amended as printed in House Journal, February 2, pages 134-135.
HB11-1037, amended as printed in House Journal, February 2, page 135.
HB11-1016, amended as printed in House Journal, February 2, page 135.

The House voted to adhere to its position on HJR11-1007.

The House has adopted and transmits herewith HJR11-1008, as printed in House Journal, February 2.

MESSAGE FROM THE REVISOR OF STATUTES

February 3, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, HB11-1050.
Without comment, as amended, HB11-1016, 1028, 1037, 1044, and 1102.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR11-006 and 008.

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the Committee recommends that **SB11-055** 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 12, after "AREA" insert "OF A BRIEF DESCRIPTION".

Page 4, line 19, strike "USED;" and substitute "USED AND THE STORAGE PROTOCOLS FOR ANY IMAGE GENERATED;".

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Judiciary After consideration on the merits, the Committee recommends that **HB11-1009** 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 The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING

effective January 18, 2011, for a term expiring at the pleasure of the Governor:

Susan E. Birch, of Steamboat Springs, Colorado.

Health & Human Services The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND THE ENVIRONMENT AND CHIEF MEDICAL OFFICER

effective January 31, 2011, for a term expiring at the pleasure of the Governor:

Chris Urbina, of Denver, Colorado.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB11-046** be postponed indefinitely.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB11-053** be postponed indefinitely.

Finance After consideration on the merits, the Committee recommends that **SB11-076** be referred to the Committee on Appropriations with favorable recommendation.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB11-039** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike lines 24 and 25 and substitute "Revised Statutes, are amended to read:".

Page 4, strike lines 16 through 19 and substitute:

"(d) (I) EXCEPT WHERE VERIFIED MAIL IS REQUIRED, any notice made pursuant to this section shall be IS presumed delivered when it is EITHER:

(A) Deposited with the United States postal service and properly addressed with postage prepaid; OR

(B) SENT BY ELECTRONIC MAIL TO THE LAST-KNOWN E-MAIL ADDRESS PROVIDED BY THE INTENDED RECIPIENT AND RESPONDED TO FROM THE SAME E-MAIL ADDRESS.

(II) IF THE OWNER SENDS NOTICE OF A PENDING SALE OF PROPERTY

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TO THE OCCUPANT'S LAST-KNOWN E-MAIL ADDRESS AND DOES NOT RECEIVE A RESPONSE FROM THE SAME E-MAIL ADDRESS, THE OWNER MUST SEND NOTICE OF THE SALE TO THE OCCUPANT BY VERIFIED MAIL TO THE OCCUPANT'S LAST-KNOWN POSTAL ADDRESS BEFORE PROCEEDING WITH THE SALE."

Page 4, strike lines 20 through 27 and substitute:

"(e) (H) After the expiration of the time given in the notice, THE OWNER SHALL ADVERTISE THE SALE OF THE PERSONAL PROPERTY EITHER BY:

(I) Publishing an advertisement of the sale ~~or other disposition shall be published~~ once a week for two consecutive weeks in a ~~newspaper of general circulation~~ PERIODICAL THAT CIRCULATES WEEKLY OR MORE FREQUENTLY in the county where the self-service storage facility is located; OR

(II) ~~The advertisement shall include:~~ ADVERTISING THE SALE IN ANY OTHER COMMERCIALY REASONABLE MANNER. THE MANNER OF ADVERTISEMENT IS DEEMED COMMERCIALY REASONABLE IF AT LEAST THREE INDEPENDENT BIDDERS ATTEND THE SALE AT THE TIME AND PLACE ADVERTISED."

Page 5, strike line 1.

Page 5, line 11, strike "(H)" and substitute "(H) (III)".

Page 5, line 15, after the period add "AS USED IN THIS PARAGRAPH (e), "INDEPENDENT BIDDER" MEANS A BIDDER WHO IS NOT RELATED TO AND WHO HAS NO CONTROLLING INTEREST IN, OR COMMON PECUNIARY INTEREST WITH, THE OWNER OR ANY OTHER BIDDER."

Page 5, line 25, strike "CARRIER;" and substitute "CARRIER HOLDING CURRENT AND VALID OPERATING AUTHORITY FROM THE COLORADO PUBLIC UTILITIES COMMISSION;"

Page 6, strike lines 17 through 20.

Local Government and Energy

After consideration on the merits, the Committee recommends that **SB11-066** be referred to the Committee on Appropriations with favorable recommendation.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

HJR11-1008

by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning approval of water project revolving fund eligibility lists administered by the Colorado water resources and power development authority. Agriculture and Natural Resources

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-134

by Senator(s) Kopp; also Representative(s) Murray and Vigil--Concerning the addition of certain drugs to the statutory list of schedule I controlled substances. Judiciary

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- HB11-1016** by Representative(s) Summers; also Senator(s) Boyd--Concerning prohibitions against furnishing tobacco products to minors.
Health and Human Services
- HB11-1028** by Representative(s) Liston, Bradford, Levy, Massey, McCann, Murray, Peniston, Schafer S., Todd; also Senator(s) Johnston and Newell--Concerning the voluntary contribution designation benefiting the Alzheimer's Association fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.
Finance
- 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.
Finance
- HB11-1044** by Representative(s) Holbert; also Senator(s) Renfroe--Concerning the procedure for the review of a proposal to regulate an unregulated profession or occupation.
Judiciary
- HB11-1050** by Representative(s) Soper; also Senator(s) Tochtrop--Concerning boiler inspection regulation by the division of oil and public safety.
Business, Labor and Technology
- HB11-1102** by Representative(s) Summers; also Senator(s) Newell--Concerning portability of fingerprint-based criminal history records checks for employees of separately licensed child care facilities owned by a single parent entity.
Judiciary

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, February 4, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate