

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

115th Legislative Day

Friday, May 6, 2011

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Prayer	By Senator Guzman.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator Aguilar.	15
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Roll Call	Present--34	17
	Excused--1, Shaffer B.	18
	Present later--1, Shaffer B.	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, May 5, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.	23
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MESSAGE FROM THE HOUSE

May 5, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1264, amended as printed in House Journal, May 5, pages 1245-1247.
HB11-1223, amended as printed in House Journal, May 5, page 1250.

The House has postponed indefinitely SB11-205. The bill is returned herewith.

The Speaker has appointed Representatives B.Gardner, chairman, J. Kerr, and Levy as House conferees on the First Conference Committee on SB11-193.

MESSAGE FROM THE REVISOR OF STATUTES

May 6, 2011

We herewith transmit:

Without comment, as amended, HB11-1223 and 1264.

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 Third Reading of Bills -- Final Passage.

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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:

SB11-261 by Senator(s) Roberts, Brophy, Carroll, Morse, Schwartz; also Representative(s) Gardner B., Labuda, Levy, Murray, Waller--Concerning the publication of the Colorado Revised Statutes by persons other than the general assembly.

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

Table with 8 columns: YES (34), NO (0), EXCUSED (1), ABSENT (0). Rows list members: 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, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White, Williams S., President.

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

Co-sponsor added: Lundberg

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.

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

Table with 8 columns: YES (34), NO (0), EXCUSED (1), ABSENT (0). Rows list members: 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, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White, Williams S., President.

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

Co-sponsor added: Lundberg

HB11-1005 by Representative(s) Sonnenberg and Becker; also Senator(s) Brophy--Concerning the repeal of House Bill 10-1195 regarding a suspension of the exemption from the state sales and use taxes for certain items used in agricultural production, and making an appropriation therefor.

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

YES	29	NO	5	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	N	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	N
Giron	Y	King K.	Y	Renfroe	Y	President	E
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: Grantham, Harvey, Hodge, Jahn, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Renfroe, Roberts, Scheffel, Spence, Steadman and White.

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, and making an appropriation therefor.

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

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	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	E
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: Grantham, Guzman, Heath, Jahn, King S., Mitchell, Newell, Roberts, White and Williams S.

HB11-1093 by Representative(s) Bradford, Sonnenberg; also Senator(s) Cadman--Concerning the payment of specific ownership tax on special mobile machinery.

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

YES	33	NO	1	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	Y	Mitchell	Y	Steadman	Y
Cadman	Y	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.	Y	Renfroe	Y	President	E
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: Grantham, King K., Kopp, Lambert, Lundberg and Scheffel.

Committee of the Whole The hour of having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman.

SPECIAL 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:

SB11-032 by Senator(s) Johnston; --Concerning a requirement that the public utilities commission promulgate rules to establish an on-bill financing program for clean energy improvements to real property.

As amended, laid over until Monday, May 9, retaining its place on the calendar.

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.

Amendment No. 1, Special Orders Amendment. (Printed in Senate Journal, May 6, page 1038 and placed in members' bill files.)

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

Severed section #2, Page 1, lines 6 and 7.

Page 5, strike line 15 and substitute:

"(V) FOREST ECOLOGY;"

Amendment No. 3(L.005), by Senator Kopp.

Amend the Schwartz amendment, No. 2 (L.004), as printed in Senate Journal, May 5, page 1038, strike line 29 and substitute ""STRATEGY WITHOUT INTENDING THEREBY TO IMPAIR THE USE OF OPEN BURNING OF SLASH OR BRUSH TO ADDRESS CRITICAL FIRE MITIGATION EFFORTS;".

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

(For further action, see amendments to the report of the Committee of the Whole.)

SB11-270 by Senator(s) Nicholson; also Representative(s) Balmer--Concerning the collection of charitable solicitations from passing motorists on a public roadway by local government public safety personnel.

Lost on second reading.

(For further action, see amendments to the report of the Committee of the Whole.)

SB11-251 by Senator(s) Nicholson; also Representative(s) Looper--Concerning the authority of the division of fire safety within the department of public safety, and making an appropriation in connection therewith.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment. (Printed in Senate Journal, April 29, pages 949-950 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, May 4, page 1014 and placed in members' bill files.)

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

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HB11-1265 by Representative(s) Stephens, Waller; also Senator(s) Johnston--Concerning the filing of claims for refunds of sales or use tax, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, May 4, page 1015 and placed in members' bill files.)

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

HB11-1105 by Representative(s) Acree, Balmer, Barker, Baumgardner, Court, Fields, Holbert, Joshi, Kagan, Kerr J., Looper, Massey, McCann, Priola, Todd; also Senator(s) White, Kopp, King S., Tochtrop--Concerning assaults against medical care providers.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 26, page 884 and placed in members' bill files.)

Severed section #2, Page 1, lines 3 through 11.

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."

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

HB11-1242 by Representative(s) Ferrandino; also Senator(s) Nicholson--Concerning the provision of integrated health care services pursuant to the Colorado medical assistance program, and making an appropriation therefor.

Amendment No. 1(L.003), by Senator Boyd.

Amend reengrossed bill, page 4, after line 3 insert:

"SECTION 2. 25.5-6-108.5 (2) (b), Colorado Revised Statutes, is amended to read:

25.5-6-108.5. Community long-term care studies - authority to implement - alternative care facility report. (2) (b) The study conducted pursuant to this subsection (2) shall be completed by January 1, ~~2011~~ 2012, and, if federal approval is obtained prior to final figure-setting for the fiscal year commencing July 1, ~~2011~~ 2012, the state department shall submit a request through the budget process for implementation of the approved changes for that fiscal year.

SECTION 3. Appropriation. For the implementation of section 2 of this act, the appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the department of health care policy and financing, for the executive director's office, for general professional services and special projects, is increased by seventy-five thousand dollars (\$75,000). Of said sum, thirty-seven thousand five hundred dollars (\$37,500) shall be from cash funds from the department of health care policy and financing cash fund created in section 25.5-1-109, Colorado Revised Statutes, and thirty-seven thousand five hundred dollars (\$37,500) shall be from federal funds."

Renumber succeeding sections accordingly.

Page 4, strike lines 15 through 24 and substitute:

"SECTION 5. **Effective date.** (1) This act shall take effect July 1, 2011.

(2) Notwithstanding the provisions of subsection (1) of this section, section 3 of this act shall only take effect if House Bill 11-1217 is not enacted and does not become law.

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."

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

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Special Orders -- Second Reading of Bills Calendar (HB11-1297) of Friday, May 6 was laid over until later in the day, retaining its place on the calendar.

Call of the Senate.

Call raised.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB11-270 by Senator(s) Nicholson; also Representative(s) Balmer--Concerning the collection of charitable solicitations from passing motorists on a public roadway by local government public safety personnel.

Senator Nicholson moved to amend the Report of the Committee of the Whole to show that SB 11-270 did pass.

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	N
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		

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.

Senators Schwartz and Kopp moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 11-267 did pass.

Amend printed bill, page 5, strike lines 2 and 3.

Reletter succeeding paragraphs according.

Page 5, line 7, strike "(a), (b), AND (c)" and substitute "(a) AND (b)".

Page 5, after line 17 insert:

"(e) THE DIRECTOR OF THE GOVERNOR'S ENERGY OFFICE CREATED IN SECTION 24-38.5-101, C.R.S., OR THE DIRECTOR'S DESIGNEE, WHOSE PARTICIPATION IS LIMITED TO IDENTIFYING MECHANISMS THAT ARE COST-NEUTRAL TO CONSUMERS;"

Reletter succeeding paragraphs accordingly.

Page 6, line 4, strike "FORESTS;" and substitute "FORESTS, INCLUDING RESPONSIBLE TIMBER HARVEST AND BIOMASS UTILIZATION;"

Page 8, line 9, after "PROMOTING" insert "COST COMPETITIVE".

Page 8, line 22, after "INCLUDE" insert "SPECIFIC LEGISLATIVE".

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

YES	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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, 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: SB11-267 as amended, SB11-270, SB11-251 as amended, HB11-1265 as amended, HB11-1105 as amended.
- Laid over until May 6: HB11-1297.
- Laid over until May 9: SB11-032 as amended.

COMMITTEE OF REFERENCE REPORTS

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB11-268** be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. 2-1-101 (1), Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

2-1-101. Congressional districts. (1) FOR THE ELECTION OF REPRESENTATIVES TO CONGRESS, THE STATE OF COLORADO IS DIVIDED INTO SEVEN CONGRESSIONAL DISTRICTS AS FOLLOWS:

(a) THE FIRST CONGRESSIONAL DISTRICT CONSISTS OF THE FOLLOWING PORTIONS OF THE FOLLOWING COUNTIES:

(I) ARAPAHOE COUNTY: BLOCKS 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2042, 2043, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, AND 2053 OF BLOCK GROUP 2 OF TRACT 5551; BLOCKS 1000, 1001, 1002, 1003, 1005, 1006, 1008, 1009, 1010, 1015, 1020, 1026, 1027, AND 1028 OF BLOCK GROUP 1 AND BLOCKS 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3010, AND 3011 OF BLOCK GROUP 3 OF TRACT 5553; BLOCK 3009 OF BLOCK GROUP 3 AND BLOCKS 4006, 4021, AND 4030 OF BLOCK GROUP 4 OF TRACT 5611; BLOCKS 2023, 2024, 2036, AND 2042 OF BLOCK GROUP 2 OF TRACT 5612; BLOCKS 1010, 1011, AND 1016 OF BLOCK GROUP 1 AND BLOCKS 2024 AND 2025 OF BLOCK GROUP 2 OF TRACT 5625; BLOCK GROUP 1 AND BLOCKS 2006, 2007, 2011, 2013, 2023, 2024, 2025, 2026, 2028, 2029, 2030, 2032, 2033, 2034, AND 2035 OF BLOCK GROUP 2 OF TRACT 5632; BLOCKS 2042, 2045, 2046, AND 2047 OF BLOCK GROUP 2 OF TRACT 5700; BLOCKS 1018, 1019, 1024, 1025, AND 1026 OF BLOCK GROUP 1 OF TRACT 5952; BLOCKS 1006, 1007, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, AND 1049 OF BLOCK GROUP 1 OF TRACT 6000; BLOCKS 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4021, 4023, AND 4024 OF BLOCK GROUP 4 OF TRACT 6200; BLOCKS 3017, 3021, 3022, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, AND 3034 OF BLOCK GROUP 3 OF TRACT 6400; BLOCK GROUPS 1 AND 2, BLOCKS 3004, 3006, 3007, 3009, AND 3010 OF BLOCK GROUP 3, AND BLOCKS 4001, 4002, 4003, 4004, 4005, 4006, AND 4007 OF BLOCK GROUP 4 OF TRACT 6601; BLOCK 2000 OF BLOCK GROUP 2 OF TRACT 6712; BLOCKS 2013 AND 2016 OF BLOCK GROUP 2 OF TRACT 6858; BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1015, AND 1016 OF BLOCK GROUP 1 OF TRACT 87200; AND BLOCKS 2005, 2006, AND 2007 OF BLOCK GROUP 2 AND BLOCK 4003 OF BLOCK GROUP 4 OF TRACT 87300;

(II) THE CITY AND COUNTY OF DENVER: BLOCK GROUPS 1 AND 2, BLOCKS 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, AND 3029 OF BLOCK GROUP 3, AND BLOCK GROUP 4 OF TRACT 4405; AND

(III) JEFFERSON COUNTY: BLOCKS 2024, 2025, AND 2026 OF BLOCK GROUP 2 OF TRACT 11904; BLOCK GROUPS 1, 2, AND 3 AND BLOCKS 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4010, 4011, AND 4012 OF BLOCK GROUP 4 OF TRACT 12022; BLOCKS 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2015, 2017, 2024, 2025, 2026, 2028, 2029, 2043, 2044, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2086, AND 2087 OF BLOCK GROUP 2 OF TRACT 12036; BLOCK GROUPS 1 AND 2 OF TRACT 12050; AND BLOCKS 1019, 1020, AND 1021 OF BLOCK GROUP 1 AND BLOCK GROUP 3 OF TRACT 12054.

(b) THE SECOND CONGRESSIONAL DISTRICT CONSISTS OF THE CITY AND COUNTY OF BROOMFIELD, THE COUNTIES OF FREMONT, GILPIN, GRAND, LAKE, PARK, AND SUMMIT, AND THE FOLLOWING PORTIONS OF THE FOLLOWING COUNTIES:

(I) ADAMS COUNTY: BLOCK 2016 OF BLOCK GROUP 2 AND BLOCKS 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, AND 3041 OF BLOCK GROUP 3 OF TRACT 8529; BLOCKS 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1027, 1031, 1032, AND 1033 OF BLOCK GROUP 1 AND BLOCKS 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, AND 2035 OF BLOCK GROUP 2 OF TRACT 8533; BLOCKS 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, AND 2008 OF BLOCK GROUP 2 OF TRACT 9203; BLOCK GROUPS 1 AND 2, BLOCKS 4000, 4001, 4002, 4003, 4004, 4006, 4007, 4008, 4009, 4011, 4015, 4016, 4017, 4022, 4023, 4024, 4025, 4026, 4028, 4029, AND 4030 OF BLOCK GROUP 4, AND BLOCKS 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, AND 5010 OF BLOCK GROUP 5 OF TRACT 9304; BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, AND 1018 OF BLOCK GROUP 1 AND BLOCKS 2006, 2008, AND 2010 OF BLOCK GROUP 2 OF TRACT 9309; BLOCKS 1000, 1001, AND 1003 OF BLOCK GROUP 1 OF TRACT 9316; BLOCK GROUP 2 OF TRACT 9320; BLOCKS 1000, 1007, AND 1008 OF BLOCK GROUP 1 OF TRACT 9322; BLOCK GROUP 2 OF TRACT

9501; BLOCKS 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010,	1
2011, 2012, 2013, 2022, AND 2023 OF BLOCK GROUP 2 OF TRACT 9502;	2
BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009,	3
1011, 1013, 1014, AND 1015 OF BLOCK GROUP 1 OF TRACT 9606; BLOCK	4
GROUP 1, BLOCKS 2002, 2006, 2007, AND 2008 OF BLOCK GROUP 2, AND	5
BLOCKS 3000, 3001, 3002, 3003, 3004, 3005, 3006, AND 3008 OF BLOCK	6
GROUP 3 OF TRACT 9607; BLOCKS 1002 AND 1003 OF BLOCK GROUP 1 OF	7
TRACT 9608; BLOCKS 1040, 1041, 1046, 1047, 1117, 1118, 1119, 1120,	8
AND 1156 OF BLOCK GROUP 1 AND BLOCK GROUP 2 OF TRACT 60000; AND	9
BLOCKS 1026, 1029, 1039, AND 1119 OF BLOCK GROUP 1 OF TRACT 61200;	10
(II) BOULDER COUNTY: BLOCK GROUP 1 AND BLOCKS 2000, 2001,	11
2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013,	12
2018, 2019, 2020, AND 2021 OF BLOCK GROUP 2 OF TRACT 12707; BLOCK	13
GROUP 2, BLOCKS 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008,	14
3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020,	15
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(c) THE THIRD CONGRESSIONAL DISTRICT CONSISTS OF THE 64
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 JACKSON, LA PLATA, LAS ANIMAS, MESA, MINERAL, MOFFAT, 67
 MONTEZUMA, MONTROSE, OURAY, PITKIN, PUEBLO, RIO BLANCO, RIO 68
 GRANDE, ROUTT, SAGUACHE, SAN JUAN, AND SAN MIGUEL AND THE 69

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(d) THE FOURTH CONGRESSIONAL DISTRICT CONSISTS OF THE COUNTIES OF LARIMER, LOGAN, MORGAN, PHILLIPS, SEDGWICK, WASHINGTON, AND YUMA AND THE FOLLOWING PORTIONS OF THE FOLLOWING COUNTIES:

(I) ADAMS COUNTY: BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1038, 1039, 1040, 1042, 1043, 1044, 1045, 1046, 1047, 1049, 1051, 1052, 1053, 1058, 1059, 1062, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, AND 1101 OF BLOCK GROUP 1, BLOCKS 2023, 2025, 2026, 2027, 2028, 2036, 2064, 2065, 2066, 2067, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2081, 2101, 2103, 2104, 2106, 2107, 2108, 2109, 2112, 2113, 2124, 2125, 2127, 2128, 2159, 2160, 2173, 2174, 2175, 2176, 2177, 2178, 2181, 2182, 2183, 2185, 2305, 2308, 2313, 2314, 2315, AND 2316 OF BLOCK GROUP 2, AND BLOCK GROUP 3 OF TRACT 8523; BLOCKS 1000, 1001, 1008, 1009, AND 1015 OF BLOCK GROUP 1 OF TRACT 8535; BLOCKS 1036, 1071, AND 1072 OF BLOCK GROUP 1 OF TRACT 8536; BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1073, 1076, 1077, 1081, 1106, AND 1107 OF BLOCK GROUP 1 OF TRACT 8537; BLOCKS 1003, 1004, 1005, 1006, 1060, 1061, 1062, 1063, AND 1064 OF BLOCK GROUP 1 OF TRACT

8541; BLOCKS 1000, 1001, 1002, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, AND 1071 OF BLOCK GROUP 1 OF TRACT 8603; AND BLOCK GROUPS 1 AND 2 AND BLOCKS 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3030, 3031, 3032, 3033, 3035, 3037, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, AND 3051 OF BLOCK GROUP 3 OF TRACT 8606; 1

(II) BOULDER COUNTY: BLOCKS 2014, 2015, 2016, AND 2017 OF BLOCK GROUP 2 OF TRACT 12707; BLOCK GROUP 1, BLOCKS 3034, 3035, 3036, AND 3037 OF BLOCK GROUP 3, BLOCK 4008 OF BLOCK GROUP 4, AND BLOCKS 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5082, 5099, 5100, 5101, AND 5102 OF BLOCK GROUP 5 OF TRACT 12800; BLOCK GROUP 1 AND BLOCKS 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2053, 2054, 2055, 2056, 2057, AND 2070 OF BLOCK GROUP 2 OF TRACT 12904; BLOCKS 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1038, 1039, 1040, AND 1041 OF BLOCK GROUP 1 AND BLOCKS 2002, 2003, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, AND 2031 OF BLOCK GROUP 2 OF TRACT 12907; BLOCKS 1000, 1001, 1009, 1016, 1017, 1018, 1019, 1020, 1021, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, AND 1044 OF BLOCK GROUP 1, BLOCKS 2016, 2018, AND 2020 OF BLOCK GROUP 2, BLOCKS 3000, 3001, 3002, AND 3007 OF BLOCK GROUP 3, AND BLOCKS 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4012, 4013, AND 4047 OF BLOCK GROUP 4 OF TRACT 13003; BLOCKS 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2012, AND 2013 OF BLOCK GROUP 2 OF TRACT 13205; BLOCK GROUP 1, BLOCKS 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, AND 2115 OF BLOCK GROUP 2, AND BLOCK GROUP 3 OF TRACT 13211; BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1046, 1049, 1050, 1051, 1053, AND 1072 OF BLOCK GROUP 1 AND BLOCK GROUPS 2 AND 3 OF TRACT 13213; BLOCKS 2000, 2001, 2002, 2003, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, AND 2044 OF BLOCK GROUP 2, BLOCKS 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3041, 3042, 3043, 3044, 3045, 3047, AND 3048 OF BLOCK GROUP 3, AND BLOCK GROUPS 4 AND 5 OF TRACT 60800; AND BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1056, 1057, AND 1058 OF BLOCK GROUP 1 AND BLOCKS 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2

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(III) WELD COUNTY: BLOCKS 1000, 1001, 1002, 1003, 1004, 1037,	5
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1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167,	48
1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179,	49
AND 1180 OF BLOCK GROUP 1 OF TRACT 8537; BLOCKS 1000, 1001, 1002,	50
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1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030,	52
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1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119,	59
1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131,	60
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TRACT 8541; BLOCKS 1003, 1004, 1012, 1013, 1014, AND 1015 OF BLOCK	67
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2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, AND 2035 OF BLOCK GROUP 2, AND BLOCK GROUP 3 OF TRACT 9203; BLOCK GROUP 3, BLOCKS 4005, 4010, 4012, 4013, 4014, 4018, 4019, 4020, 4021, AND 4027 OF BLOCK GROUP 4, AND BLOCKS 5011, 5012, 5013, AND 5014 OF BLOCK GROUP 5 OF TRACT 9304; BLOCKS 1010, 1015, 1016, 1017, 1019, AND 1020 OF BLOCK GROUP 1 AND BLOCKS 2000, 2001, 2002, 2003, 2004, 2005, 2007, 2009, 2011, 2012, AND 2013 OF BLOCK GROUP 2 OF TRACT 9309; BLOCKS 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, AND 1020 OF BLOCK GROUP 1 AND BLOCK GROUPS 2, 3, 4, AND 5 OF TRACT 9316; BLOCK GROUP 1 OF TRACT 9320; BLOCKS 1001, 1002, 1003, 1004, 1005, 1006, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, AND 1024 OF BLOCK GROUP 1 AND BLOCK GROUP 2 OF TRACT 9322; BLOCK GROUP 1 OF TRACT 9501; BLOCK GROUP 1, BLOCKS 2000, 2001, 2014, 2015, 2016, 2017, 2018, 2019, 2020, AND 2021 OF BLOCK GROUP 2, AND BLOCK GROUP 3 OF TRACT 9502; BLOCKS 1010, 1012, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, AND 1040 OF BLOCK GROUP 1 AND BLOCK GROUP 2 OF TRACT 9606; BLOCKS 2000, 2001, 2003, 2004, 2005, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, AND 2021 OF BLOCK GROUP 2 AND BLOCK 3007 OF BLOCK GROUP 3 OF TRACT 9607; BLOCKS 1000, 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, AND 1026 OF BLOCK GROUP 1 AND BLOCK GROUP 2 OF TRACT 9608; BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1042, 1043, 1044, 1045, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, AND 1155 OF BLOCK GROUP 1 OF TRACT 60000; AND BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1027, 1028, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, AND 1118 OF BLOCK GROUP 1 OF TRACT 61200; 1
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(II) CLEAR CREEK COUNTY: BLOCKS 1078, 1100, 1110, 1123, AND 1124 OF BLOCK GROUP 1 AND BLOCK 3225 OF BLOCK GROUP 3 OF TRACT 14700; 51
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(III) JEFFERSON COUNTY: BLOCK GROUP 1 AND BLOCKS 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, AND 2047 OF BLOCK GROUP 2 OF TRACT 9815; BLOCK 1022 OF BLOCK GROUP 1 OF TRACT 9830; BLOCK GROUP 1 AND BLOCKS 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, AND 2013 OF BLOCK GROUP 2 OF TRACT 9832; BLOCKS 1000 AND 1017 OF BLOCK GROUP 1 AND BLOCK GROUPS 2 AND 3 OF TRACT 9834; BLOCK GROUP 1 AND BLOCKS 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, AND 2025 OF BLOCK GROUP 2 OF TRACT 9835; BLOCKS 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024, 1025, AND 1026 OF BLOCK GROUP 1 AND BLOCK GROUPS 2, 3, AND 4 OF TRACT 10208; BLOCKS 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1013, 69

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(IV) WELD COUNTY: BLOCK 1055 OF BLOCK GROUP 1 OF TRACT 2005; AND BLOCKS 1043, 1048, AND 1049 OF BLOCK GROUP 1 OF TRACT 2006.

SECTION 2. 2-1-101 (2) and (8), Colorado Revised Statutes, are amended to read:

2-1-101. Congressional districts. (2) ~~The general assembly recognizes that the city and county of Broomfield was created after the most recent federal census was conducted; consequently, for the purposes of this section, the definition of areas to be included in each congressional district is by reference to counties and to official census tracts, census block groups, and census blocks created by the United States bureau of the census to which fixed population counts have been assigned as of the year 2000.~~

(8) ~~The provisions of This section shall apply APPLIES to the general election in 2004 and subsequent years ELECTIONS until the congressional districts are again reapportioned.~~

SECTION 3. 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."

Appropriations After consideration on the merits, the Committee recommends that **HB11-1293** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 8, strike lines 9 through 14.

Renumber succeeding sections accordingly.

Page 8, strike line 16 and substitute "2012."

Page 1, strike line 103 and substitute "**JULY 1, 2012.**"

Appropriations

After consideration on the merits, the Committee recommends that **HB11-1261** be amended as follows, and as so amended, be referred to the Committee on of the Whole with favorable recommendation.

Strike the Judiciary Committee Report, dated April 18, 2011.

Appropriations

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

Amend the Judiciary Committee Report, dated April 25, 2011, page 1, strike lines 11 through 20.

Page 2, strike lines 1 through 20.

Page 2, strike lines 24 through 35.

Amend reengrossed bill, page 4, line 25, strike "FOR" and substitute "OF".

Page 10 of the bill, line 10, strike "**date.**" and substitute "**date - applicability. (1)**"

Page 10 of the bill, after line 19 insert:

"(2) The provisions of this act shall apply to initiative petitions submitted to the directors of the legislative council and the office of legislative legal services for review and comment on or after the applicable effective date of this act."

Appropriations

After consideration on the merits, the Committee recommends that **HB11-1043** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Judiciary Committee Report, dated May 2, 2011, page 1, strike lines 1 through 6 and substitute:

"Amend reengrossed bill, page 3, line 13, strike "APPLICATION." and substitute "APPLICATION, UNLESS THE PERSON IS OPERATING IN A JURISDICTION THAT HAS IMPOSED A PROHIBITION ON LICENSURE."

Page 4 of the bill, line 16, strike "BUSINESS." and substitute "BUSINESS OR IF THE BUSINESS IS CHANGING LICENSE TYPE.

(III) FOR A PERSON WHO HAS MET THE DEADLINES SET FORTH IN PARAGRAPHS (a) AND (b) OF SUBSECTION (1) OF THIS SECTION AND WHO HAS LOST HIS OR HER LOCATION BECAUSE A CITY OR COUNTY HAS VOTED PURSUANT TO SECTION 12-43.3-106 TO BAN HIS OR HER OPERATION, THE PERSON MAY APPLY FOR A NEW LICENSE WITH A LOCAL LICENSING AUTHORITY AND TRANSFER THE LOCATION OF ITS PENDING APPLICATION WITH THE STATE LICENSING AUTHORITY."

Page 2 of the committee report, strike lines 23 through 27.

Page 5 of the committee report, after line 8 insert:

"Page 28 of the bill, line 22, strike "Circle Program" and substitute "circle program".

Page 28, after line 27 insert:

"(3) The cash funds appropriation to the department of revenue, enforcement business group, medical marijuana enforcement division, is decreased by seven thousand six hundred ninety-six dollars (\$7,696) cash funds. Said sum shall be from the medical marijuana license cash fund created in section 12-43.3-501 (1), Colorado Revised Statutes.

SECTION 30. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the

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medical marijuana license cash fund created in section 12-43.3-501 (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 seven thousand six hundred ninety-six dollars (\$7,696) 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, sum of seven thousand six hundred ninety-six dollars (\$7,696), or so much thereof as may be necessary, for the provision of programming services 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 sections accordingly."

Appropriations

After consideration on the merits, the Committee recommends that **HB11-1295** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 1, line 104, strike "**RECEIVED AND**" and substitute "**RECEIVED**,".

Page 1, strike line 108 and substitute "**APPROPRIATION**."

Appropriations

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

Amend reengrossed bill, page 12, line 17, strike "investigations," and substitute "investigation,".

Appropriations

After consideration on the merits, the Committee recommends that **HB11-1157** 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 the Transportation Committee Report, dated May 3, 2011, page 1, strike lines 3 through 10 and substitute:

"Page 4 of the reengrossed bill, strike line 5 and substitute "program on or after January 1, 2012."."

Appropriations

After consideration on the merits, the Committee recommends that **SB11-263** 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 10 insert:

"SECTION 2. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act."

Renumber succeeding sections accordingly.

Appropriations

After consideration on the merits, the Committee recommends that **HB11-1091** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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Appropriations After consideration on the merits, the Committee recommends that **HB11-1288** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar. 1
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Transportation After consideration on the merits, the Committee recommends that **HB11-1316** be referred to the Committee on Appropriations with favorable recommendation. 5
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On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB11-1288, HB11-1091, HB11-1305, SB11-272, HB11-1157 were made Special Orders -- Consent Calendar at 11:35 a.m. 9
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Committee of the Whole The hour of 11:35 a.m. having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman. 17
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**SPECIAL 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: 24
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HB11-1288 by Representative(s) Liston and Pabon, DelGrosso, Gardner D., Holbert, McNulty, Miklosi, Pace, Peniston, Priola, Soper, Swalm, Swerdfeger, Tyler, Williams A., Wilson; also Senator(s) Morse, Aguilar, Shaffer B., Tochtrop, Jahn, Harvey--Concerning unemployment insurance solvency reform, and, in connection therewith, enacting measures to enhance the solvency of the unemployment compensation fund, and making an appropriation. 31
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Ordered revised and placed on the calendar for third reading and final passage. 38
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HB11-1091 by Representative(s) Liston, Balmer, Kerr J., Barker, Bradford, Court, Joshi, Looper, Murray, Szabo; also Senator(s) Morse, Harvey, Tochtrop--Concerning the sales tax exemption for purchases of medical equipment. 41
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Ordered revised and placed on the calendar for third reading and final passage. 46
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HB11-1305 by Representative(s) DelGrosso; also Senator(s) Johnston--Concerning the adjustment of the ratio of valuation for assessment for residential real property. 49
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Ordered revised and placed on the calendar for third reading and final passage. 52
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SB11-272 by Senator(s) Hodge and Aguilar, Bacon, Foster, Giron, Guzman, Johnston, White, Williams S.; also Representative(s) Summers and Fields, Casso, Duran, Fischer, Gardner D., Gerou, Hamner, Jones, Kefalas, Labuda, Lee, McCann, Pabon, Peniston, Priola, Riesberg, Ryden, Schafer S., Solano, Soper, Swerdfeger, Todd, Williams A.--Concerning the voluntary contribution designation benefiting the adult stem cells cure fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation. 55
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Ordered engrossed and placed on the calendar for third reading and final passage. 63
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HB11-1157 by Representative(s) Casso; also Senator(s) White--Concerning the exemption from the heavy-duty diesel inspection program of heavy-duty diesel vehicles based outside the program area as part of a fleet registered in the program area, and making an appropriation therefor. 66
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Amendment No. 1, Transportation Committee Amendment.
 (Printed in Senate Journal, May 4, page 1017 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
 (Printed in Senate Journal, May 6, page 1079 and placed in members' bill files.)

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

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.

Amendment No. 1, Appropriations Committee Amendment.
 (Printed in Senate Journal, May 6, page 1079 and placed in members' bill files.)

As amended, 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 Carroll, 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: SB11-272, SB11-263 as amended, HB11-1288, HB11-1091, HB11-1305, HB11-1157 as amended.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB11-1298, SB11-271, SB11-273, HB11-1188, HB11-1032, HB11-1277, HB11-1072, HB11-1195, HB11-1295, HB11-1293, and HB11-1250 were made Special Orders at 11:45 a.m.

Committee of the Whole The hour of 11:45 a.m. having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman.

SPECIAL 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:

HB11-1298 by Representative(s) Tyler and Vaad, Barker, Brown, Fischer, Gardner D., Hamner, Hullinghorst, Kerr A., Looper, Pabon, Peniston, Ramirez, Scott, Williams A.; also Senator(s) Spence, Bacon, Hudak, Johnston, King K., King S., Renfroe, Schwartz, Tochtrop, White, Williams S.--Concerning the creation of a special license plate for Craig hospital, and making an appropriation therefor.

A majority of all members elected to the Senate having voted in the affirmative, the bill was referred to the Committee on Appropriations.

SB11-271 by Senator(s) Shaffer B.; --Concerning the prohibition of deceptive trade practices in the solicitation of orders for retail florist services.

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

SB11-273 by Senator(s) Steadman; also Representative(s) Massey--Concerning authorization to consume alcohol beverages within a festival area.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, May 5, pages 1045-1046 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Steadman.

Amend printed bill, page 2, after line 6, insert:

"(6.6) "COMMON CONSUMPTION AREA" MEANS AN AREA DESIGNED AS A COMMON AREA IN AN ENTERTAINMENT DISTRICT APPROVED BY THE LOCAL LICENSING AUTHORITY THAT USES PHYSICAL BARRIERS TO CLOSE THE AREA TO MOTOR VEHICLE TRAFFIC AND LIMIT PEDESTRIAN ACCESS."

Page 2, line 10, strike "FIFTY" and substitute "TWENTY".

Page 3, strike lines 3 through 6.

Page 3, line 9, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 3, line 10, strike "ONE" and substitute "TWO".

Page 3, line 16, after "BODY" insert "OF A LOCAL LICENSING AUTHORITY" and after the period add "THIS SUBSECTION (11) DOES NOT APPLY TO A SPECIAL EVENT PERMIT ISSUED UNDER ARTICLE 48 OF THIS TITLE OR THE HOLDER THEREOF UNLESS THE PERMIT HOLDER DESIRES TO USE AN EXISTING COMMON CONSUMPTION AREA AND AGREES IN WRITING TO THE REQUIREMENTS OF THIS ARTICLE AND THE LOCAL LICENSING AUTHORITY CONCERNING THE COMMON CONSUMPTION AREA."

Page 3, line 17, strike "MUNICIPALITY" and substitute "LOCAL LICENSING AUTHORITY".

Page 3, line 22, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 3, line 25, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 3, line 26, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 4, line 7, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 4, line 11, strike "FESTIVAL AREA, THE FESTIVAL" and substitute "COMMON CONSUMPTION AREA, THE COMMON CONSUMPTION".

Page 4, line 14, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 4, line 17, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

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Page 4, line 23, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 4, line 24, strike "OR".

Page 4, after line 24 insert:

"(C) FAILS TO HAVE AT LEAST TWO LICENSED PREMISES ATTACHED TO THE COMMON CONSUMPTION AREA;

(D) THE USE IS NOT COMPATIBLE WITH THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD OR THE DESIRES OF THE ADULT INHABITANTS; OR".

Page 4, line 25, strike "(C)" and substitute "(E)".

Page 4, line 27, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 5, line 4, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 5, line 5, strike "LICENSE" and substitute "LICENSEE".

Page 5, line 6, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 5, line 7, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 5, line 14, after "MAY" insert "DEAUTHORIZE OR".

Page 5, line 15, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 5, line 16, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 5, line 19, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 5, line 21, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 5, line 26, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 6, line 5, after the period add "BEFORE CERTIFYING A PROMOTIONAL ASSOCIATION, THE LOCAL LICENSING AUTHORITY SHALL CONSIDER THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD, THE DESIRES OF THE ADULT INHABITANTS AS EVIDENCED BY PETITIONS, REMONSTRANCES, OR OTHERWISE, AND ALL OTHER REASONABLE RESTRICTIONS THAT ARE OR MAY BE PLACED UPON THE NEIGHBORHOOD BY THE LOCAL LICENSING AUTHORITY.".

Page 6, line 3, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 6, line 8, strike "**festival**" and substitute "**common consumption**".

Page 6, line 12, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 6, line 15, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 6, line 16, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 6, line 17, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 6, line 18, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

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Page 6, line 22, strike "Festival" and substitute "Common consumption".

Page 6, line 25, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 7, line 3, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 7, line 6, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 7, line 12, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 7, line 15, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 7, line 26, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 8, line 1, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 8, line 4, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 8, after line 5, insert:

"(4) THIS SECTION DOES NOT APPLY TO A SPECIAL EVENT PERMIT ISSUED UNDER ARTICLE 48 OF THIS TITLE OR THE HOLDER THEREOF UNLESS THE PERMIT HOLDER DESIRES TO USE AN EXISTING COMMON CONSUMPTION AREA AND AGREES IN WRITING TO THE REQUIREMENTS OF THIS ARTICLE AND THE LOCAL LICENSING AUTHORITY CONCERNING THE COMMON CONSUMPTION AREA."

Page 1, line 102, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Amend the Business, Labor and Technology Committee Report, dated May 5, 2011, page 1, line 8, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 1 of the committee report, line 9, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 1 of the committee report, line 11, strike "FESTIVAL" and substitute "COMMON CONSUMPTION".

Page 1 of the committee report, strike line 13 and substitute:

"Page 7, line 2, after "CUSTOMER" insert "FOR CONSUMPTION".

Page 1 of the committee report, strike line 15 and substitute:

"Page 7, line 5, after "CUSTOMER" insert "FOR CONSUMPTION".

As amended, 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 1:00 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.

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Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

Committee of the Whole reconvened.

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

HB11-1188 by Representative(s) Liston; also Senator(s) Newell--Concerning franchise agreements for a dealer to sell vehicles.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, May 5, pages 1040-1041 and placed in members' bill files.)

Amendment No. 2(L.058), by Senator Newell.

Amend the Business, Labor, and Technology Committee Report, dated May 4, 2011, page 1, line 11, strike "OR" and substitute "AND".

Page 2, line 4, strike the first "OR" and substitute "AND".

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

HB11-1032 by Representative(s) Lee; also Senator(s) Newell--Concerning restorative justice.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, May 5, pages 1043-1044 and placed in members' bill files.)

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

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.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, May 5, page 1047 and placed in members' bill files.)

Amendment No. 2(L.014), by Senator Johnston.

Amend the Education Committee Report, page 1, strike lines 1 through 10 and substitute:

"Amend reengrossed bill, page 3, line 8, after "LAW," insert "OTHER THAN FOR THE REPURPOSING OF EXISTING TIME OR RESOURCES,".

Page 3, line 22, after "LAW," insert "OTHER THAN FOR THE REPURPOSING OF EXISTING TIME OR RESOURCES,".

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

HB11-1195 by Representative(s) Gardner B., Ryden; also Senator(s) Newell--Concerning the voluntary licensure of private investigators, and making an appropriation therefor.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 26, pages 884-888 and placed in members' bill files.)

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Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 6, page 1079 and placed in members' bill files.)

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

HB11-1295 by Representative(s) Acree, Scott, Solano; also Senator(s) Newell, Roberts--Concerning voluntary contributions on the state individual income tax return form, and, in connection therewith, requiring the department of revenue to periodically post the amount of donations received and requiring that a voluntary contribution designation line for the Colorado multiple sclerosis fund appear on the state individual income tax return form, and making an appropriation therefore.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, May 6, page 1079 and placed in members' bill files.)

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

HB11-1293 by Representative(s) Stephens and Murray; also Senator(s) Jahn and Newell, Spence--Concerning the repeal of House Bill 10-1192 regarding the state sales and use tax of standardized software on July 1, 2012.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, May 6, page 1077 and placed in members' bill files.)

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

HB11-1250 by Representative(s) Acree, Balmer, Conti, Joshi, Ramirez, Scott; also Senator(s) Renfroe, Harvey, King K., Lambert--Concerning a prohibition on ingestible medical marijuana-infused products.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, May 5, pages 1041-1042 and placed in members' bill files.)

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

HB11-1072 by Representative(s) McNulty, Stephens, Liston; also Senator(s) Morse--Concerning the responsibilities of a designated representative of the proponents of an initiative petition.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 26, pages 882-884 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 6, pages 1077-1078 and placed in members' bill files.)

Amendment No. 3(L.008), by Senator Morse.

Amend reengrossed bill, page 8, strike lines 23 and 24 and substitute "JUDGE DETERMINES THAT THE DESIGNATED REPRESENTATIVES OF THE PROPONENTS INTENTIONALLY VIOLATED THE REPORTING REQUIREMENTS OF THIS SECTION, THE DESIGNATED REPRESENTATIVES SHALL BE SUBJECT TO A PENALTY".

Page 9, line 1, strike "KNOWINGLY" and substitute "INTENTIONALLY".

As amended, laid over until May 9, retaining its place on the calendar.

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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, 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: SB11-271, SB11-273 as amended, HB11-1188 as amended, HB11-1032 as amended, HB11-1277 as amended, HB11-1195 as amended, HB11-1295 as amended, HB11-1293 as amended, HB11-1250 as amended.
 Laid over until May 9: HB11-1072 as amended.
 Referred to Committee on Appropriations: HB11-1298.

SENATE SERVICES REPORT

Correctly Engrossed: SB11-261, 264 and 266; SJR11-015, 024, 045, 046 and 050.
Correctly Reengrossed: SB11-258.
Correctly Revised: HB11-1005 and 1093; HJR11-1018, 1019, 1020 and 1022.
Correctly Rerevised: HB11-1121 and 1254.
Correctly Enrolled: SB11-089, 090, 092, 173, 180, 195, 197, 219 and 230.

MESSAGE FROM THE HOUSE

May 6, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1314.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1302, amended as printed in House Journal, May 5, page 1268.
 HB11-1081, amended as printed in House Journal, May 5, page 1268.
 HB11-1299, amended as printed in House Journal, May 5, page 1284, and amended on Third Reading as printed in House Journal, May 6.
 HB11-1045, amended as printed in House Journal, May 5, page 1286.

The House has passed on Third Reading and returns herewith SB11-060, 199 201, 204, 178, 066, 203, 265, 050, 247, 239, 133, 234.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-088, amended as printed in House Journal, May 5, page 1276.
 SB11-091, amended as printed in House Journal, May 5, page 1276.
 SB11-102, amended as printed in House Journal, May 5, pages 1276-1277.
 SB11-105, amended as printed in House Journal, May 5, page 1277.
 SB11-208, amended as printed in House Journal, May 5, pages 1277-1278.
 SB11-111, amended as printed in House Journal, May 5, page 1284.
 SB11-256, amended as printed in House Journal, May 5, page 1285.
 SB11-232, amended as printed in House Journal, May 5, page 1286.

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The House has voted not to concur in the Senate amendments to HB11-1211 and requests that a conference committee be appointed. The Speaker has appointed Representatives Waller, chairman, Pace, and Swerdfeger as House conferees on the First Conference Committee on HB11-1211. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB11-1278 and requests that a conference committee be appointed. The Speaker has appointed Representatives B. Gardner, chairman, Becker, and Levy as House conferees on the First Conference Committee on HB11-1278. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB11-1254 and requests that a conference committee be appointed. The Speaker has appointed Representatives Priola, chairman, Schafer, and Stephens as House conferees on the First Conference Committee on HB11-1254. The bill is transmitted herewith.

MESSAGE FROM THE REVISOR OF STATUTES

May 6, 2011

We herewith transmit:

Without comment, HB11-1314.

Without comment, as amended, HB11-1045, 1081, and 1302.

Without comment, as amended, SB11-088, 091, 102, 105, 111, 208, 232, and 256.

Without comment, as amended, HB11-1299.

INTRODUCTION OF BILLS -- FIRST READING

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

HB11-1045 by Representative(s) Kefalas; also Senator(s) Newell--Concerning modifications to the Colorado innovation investment tax credit, and making an appropriation in connection therewith.
Finance

HB11-1081 by Representative(s) Brown; also Senator(s) Schwartz--Concerning the inclusion of liquefied petroleum gas conversion vehicles in the list of qualified vehicles available for efficient motor vehicle incentives.
Agriculture, Natural Resources, and Energy

MESSAGE FROM THE GOVERNOR

May 6, 2011

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

Ladies and Gentlemen:

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

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Senate Bill 11-209 CONCERNING THE PROVISION FOR PAYMENT OF THE EXPENSES OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL DEPARTEMNTS 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.

Approved in part and disproved in part on May 6, 2011, at 11:14 a.m.

My administration and I thank the General Assembly for the work we did together to balance Colorado's critical priorities during this difficult economic and budgetary time. Senate Bill 11-209 (the "FY 2011-12 Long Bill") and the related supporting legislation implement significant spending reductions in many areas. Still, as new revenues came available, we were able to soften the reductions to K-12 education funding. This budget represents a crucial first step in bridging the structural gap between Colorado's General Fund revenues and expenditures. While our challenges are not yet over, we are encouraged by the collaboration and hard work from all parties involved in the budget process. Our task next year will be difficult, but the framework for a productive process is firmly established.

At the time of this signing, the budget contained in this bill is not yet balanced. To fully balance the budget requires \$70.0 million in General Fund reductions contingent upon the passage of Senate Joint Resolution 11-009 by a two-thirds majority of both chambers of the General Assembly; the final passage of Senate Bill 11-076; the final passage of Senate Bill 11-220; and the final passage of House Bill 11-1257. Nonetheless, the paramount task of the General Assembly is to pass a state budget. Therefore, I am signing Senate Bill 11-209 with the full confidence that the General Assembly will pass these four critical pieces of legislation in the remaining five days of the session. However, if these bills do not pass, my plan will be to restrict appropriations in the budget. Because of the unique nature of these bills, \$48.8 million will be restricted against the General Fund appropriation to the Department of Health Care Policy and Financing, Medical Services Premiums, through a reduction in Medicaid provider rates, notwithstanding Footnote 11 to Senate Bill 11-209. The remainder will be in the General Fund appropriation to the Department of Education, Assistance to Public Schools, State Share of Districts' Total Program Funding.

Additionally, it is the Governor's constitutional obligation to review the general appropriations bill and exercise the line item veto when necessary. While I have approved Senate Bill 11-209 as a whole, I have vetoed certain footnotes within the bill. Pursuant to the Colorado Constitution, I have returned this bill, with my objections, to the Colorado Senate.

With this letter, I am also registering objection to the General Assembly's inclusion of full-time equivalent positions (FTE) within the general appropriations act. The Colorado Supreme Court's opinion in *Anderson v. Lamm*, 195 Colo. 437, 579 P.2d 620 (1978) clearly states that "specific staffing and resource allocation decisions" in a general appropriations bill are unconstitutional. The Supreme Court affirmed this finding in *Colorado General Assembly v. Owens*, 136 P.3d 262 (Colo. 2006). The General Assembly's attempt within Senate Bill 11-209 to appropriate the number of FTE positions within Colorado government constitutes interference with the inherent prerogative of the Executive Branch to administer its appropriations. More importantly, any predetermined prescription of FTE authorization limits the ability of State agencies to make the most resource-effective use of appropriations to accomplish critical performance objectives.

Therefore, with the clear purpose of encouraging efficiency and effectiveness in State government operations, I am directing Executive Branch agencies to disregard the FTE authorizations within Senate Bill 11-209. I have informed the members of the cabinet instead to manage their operations within the scope of the dollars appropriated in Senate Bill 11-209. By removing perceived limitations on the operational flexibility of the Executive Branch, State agencies will be empowered to make smarter business decisions in the management of their appropriations for personnel. This represents an important first step in reshaping the operations of State government to encourage creativity and efficiency.

With this direction, Executive Branch agencies will continue to monitor the use of FTE throughout FY 2011-12, and will provide the customary details of actual FTE usage in the budget submissions for FY 2012-13 and FY 2013-14.

VETO AND COMMENTS ON FOOTNOTES

Article IV, Section 12 of the Colorado Constitution allows me to exercise line item vetoes on the general appropriations bill (the "Long Bill"). I have exercised this power to veto certain portions of the FY 2011-12 Long Bill that do not meet with my approval.

A number of footnotes violate Article III and/or Article V of the Colorado Constitution. Article III provides separation of powers between the executive and legislative branches. While the legislative branch has the authority to appropriate state funds, the executive branch has the inherent responsibility and authority to administer state funds. Therefore, the legislature may not attach conditions in the Long Bill that intrude into the administration of state government. See *Colorado General Assembly v. Owens*, 136 P.3d 262 (Colo. 2006), which holds that “the legislature ‘may not attach conditions to a general appropriations bill which purport to reserve to the legislature powers of close supervision that are essentially executive in character.’”; see also *Anderson v. Lamm*, 195 Colo. 437, 579 P.2d 620 (1978); *Colorado Genreal Assembly v. Lamm*, 704 P.2d 1371 (Colo. 1985). Furthermore, Article V, section 32 of the Colorado Constitution prohibits the legislature from including substantive legislation in the Long Bill. (*Colorado General Assembly v. Owens*, 136 P. 3d at 266; *Colorado General Assembly v. Lamm*, 704 P. 2d at 1382)

The executive department cannot abide by legislative directives which are in violation of the Colorado Constitution. Therefore I have lined through the following items:

1. Footnote 7, Page 36: Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- It is the intent of the General Assembly that the Department of Education be authorized to utilize up to \$4,647,614 of this appropriation to fund qualified students designated as Accelerating Students Through Concurrent Enrollment (ASCENT) Program participants as authorized pursuant to Section 22-35-108, C.R.S. This amount is calculated based on an estimated 753 participants funded at a rate of \$6,172.13 per FTE pursuant to Section 22-54-104 (4.7), C.R.S.

I am vetoing this footnote, but am also directing the Department to comply with its intent. This footnote violates the separation of powers in Article III of the Colorado Constitution by attempting to administer the appropriation. While I fully support the utilization of funding for qualified students to participate in the ASCENT program, this attempt to place an upper limit on ASCENT expenditures constitutes an exercise in the powers of close supervision of appropriations, which inherently belong to the executive.

2. Footnote 8, Page 36: Department of Education, Assistance to Public Schools, Public School Finance, State Share of Districts' Total Program Funding -- Of the amount appropriated for this line item, a portion, not to exceed \$250,000 for fiscal year 2011-12, shall be transferred to the Legislative Council for the purpose of funding the biennial cost of living analysis pursuant to Section 22-54-104 (5) (c) (III) (B), C.R.S.

I am vetoing this footnote, but am also directing the Department to comply with its intent. This footnote violates the separation of powers in Article III of the Colorado Constitution by attempting to administer the appropriation. Recognizing the importance of this biennial cost of living analysis, however, I am directing the Department to make an appropriate transfer to the Legislative Council for the purpose of funding this study.

3. Footnote 9, Page 36: Department of Education, Library Programs, Reading Services for the Blind -- This appropriation is for the support of privately operated reading services for the blind, as authorized by Section 24-90-105.5, C.R.S. It is the intent of the General Assembly that \$200,000 of this appropriation be used to provide access to radio and television broadcasts of locally published and produced materials and \$50,000 of this appropriation be used to provide telephone access to digital transmissions of nationally published and produced materials.

I am vetoing this footnote, but am also directing the Department to comply with its intent. This footnote violates the separation of powers in Article III of the Colorado Constitution by attempting to administer the appropriation. While I fully support the utilization of appropriate levels of funding to provide reading services for the blind, this attempt to specify the use of appropriations constitutes an exercise of the powers of close supervision of appropriations, which inherently belong to the executive.

4. Footnote 23, Page 92: Department of Human Services, Division of Child Welfare, Family and Children's Programs -- It is the intent of the General Assembly that \$4,006,949 of the funds appropriated for this line item be used to assist county departments of social services in implementing and expanding family- and community-based services for adolescents. It is the intent of the General Assembly that such services be based on a program or programs that have been demonstrated to be effective in reducing the need for higher cost residential services.

I am vetoing this footnote, but am also directing the Department to comply with its intent. This footnote violates the separation of powers in Article III of the Colorado

Constitution by attempting to administer the appropriation. While I fully support the utilization of appropriate levels of funding to implement and expand family- and community-based services for adolescents, this attempt to specify the use of appropriations constitutes an exercise of the powers of close supervision of appropriations, which inherently belong to the executive.

5. Footnote 28, Page 93: Department of Human Services, Services for People with Disabilities, Community Services for People with Developmental Disabilities, Other Community Programs, Preventive Dental Hygiene -- The purpose of this appropriation is to assist the Colorado Foundation of Dentistry in providing special dental services for persons with developmental disabilities.

I am vetoing this footnote because it clearly violates the separation of powers in Article III of the Colorado Constitution by attempting to administer the appropriation. This footnote stipulates that an appropriation of \$63,051 within the Department be directed to a specific not-for-profit dental care provider. This constitutes an exercise of the powers of close supervision of appropriations, which inherently belong to the executive.

6. Footnote 32, Page 93: Department of Human Services, Division of Youth Corrections, Community Programs, Purchase of Contract Placements -- The appropriation in this line item is calculated based on the assumption that secure facilities operated by the Division will house youth at 110 percent of capacity, consistent with historic practice.

I am vetoing this footnote because it clearly violates the separation of powers in Article III of the Colorado Constitution by attempting to administer the appropriation. This footnote stipulates the General Assembly's intention that the Division of Youth Corrections overcrowd its facilities to 110% of their capacity. This constitutes an exercise of the powers of close supervision of appropriations, which inherently belong to the executive.

7. Footnote 48a, Page 148: Department of Personnel and Administration, Division of Human Resources, Employee Benefits Services -- It is the intent of the General Assembly that the Department shall submit to the Joint Budget Committee the projected premium increases for State and employee contributions for employee group benefits for the upcoming fiscal year. The information shall be submitted in time to be considered as a part of the Joint Budget Committee staff's annual total compensation recommendations for the upcoming fiscal year.

I am vetoing this footnote, but am also directing the Department to comply with its intent to the extent feasible. This footnote violates the separation of powers in Article III of the Colorado Constitution by dictating the format and content of the Executive budget submission. Nevertheless, I do recognize the critical importance of providing complete and timely information to the Joint Budget Committee and its permanent staff. I am therefore directing the Department to ensure that this information reaches the Committee in sufficient time for the Committee's staff to perform thorough and constructive review.

8. Footnote 52, Page 201: Department of Revenue, Enforcement Business Group, Limited Gaming Division -- It is the intent of General Assembly that the Department of Revenue shall not spend more than 5.0 percent of Amendment 50 revenues for administrative expenses of the Limited Gaming Division.

I am vetoing this footnote because it clearly violates the separation of powers in Article III of the Colorado Constitution by attempting to administer the appropriation. This footnote stipulates the General Assembly's intention that the Department of Revenue limit the proportion of Amendment 50 revenues expended by the Limited Gaming Division for administrative purposes. This constitutes an exercise of the powers of close supervision of appropriations, which inherently belong to the executive. In addition, this footnote may violate Article V, Section 32 of the Colorado Constitution because it constitutes substantive legislation that cannot be included in the general appropriations bill.

Sincerely,
(signed)
John W. Hickenlooper
Governor

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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, May 6 was laid over until Monday, May 9, retaining its place on the calendar.

General Orders -- Second Reading of Bills: HB11-1268, SB11-168.
Consideration of Resolutions: SJR11-005, SJR11-047, SJR11-040.
Consideration of Memorials: SJM11-002, SJM11-003, SJM11-004.
Consideration of House Amendments to Senate Bills: SCR11-001.



On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, May 9, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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