

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

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78th Legislative Day Wednesday, March 30, 2011

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- Prayer 10  
 By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver. 11
- Call to Order 12  
 By the President at 9:00 a.m. 13
- Pledge 14  
 By Senator King S. 15
- Roll Call 16  
 Present--33 17  
 Excused--2, Kopp, Mitchell. 18  
 Present later--1, Mitchell. 19
- Quorum 20  
 The President announced a quorum present. 21
- Reading of Journal 22  
 On motion of Senator Giron, reading of the Journal of Tuesday, March 29, 2011, was dispensed with and the Journal was approved as corrected by the Secretary. 23

**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:

**HB11-1181** by Representative(s) Kefalas; also Senator(s) Newell--Concerning the department of human services child fatality review team.

A majority of those elected to the Senate having voted in the affirmative, Senator Newell was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.005), by Senator Newell.

Amend revised bill, page 8, line 13, before "AND" insert "THE LEGISLATIVE MEMBERS OF THE TEAM APPOINTED PURSUANT TO PARAGRAPH (f) OF SUBSECTION (6) OF THIS SECTION,".

Page 10, strike lines 1 through 6.

Re-number succeeding subsection accordingly.

The amendment was passed on the following roll call vote:

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

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

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

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

Co-sponsors added: Aguilar, Bacon, Boyd, Giron, Heath, Hudak, Jahn, King S., Lambert, Lundberg, Nicholson and Williams S.

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

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

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

Senator Boyd moved that the Senate concur in House amendments to **SB11-084**, as printed in House journal, March 28, page 776. The motion was **adopted** by the following roll call vote:

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

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

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

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

**SB11-081**

by Senator(s) White, Jahn, Roberts, Spence; also Representative(s) McCann--Concerning the voluntary contribution designation benefiting the 9Health Fair fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

Senator White moved that the Senate concur in House amendments to **SB11-081**, as printed in House journal, March 28, page 776. The motion was **adopted** by the following roll call vote:

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

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

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

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

**SB11-115**

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

Senator Carroll moved that the Senate concur in House amendments to **SB11-115**, as printed in House journal, March 28, pages 776-777. The motion was **adopted** by the following roll call vote:

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

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

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

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

**SB11-165** by Senator(s) Guzman; also Representative(s) Kerr A.--Concerning the "Colorado Uniform Estate Tax Apportionment Act".

Laid over until Thursday, March 31, retaining its place on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

**HB11-1069** by Representative(s) Massey and Fields; also Senator(s) Aguilar--Concerning measures to increase physical activity in public schools.

Senator Aguilar moved for the adoption of the first report of the first conference committee on **HB11-1069**, as printed in Senate journal, March 29, page 597. The motion was **adopted** by the following roll call vote:

YES	21	NO	13	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	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		

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

YES	20	NO	14	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

## SENATE SERVICES REPORT

**Correctly Printed:** SB11-208; SJR11-029.

**Correctly Reengrossed:** SB11-070, 085, 128 and 169.

**Correctly Rerevised:** HB11-1013, 1097, 1124, 1130, 1155, 1169, 1174, 1192, 1206, 1209 and 1221.

**Correctly Enrolled:** SB11-083.

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## INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

**SJR11-030** by Senator(s) Giron and Guzman; also Representative(s) Pabon and Vigil--Concerning recognition of "César Chávez Day".

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

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## MEMORANDUM FROM COMMITTEE ON DELAYED BILLS

### MEMORANDUM BILL REQUESTS PURSUANT TO SECTION 25-7-133 (2)(c), C.R.S.

Section 25-7-133 (2)(c), C.R.S., authorizes a member of the General Assembly to introduce a bill to modify or delete all or a portion of the state implementation plan (SIP bill) or any rule or additions or changes to SIP elements which are a component thereof. This section further specifies that any SIP bill shall not be counted against the number of bills that members of the General Assembly are limited to by law or joint rule of the Senate and the House of Representatives.

For purposes of efficient legislative management in connection with SIP bill requests and pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, establish the following guidelines and deadlines for SIP bill requests:

1. The deadline for submitting SIP bill draft requests to the Office of Legislative Legal Services is Friday, April 1, 2011. Information necessary to complete the bill must be provided when the request is submitted to the Office. In addition, authorization for the immediate release of information regarding the request to persons necessary to prepare any fiscal notes will be assumed unless specified otherwise.

2. The deadline for introduction of a SIP bill is Friday, April 8, 2011.

3. All of the remaining deadlines in either house prescribed by Joint Rule 23 (a) (1) shall be waived for a SIP bill.

4. Each member shall be limited to one (1) SIP bill request.

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(signed)  
Senator Shaffer  
President of the Senate

(signed)  
Representative McNulty  
Speaker of the House of Representatives

(signed)  
Senator Morse  
Senate Majority Leader

(signed)  
Representative Stephens  
House Majority Leader

(signed)  
Senator Kopp  
Senate Minority Leader

(signed)  
Representative Pace  
House Minority Leader

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**SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS**

The President has signed: HB11-1033, 1101, 1111, 1159, 1178, 1180, 1186, 1236.

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**COMMITTEE OF REFERENCE REPORTS**

Judiciary After consideration on the merits, the Committee recommends that **HB11-1268** be referred to the Committee of the Whole with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB11-1200** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB11-1076** be referred to the Committee on Appropriations with favorable recommendation.

Local Government After consideration on the merits, the Committee recommends that **HB11-1106** be postponed indefinitely.

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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 Wednesday, March 30 was laid over until Thursday, March 31, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1164.  
General Orders -- Second Reading of Bills: SB11-107, SB11-180, SB11-052, SB11-126, SB11-168, SB11-179, HB11-1126, SB11-173, HB11-1185, HB11-1160.  
Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023, SJR11-024, SJR11-026, SJR11-029.  
Consideration of House Amendments to Senate Bills: SCR11-001.  
Conference Committees to Report: HB11-1258.

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**TRIBUTES**

Honoring:

Megan A. Buehler - Girl Scout Gold Award -- by Senator Boyd.

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, March 31, 2011.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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