

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

70th Legislative Day Tuesday, March 22, 2011

- Prayer 10
 By the chaplain, Pastor Randy Popineau, The Church at Briargate, Colorado Springs. 11
- Call to Order 12
 By the President at 9:00 a.m. 13
- Pledge 14
 By Senator Morse. 15
- Roll Call 16
 Present--34 17
 Excused--1, Johnston. 18
 Present later--1, Johnston. 19
- Quorum 20
 The President announced a quorum present. 21
- Reading of Journal 22
 On motion of Senator Roberts, reading of the Journal of Monday, March 21, 2011, was dispensed with and the Journal was approved as corrected by the Secretary. 23

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

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

HB11-1193 by Representative(s) Labuda; also Senator(s) Boyd--Concerning integrated system-of-care family advocacy programs for mental health juvenile justice populations.

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	E	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, Foster, Giron, Hodge, Hudak, Jahn, Morse, Newell, Nicholson, Shaffer B., Steadman and Williams S.

HB11-1203 by Representative(s) Lee, Ferrandino, Levy, Tyler; also Senator(s) Nicholson--Concerning a requirement that private custodians of criminal records remove records from their databases when a court orders the criminal records sealed.

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

YES	33	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	E	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	*	Roberts	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senator King S.

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

Co-sponsors added: Aguilar, Bacon, Giron, Guzman, Hudak, Jahn, Newell, Steadman, Tochtrop and Williams S.

HB11-1262 by Representative(s) Becker and Levy, Baumgardner, Bradford, Court, Ferrandino, Fischer, Gardner D., Hamner, Holbert, Hullinghorst, Jones, Joshi, Kerr A., Labuda, Lee, Looper, Peniston, Solano, Sonnenberg, Tyler, Waller, Wilson; also Senator(s) Johnston and Brophy, Cadman, Giron, Grantham, Guzman, Harvey, King S., Lambert, Mitchell, Nicholson, Renfroe, Scheffel, Schwartz, Jahn--Concerning procedures to ensure transparency in the process of bidding by electric utilities for the acquisition of new generation facilities.

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	E	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.

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 memorials.

CONSIDERATION OF MEMORIALS

SM11-001 by Senator(s) Bacon; --Memorializing former Senator James Beatty.

On motion of Senator Bacon, the memorial was read at length.

Senate in recess. Senate reconvened.

On motion of Senator Bacon, the memorial was adopted by the following roll call vote:

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

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

THIRD READING OF BILLS -- FINAL PASSAGE

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

SB11-178 by Senator(s) Newell; also Representative(s) Sonnenberg--Concerning the manner in which a statutory local government may adopt a sales tax exemption.

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

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

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

HB11-1186 by Representative(s) Ryden, Kerr A., McCann, Vigil; also Senator(s) Guzman--Concerning reimbursement by health insurance carriers for acupuncture services.

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

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

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

Co-sponsors added: Boyd, Foster, Hodge, Newell, Schwartz, Tochtrop and White.

SB11-188 by Senator(s) Bacon and King K.; also Representative(s) Casso--Concerning increasing the state's oversight of the program that allows the financing of capital construction for qualified charter schools.

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

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

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

Co-sponsors added: Cadman, Giron, Grantham, Jahn, Johnston, King S., Lambert, Lundberg, Roberts and White.

HB11-1183 by Representative(s) Bradford; also Senator(s) Spence--Concerning a requirement that a death certificate indicate whether the decedent was pregnant within the twelve months preceding death.

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

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

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

Co-sponsors added: Boyd, Grantham, Guzman, King K., King S., Lambert and Newell.

IMMEDIATE RECONSIDERATION OF HB11-1183

HB11-1183 by Representative(s) Bradford; also Senator(s) Spence--Concerning a requirement that a death certificate indicate whether the decedent was pregnant within the twelve months preceding death.

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **HB11-1183**.

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

THIRD READING OF BILLS -- FINAL PASSAGE

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

HB11-1183 by Representative(s) Bradford; also Senator(s) Spence--Concerning a requirement that a death certificate indicate whether the decedent was pregnant within the twelve months preceding death.

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	N	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	N	Morse	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	N	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Boyd, Brophy, Cadman, Grantham, Guzman, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Newell, Renfroe, Scheffel and White.

HB11-1258 by Representative(s) Baumgardner, Casso, Court, Lee, Liston, Miklosi, Ryden, Schafer S.; also Senator(s) Newell, Foster, King S.--Concerning forensic autopsies.

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.006), by Senator Newell.

Amend revised bill, page 3, line 7, after the period add "IF THE DISTRICT ATTORNEY REQUESTS THE FORENSIC AUTOPSY BUT THE CORONER DOES NOT THINK IT IS NECESSARY, THE DISTRICT ATTORNEY SHALL PAY FOR THE COST OF THE FORENSIC AUTOPSY."

Page 3, line 12, strike "**perform - repeal.**" and substitute "**perform.**"

Page 3, line 22, after "PERSON" insert "IS" and strike "SUFFERS INJURIES".

Page 3, line 23, strike "REQUIRE" and substitute "REQUIRES".

Page 4, line 6, strike "(I)".

Page 4, strike line 11.

Page 4, line 22, strike "PRACTICING" and substitute "PERFORMING AN AUTOPSY".

The amendment was passed on the following roll call vote:

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	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 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. 2(L.008), by Senator Aguilar.

Amend revised bill, page 3, strike line 22, and substitute "(b) IF A PREVIOUSLY HEALTHY PERSON DIES SUDDENLY AND UNEXPECTEDLY OR A PERSON INVOLVED IN AN INCIDENT SUFFERS INJURIES, INCLUDING THOSE CAUSED BY POTENTIAL DRUG EXPOSURE, THAT".

The amendment was lost on the following roll call vote:

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

As amended, laid over until Wednesday, March 23, retaining its place on the calendar.

HB11-1189 by Representative(s) Fields, Schafer S., Todd, Vigil; also Senator(s) King K.--Concerning bail bond conditions for those arrested for subsequent substance abuse driving offenses.

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

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

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

Co-sponsor added: King S.

HB11-1180 by Representative(s) Levy; also Senator(s) Guzman--Concerning using individualized assessments to aid judges in imposing criminal sentences that reduce the likelihood of criminal offenders committing additional criminal acts.

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

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

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

Co-sponsors added: Boyd, Foster, Giron, Hodge, Hudak, Nicholson, Steadman, Tochtrop and Williams S.

Committee of the Whole On motion of Senator Giron, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Giron was called to the Chair to act as Chairman.

**GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB11-1236 by Representative(s) Todd, Court, Fields, McCann, McKinley, Miklosi; also Senator(s) Williams S.--Concerning a repeal of the requirement that a certain number of group special license plates be issued.

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

HB11-1033 by Representative(s) Williams A.; also Senator(s) Jahn--Concerning the elimination of the requirement that certain insurers file Colorado-specific financial information with the commissioner of insurance, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 18, page 508 and placed in members' bill files.)

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

HB11-1101 by Representative(s) Swalm; also Senator(s) Morse--Concerning an exemption from state licensure requirements for a community clinic that is a federally qualified health center, and making an appropriation in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 18, page 508 and placed in members' bill files.)

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

HB11-1159 by Representative(s) Coram; also Senator(s) Schwartz--Concerning a requirement that the commissioner of agriculture license grain protein analyzers prior to commercial use, and, in connection therewith, exempting grain protein analyzers from the requirement that a certificate of conformance be issued prior to use for commercial or law enforcement purposes, and making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 18, page 508 and placed in members' bill files.)

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

HB11-1111 by Representative(s) Sonnenberg; also Senator(s) Jahn--Concerning the protection of livestock producer information collected by the department of agriculture.

Ordered revised 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 Giron, 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: HB11-1236, HB11-1033 as amended, HB11-1101 as amended, HB11-1159 as amended, HB11-1111.

Committee of the Whole On motion of Senator Giron, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Giron was called to the chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB11-198 by Senator(s) Morse, Shaffer B., Kopp; also Representative(s) Stephens, McNulty, Pace--Concerning payment of expenses of the legislative department.

Amendment No. 1(L.002), by Senator Morse.

Amend printed bill, page 2, strike lines 4 through 7 and substitute "of the state of Colorado, the sum of thirty-three million five hundred ninety thousand six hundred sixty-five dollars (\$33,590,665), or so much thereof as may be necessary, of which amount thirty-two million five hundred fifty-two thousand two hundred sixty-two dollars (\$32,552,262) shall be out of any moneys in the".

Page 2, line 14, strike "\$11,210,557 ^{1/}" and substitute "\$11,390,505 ^{1/}".

Page 2, line 16, strike "7,758,523 ^{2/}" and substitute "7,875,989 ^{2/}".

Page 2, line 18, strike "1,456,540" and substitute "1,487,174".

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Page 2, line 20, strike "6,488,561" and substitute "6,603,966".

Page 2, line 22, strike "5,085,051 ²/" and substitute "5,178,820".

Page 2, line 27, strike "33,053,443" and substitute "\$33,590,665".

Page 3, line 6, strike "\$11,116,741" and substitute "\$11,296,689".

Page 3, line 7, strike "\$6,813,936" and substitute "\$6,931,402".

Amendment No. 2(L.003), by Senators Steadman, Hodge, and Lambert.

Amend printed till, page 2, line 17, strike "(72.0 FTE)" and substitute "(68.0 FTE)".

Page 2, line 23, strike "(55.1 FTE)" and substitute "(53.0 FTE)".

As amended, ordered engrossed 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 General Orders -- Second Reading of Bills Calendar (SB11-107, HB11-1181, SB11-180, HB11-1169, HB11-1013, SB11-052, HB11-1155, HB11-1097, SB11-070, SB11-128, SB11-169, SB11-172) of Tuesday, March 22 was laid over until Wednesday, March 23, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Giron, 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: SB11-198 as amended.
 Laid over until Wednesday, March 23: SB11-107, HB11-1181, SB11-180, HB11-1169, HB11-1013, SB11-052, HB11-1155, HB11-1097, SB11-070, SB11-128, SB11-169, SB11-172.

CHANGE IN SPONSORSHIP

Upon announcement of President Schaffer, Senators Renfroe and Lundberg will be the Senate joint prime sponsors on **HB11-1082**.

MESSAGE FROM THE GOVERNOR

March 21, 2011

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

Ladies and Gentlemen:

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

SB11-002 CONCERNING THE LOW-INCOME TELEPHONE ASSISTANCE PROGRAM

Approved March 21th, 2011 at 1:51 p.m.

SB11-020 CONCERNING THE AUTHORIZATION OF CERTAIN EMPLOYEES OF THE DEPARTMENT OF LAW AS PEACE OFFICERS

Approved March 21th, 2011 at 1:51 p.m.

SB11-061 CONCERNING THE PROCESS FOR APPEALS UNDER THE "EXCEPTIONAL CHILDREN'S EDUCATION ACT"

Approved March 21th, 2011 at 1:52 p.m.

SB11-093 CONCERNING THE CONTINUATION OF THE INTERAGENCY TASK FORCE ON DRUNK DRIVING

Approved March 21th, 2011 at 1:52 p.m.

SB11-101 CONCERNING THE CONTINUATION OF THE FIXED TUITION AND FEE RATE PROGRAM

Approved March 21th, 2011 at 1:53 p.m.

SB11-103 CONCERNING THE REPEAL OF THE BENEFIT DESIGN ADVISORY COMMITTEE

Approved March 21th, 2011 at 1:53 p.m.

SB11-104 CONCERNING THE REPEAL OF THE COMMUNITY ACCOUNTABILITY PROGRAM ADVISORY BOARD

Approved March 21th, 2011 at 1:54 p.m.

SB11-106 CONCERNING THE REPEAL OF THE SCIENCE AND TECHNOLOGY EDUCATION CENTER GRANTS ADVISORY BOARD

Approved March 21th, 2011 at 1:54 p.m.

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SB11-123 CONCERNING TECHNICAL CHANGES TO CHILD SUPPORT PROCEDURES

Approved March 21th, 2011 at 1:55 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

SENATE SERVICES REPORT

- Correctly Printed:** SB11-200.
- Correctly Engrossed:** SB11-178 and 188; SJR11-028.
- Correctly Reengrossed:** SB11-072.
- Correctly Revised:** HB11-1180, 1183, 1186, 1189, 1193, 1203, 1258 and 1262.
- Correctly Rerevised:** HB11-1153, 1167, 1178, 1210, 1226 and 1239.
- Correctly Enrolled:** SB11-016 and 100; SJR11-025 and 027.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-012, 021, 040 and 096.

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the Committee recommends that **SB11-085** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike lines 15 through 18 and substitute:

"(I) HAS NO PRIOR CONVICTIONS OR ANY CHARGES PENDING FOR ANY FELONY; FOR ANY OFFENSE DESCRIBED IN SECTION 18-3-305, 18-3-306, OR 18-13-128, C.R.S., IN PART 4 OR 5 OF ARTICLE 3 OF TITLE 18, C.R.S., IN PART 3, 4, 6, 7, OR 8 OF ARTICLE 6 OF TITLE 18, C.R.S., OR IN PART 2, 3, 4, OR 5 OF ARTICLE 7 OF TITLE 18, C.R.S.; OR FOR ANY OFFENSE COMMITTED IN ANOTHER STATE THAT WOULD CONSTITUTE SUCH AN OFFENSE IF COMMITTED IN THIS STATE; AND".

Page 5, line 5, strike "FIVE".

Page 5, line 6, strike "HUNDRED" and substitute "NOT LESS THAN TWO THOUSAND FIVE HUNDRED DOLLARS AND NOT MORE THAN FIVE THOUSAND".

Page 5, after line 22 insert:

SECTION 2. 18-7-202 (2), Colorado Revised Statutes, is amended to read:

18-7-202. Soliciting for prostitution. (2) Soliciting for prostitution is a class 3 misdemeanor. A PERSON WHO IS CONVICTED OF SOLICITING FOR PROSTITUTION SHALL BE REQUIRED TO PAY A FINE OF NOT LESS THAN FIVE THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS IN ADDITION TO ANY PENALTY IMPOSED BY THE COURT PURSUANT TO SECTION 18-1.3-501, WHICH ADDITIONAL FINE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL TRANSFER THE SAME TO THE PROSTITUTION ENFORCEMENT RESOURCES GRANT PROGRAM CASH FUND CREATED IN SECTION 24-33.5-513, C.R.S.

SECTION 3. 18-7-203 (2), Colorado Revised Statutes, is

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amended to read:

18-7-203. Pandering. (2) (a) Pandering under paragraph (a) of subsection (1) of this section is a class 5 felony. A PERSON WHO IS CONVICTED OF PANDERING UNDER PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION SHALL BE REQUIRED TO PAY A FINE OF NOT LESS THAN FIVE THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS IN ADDITION TO ANY PENALTY IMPOSED BY THE COURT PURSUANT TO SECTION 18-1.3-401, WHICH ADDITIONAL FINE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL TRANSFER THE SAME TO THE PROSTITUTION ENFORCEMENT RESOURCES GRANT PROGRAM CASH FUND CREATED IN SECTION 24-33.5-513, C.R.S.

(b) Pandering under paragraph (b) of subsection (1) of this section is a class 3 misdemeanor. A PERSON WHO IS CONVICTED OF PANDERING UNDER PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL BE REQUIRED TO PAY A FINE OF NOT LESS THAN FIVE THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS IN ADDITION TO ANY PENALTY IMPOSED BY THE COURT PURSUANT TO SECTION 18-1.3-501, WHICH ADDITIONAL FINE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL TRANSFER THE SAME TO THE PROSTITUTION ENFORCEMENT RESOURCES GRANT PROGRAM CASH FUND CREATED IN SECTION 24-33.5-513, C.R.S.

SECTION 4. 18-7-205 (2), Colorado Revised Statutes, is amended to read:

18-7-205. Patronizing a prostitute. (2) Patronizing a prostitute is a class 1 petty offense; except that patronizing a prostitute is a class 1 misdemeanor if the violation is committed subsequent to two prior convictions of a violation of this section, of a violation of a comparable offense in any other state, or of a violation of a comparable municipal offense. A PERSON WHO IS CONVICTED OF PATRONIZING A PROSTITUTE SHALL BE REQUIRED TO PAY A FINE OF NOT LESS THAN FIVE THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS IN ADDITION TO ANY PENALTY IMPOSED BY THE COURT PURSUANT TO SECTION 18-1.3-401 OR 18-1.3-503, WHICH ADDITIONAL FINE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL TRANSFER THE SAME TO THE PROSTITUTION ENFORCEMENT RESOURCES GRANT PROGRAM CASH FUND CREATED IN SECTION 24-33.5-513, C.R.S.

SECTION 5. 18-1.3-701 (1) (a), Colorado Revised Statutes, is amended to read:

18-1.3-701. Judgment for costs and fines. (1) (a) Where any person, association, or corporation is convicted of an offense, or any juvenile is adjudicated a juvenile delinquent for the commission of an act that would have been a criminal offense if committed by an adult, the court shall give judgment in favor of the state of Colorado, the appropriate prosecuting attorney, or the appropriate law enforcement agency and against the offender or juvenile for the amount of the costs of prosecution, the amount of the cost of care, and any fine imposed. No fine shall be imposed for conviction of a felony except as provided in section 18-1.3-401 OR 18-7-203 (2) (a). Such judgments shall be enforceable in the same manner as are civil judgments, and, in addition, the provisions of section 16-11-101.6, C.R.S., and section 18-1.3-702 apply. A county clerk and recorder may not charge a fee for the recording of a transcript or satisfaction of a judgment entered pursuant to this section.

SECTION 6. Part 5 of article 33.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-33.5-513. Prostitution enforcement resources grant program - application process - cash fund - reports - rules - repeal.

(1) THERE IS HEREBY CREATED IN THE DIVISION THE PROSTITUTION ENFORCEMENT RESOURCES GRANT PROGRAM. UNDER THE PROGRAM, ON AND AFTER JULY 1, 2013, A MUNICIPAL LAW ENFORCEMENT AGENCY MAY APPLY FOR A GRANT TO FUND EFFORTS TO COMBAT PROSTITUTION-RELATED OFFENSES. THE DIVISION SHALL ADMINISTER THE PROGRAM PURSUANT TO THE PROVISIONS OF THIS SECTION.

(2) THE DIVISION SHALL SOLICIT AND REVIEW APPLICATIONS FROM MUNICIPAL LAW ENFORCEMENT AGENCIES FOR GRANTS PURSUANT TO THIS SECTION. THE DEPARTMENT MAY AWARD GRANTS TO MUNICIPAL LAW ENFORCEMENT AGENCIES FOR PERIODS OF ONE TO THREE YEARS.

(3) EACH APPLICATION, AT A MINIMUM, SHALL DESCRIBE HOW THE

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APPLICANT MUNICIPAL LAW ENFORCEMENT AGENCY WILL USE ANY AWARDED GRANT MONEYS TO COMBAT PROSTITUTION-RELATED OFFENSES. EACH GRANT RECIPIENT SHALL USE ITS GRANT MONEYS TO SUPPLEMENT AND NOT SUPPLANT ANY MONEYS CURRENTLY BEING USED BY THE GRANT RECIPIENT TO COMBAT PROSTITUTION-RELATED OFFENSES.

(4) THE DIVISION SHALL SELECT THOSE MUNICIPAL LAW ENFORCEMENT AGENCIES THAT WILL RECEIVE GRANTS PURSUANT TO THIS SECTION AND THE DURATION AND AMOUNT OF EACH GRANT. IN SELECTING THE GRANT RECIPIENTS, THE DIVISION, AT A MINIMUM, SHALL TAKE INTO ACCOUNT THE CRITERIA ESTABLISHED BY RULES PROMULGATED BY THE EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (7) OF THIS SECTION.

(5) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE PROSTITUTION ENFORCEMENT CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND", TO BE ADMINISTERED BY THE DIVISION PURSUANT TO THIS SECTION. THE FUND SHALL CONSIST OF MONEYS TRANSFERRED TO THE FUND PURSUANT TO SECTIONS 18-7-202 (2), 18-7-203 (2) (a) AND (2) (b), AND 18-7-205 (2), C.R.S.

(b) THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DIVISION FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS SECTION. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND; EXCEPT THAT, ALL UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF JULY 1, 2018, SHALL BE TRANSFERRED TO THE GENERAL FUND.

(c) THE DIVISION MAY EXPEND UP TO THREE PERCENT OF THE MONEYS ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET THE COSTS INCURRED IN IMPLEMENTING THIS SECTION.

(6) ON OR BEFORE A DATE SPECIFIED BY THE EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (7) OF THIS SECTION, THE DIVISION SHALL SUBMIT ANNUALLY TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THE FOLLOWING INFORMATION REGARDING THE ADMINISTRATION OF THE PROGRAM IN THE PRECEDING YEAR:

(a) THE NUMBER OF GRANT RECIPIENTS THAT RECEIVED GRANTS UNDER THE PROGRAM;

(b) THE AMOUNT OF EACH GRANT AWARDED TO EACH GRANT RECIPIENT;

(c) THE AVERAGE AMOUNT OF EACH GRANT AWARDED UNDER THE PROGRAM;

(d) THE NUMBER OF ARRESTS FOR PROSTITUTION-RELATED OFFENSES MADE BY THE RECIPIENT MUNICIPAL LAW ENFORCEMENT AGENCY IN THE TWELVE-MONTH PERIOD PRECEDING THE RECEIPT OF GRANT MONEYS; AND

(e) THE NUMBER OF ARRESTS FOR PROSTITUTION-RELATED OFFENSES MADE BY THE RECIPIENT MUNICIPAL LAW ENFORCEMENT AGENCY SINCE RECEIVING GRANT MONEYS.

(7) ON OR BEFORE APRIL 1, 2012, THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF THIS SECTION, INCLUDING BUT NOT LIMITED TO:

(a) APPLICATION PROCEDURES BY WHICH A MUNICIPAL LAW ENFORCEMENT AGENCY MAY APPLY FOR A GRANT PURSUANT TO THIS SECTION;

(b) CRITERIA FOR THE DIVISION TO APPLY IN SELECTING THE MUNICIPAL LAW ENFORCEMENT AGENCIES THAT SHALL RECEIVE GRANTS AND DETERMINING THE AMOUNT OF GRANT MONEYS TO BE AWARDED TO EACH GRANT RECIPIENT, WHICH CRITERIA, AT A MINIMUM, SHALL REQUIRE EACH GRANT RECIPIENT TO USE AWARDED GRANT MONEYS FOR THE PURPOSE OF COMBATING PROSTITUTION-RELATED OFFENSES; AND

(c) THE DESIGNATION OF A DATE BY WHICH THE DEPARTMENT SHALL ANNUALLY SUBMIT TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THE INFORMATION DESCRIBED IN SUBSECTION (6) OF THIS SECTION.

(8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2018."

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Renumber succeeding section accordingly.

Page 1, strike lines 101 and 102 and substitute "CONCERNING INCREASING THE ENFORCEMENT OF PROHIBITIONS AGAINST CERTAIN PROSTITUTION-RELATED OFFENSES, AND, IN CONNECTION THEREWITH, AUTHORIZING THE CREATION OF A PROGRAM FOR CERTAIN FIRST-TIME OFFENDERS OF SUCH OFFENSES."

Judiciary After consideration on the merits, the Committee recommends that HB11-1130 be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that HB11-1206 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary After consideration on the merits, the Committee recommends that SB11-191 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, line 2, strike "ARTICLES" MEANS THE ARTICLES OF" and substitute "ARTICLES OF ORGANIZATION" OR "ARTICLES" MEANS THE ARTICLES OF ORGANIZATION OF".

Page 4, line 5, after "ARTICLES" insert "OF ORGANIZATION".

Page 29, line 22, strike "OF INCORPORATION" and strike the second "OF".

Page 29, line 23, strike "INCORPORATION".

Page 96, line 11, after "7-90-102" insert "(2), (3)".

Page 96, line 13, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,".

Page 96, after line 16 insert:

(2) "Articles of incorporation" means, with respect to:

(a) A domestic cooperative THAT IS NOT A DOMESTIC LIMITED COOPERATIVE ASSOCIATION, a domestic corporation, or other domestic entity that is formed under or subject to the "Colorado Business Corporation Act", articles 101 to 117 of this title, articles of incorporation as that term is used in the "Colorado Business Corporation Act"; With respect to

(b) A corporation formed under or subject to article 40 of this title, "articles of incorporation" means A certificate of incorporation as that term is used in article 40 of this title; With respect to

(c) A domestic cooperative, a domestic nonprofit corporation, or other domestic entity that is formed under or subject to the "Colorado Revised Nonprofit Corporation Act", articles 121 to 137 of this title, "articles of incorporation" means articles of incorporation as that term is used in the "Colorado Revised Nonprofit Corporation Act"; With respect to AND

(d) A foreign corporation or foreign nonprofit corporation, "articles of incorporation" means the corresponding document filed with the jurisdiction, under the law of which the corporation or nonprofit corporation is formed.

(3) "Articles of organization" means, with respect to:

(a) A domestic limited liability company, the articles of organization as defined in the "Colorado Limited Liability Company Act", article 80 of this title; With respect to

(b) A foreign limited liability company, "articles of organization" means the corresponding document filed with the filing officer of the jurisdiction under the law of which the foreign limited liability company is formed; AND

(c) A DOMESTIC LIMITED COOPERATIVE ASSOCIATION, THE ARTICLES OF ORGANIZATION AS DEFINED IN THE "COLORADO UNIFORM

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LIMITED COOPERATIVE ASSOCIATION ACT", ARTICLE 58 OF THIS TITLE.".

Page 96, after line 22 insert:

"(14.5) "DOMESTIC LIMITED COOPERATIVE ASSOCIATION" MEANS A LIMITED COOPERATIVE ASSOCIATION FORMED UNDER OR SUBJECT TO THE "COLORADO UNIFORM LIMITED COOPERATIVE ASSOCIATION ACT", ARTICLE 58 OF THIS TITLE.".

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB11-1123** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB11-190** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB11-1088** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB11-1100** be referred to the Committee on Finance with favorable recommendation.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB11-1121** be referred to the Committee on Appropriations with favorable recommendation.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB11-1207** be postponed indefinitely.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Aguilar, Chair, Spence, and Johnston as Senate conferees on the first conference committee on **HB11-1069**.

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-201

by Senator(s) Roberts and Carroll; also Representative(s) Barker--Concerning clarifying the elements of the criminal offense of criminal impersonation.
Judiciary

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HB11-1160 by Representative(s) Gerou; also Senator(s) Jahn--Concerning the establishment of a green building incentive pilot program administered by the governor's energy office to incentivize the making of energy efficiency improvements to existing residences with current home energy ratings below minimum standards for people who purchase highly efficient new residential construction.
 Local Government

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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 Tuesday, March 22 was laid over until Wednesday, March 23, retaining its place on the calendar.

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Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023, SJR11-024, SJR11-026.

Consideration of House Amendments to Senate Bills: SCR11-001, SB11-034, SB11-083, SB11-039.

Consideration of Governor's Appointments:

Members of the Board of Trustees for Mesa State College

Requests for Conference Committee: SB11-007.

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, March 23, 2011.

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Approved:

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Brandon C. Shaffer
 President of the Senate

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Attest:

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Cindi L. Markwell
 Secretary of the Senate

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