

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

113th Legislative Day Wednesday, May 4, 2011

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver. 10-11

Call to Order By the President at 9:00 a.m. 12-13

Pledge By Senator Giron. 14-15

Roll Call Present--33 16-17
 Absent--2, Hudak, Mitchell. 18-19
 Present later--2, Hudak, Mitchell. 20-21

Quorum The President announced a quorum present. 22-23

Reading of Journal On motion of Senator King S., reading of the Journal of Tuesday, May 3, 2011, was dispensed with and the Journal was approved as corrected by the Secretary. 24-25

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of resolutions. 26-27

CONSIDERATION OF RESOLUTIONS

SJR11-052 by Senator(s) Morse and King S.; also Representative(s) Barker--Concerning declaring the week of May 15-21, 2011, as Police Week and May 15, 2011, as Peace Officers' Memorial Day. 28-29

On motion of Senator Morse, the resolution was read at length and **adopted** by the following roll call vote: 30-31

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

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., Kopp, Lambert, Lundberg, Mitchell, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S. 32-33

Senate in recess. Senate reconvened.

**MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for Senate Bill 11-230, Concerning the Financing of Public Schools:

The Friday, April 22 deadline (the 101st legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, is extended until Friday, April 29, 2011 (the 108th legislative day).

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

(signed)
Representative McNulty
Speaker of the House of Representatives

(signed)
Senator Shaffer
President of the Senate

(signed)
Representative Stephens
House Majority Leader

(signed)
Senator Morse
Senate Majority Leader

(signed)
Representative Pace
House Minority Leader

(signed)
Senator Kopp
Senate Minority Leader

MESSAGE FROM THE HOUSE

May 3, 2011

Mr. President:

The Speaker has announced the following change in sponsorship on SB11-052. Representative Ferrandino to be added as dual prime sponsor with Representative Massey.

The House has voted to recede from its position, on SB11-213, and has repassed the bill as amended by the Senate.

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

CONSIDERATION OF RESOLUTIONS

SR11-005 by Senator(s) Boyd; --Concerning Adolescent Sexual and Reproductive Health Month in Colorado.

On motion of Senator Boyd, the resolution was read at length.

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Amendment No. 1(L.001), by Senator Lundberg.

Amend printed resolution, page 2, after line 18 insert:

"WHEREAS, Abstinence is the only form of birth control that is scientifically proven to be 100% effective in preventing pregnancy and controlling the spread of sexually transmitted diseases; and".

The amendment 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 | | |

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

Amend printed resolution, page 1, before line 1 insert:

"WHEREAS, We cannot underestimate the profound role of the family; and".

Page 1, line 1, strike "have a right" and substitute "deserve".

The amendment was **lost** on the following roll call vote:

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

Amendment No.3(L.002), by Senator Harvey.

Amend printed resolution, page 4, line 7, strike "and".

Page 4, strike line 8 and substitute "Advocate Center, and each crisis pregnancy resource center in the state of Colorado."

The amendment 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 | | |

On motion of Senator Boyd, the resolution, as amended, was **adopted** by the following roll call vote:

| YES | 25 | NO | 10 | 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 | 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. | N | Renfroe | N | President | Y |
| Grantham | N | King S. | Y | Roberts | Y | | |

Co-sponsors added: Aguilar, Bacon, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, Morse, Newell, Nicholson, 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:

HB11-1121 by Representative(s) Ramirez, Massey, McNulty, Szabo; also Senator(s) King K.-- Concerning disqualification from school employment for conviction of certain offenses, and making an appropriation therefor.

Laid over until Thursday, May 5, retaining its place on the calendar.

HB11-1275 by Representative(s) Priola; also Senator(s) Williams S. and Spence--Concerning the creation of an engine idling standard for certain commercial diesel vehicles.

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

| YES | 24 | NO | 11 | 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 | Y |
| Brophy | N | 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. | N | Renfroe | N | President | Y |
| Grantham | N | King S. | N | Roberts | Y | | |

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

Co-sponsors added: Guzman, Hodge and Tochtrop.

SB11-186 by Senator(s) Morse; also Representative(s) Waller--Concerning the establishment of an alternative bond program.

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

| 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 | N | Mitchell | N | Steadman | N |
| Cadman | N | Hudak | Y | Morse | Y | Tochtrop | N |
| Carroll | Y | Jahn | Y | Newell | Y | White | N |
| Foster | Y | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron | Y | King K. | N | Renfroe | N | President | Y |
| Grantham | N | King S. | N | Roberts | Y | | |

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

HB11-1267 by Representative(s) McCann; also Senator(s) Mitchell--Concerning an expansion of the circumstances in which a court may order further restrictions as conditions of a protection order against a defendant.

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: Aguilar and Guzman.

HB11-1199 by Representative(s) Gardner B.; also Senator(s) Bacon--Concerning limits on fees for the approval of the installation of solar energy devices.

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

| YES | 33 | NO | 2 | 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 | N | 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 | 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: Lundberg and Williams S.

HB11-1166 by Representative(s) Murray; also Senator(s) Aguilar--Concerning the creation of a type 1 diabetes special license plate, and making an appropriation therefor.

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

| YES | 25 | NO | 10 | EXCUSED | 0 | ABSENT | 0 |
|----------|----|----------|----|-----------|---|-------------|---|
| Aguilar | Y | Guzman | N | Kopp | N | Scheffel | N |
| Bacon | Y | Harvey | Y | Lambert | N | Schwartz | Y |
| Boyd | Y | Heath | Y | Lundberg | Y | Spence | Y |
| Brophy | Y | Hodge | N | Mitchell | Y | Steadman | N |
| Cadman | N | Hudak | Y | Morse | Y | Tochtrop | Y |
| Carroll | Y | Jahn | N | Newell | Y | White | Y |
| Foster | Y | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron | Y | King K. | Y | Renfroe | N | President | Y |
| Grantham | N | King S. | Y | Roberts | Y | | |

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

Committee of the Whole

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

HB11-1254 by Representative(s) Priola and Schafer S.; also Senator(s) Steadman--Concerning measures to reduce the frequency of bullying in schools.

Amendment No. 1, General Orders Amendment.
(Printed in Senate Journal, May 3, pages 994-995 and placed in members' bill files.)

Amendment No. 2(L.022), by Senator King K.

Amend the Senate Education Committee Report dated April 21, 2011, page 1, after line 6 insert:

"Page 13, line 19, after "STUDENT" insert "ON THE BASIS OF HIS OR HER ACADEMIC PERFORMANCE OR".

Amendment No. 3(L.025), by Senator Renfroe.

Amend reengrossed bill, page 8, line 7, strike "INCLUDES:" and substitute "MAY INCLUDE:".

Page 12, strike lines 24 and 25 and substitute "SCHOOL DISTRICT, IN ITS POLICY, MAY INCORPORATE THE BIENNIAL ADMINISTRATION OF SURVEYS OF".

Page 12, line 27, strike "INCLUDES" and substitute "MAY INCLUDE".

Page 15, line 23, strike "IS ENCOURAGED TO ENSURE THAT" and substitute "MAY INCORPORATE IN".

Page 15, line 25, strike "(18), AT A MINIMUM, INCORPORATES" and substitute "(18)".

Page 16, line 1, strike "INCLUDES" and substitute "MAY INCLUDE".

As amended, ordered revised 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.)

SB11-248 by Senator(s) Newell; also Representative(s) Looper--Concerning repeal of the "Bedding Act".

Laid over until May 12.

SB11-258 by Senator(s) Schwartz; also Representative(s) Vigil and Coram--Concerning locally produced foods, and, in connection therewith, authorizing the department of public health and environment and local boards of health to create registries of growers who produce food products in their home kitchens, promoting local foods, and increasing economic opportunities for local food producers.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, May 2, pages 983-984 and placed in members' bill files.)

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB11-1254 by Representative(s) Priola and Schafer S.; also Senator(s) Steadman--Concerning measures to reduce the frequency of bullying in schools.

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 11-1254 did pass.

Amend reengrossed bill, page 13, line 21, strike "(I)." and substitute "(I) OR IN RESPONSE TO ANY WRITTEN OR VERBAL STATEMENT BY A STUDENT EXPRESSING HIS OR HER POLITICAL OR POLICY OR MORAL VIEWS OR AFFILIATION, INCLUDING ANY DIFFERENCE BETWEEN THOSE VIEWS OR AFFILIATION AND THOSE OF THE INSTRUCTION, ADMINISTRATION, OR OTHER STUDENTS.".

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 Bacon, 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: SB11-258 as amended, HB11-1254 as amended.
Laid over until May 12: SB11-248.

COMMITTEE OF REFERENCE REPORTS

Local Government

After consideration on the merits, the Committee recommends that **SB11-270** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB11-251** 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 18, after line 2 insert:

"SECTION 18. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, to the department of public safety, for allocation to the executive director's office, for legal services, for the fiscal year beginning July 1, 2011, the sum of seven thousand three hundred thirty-seven dollars (\$7,337), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from the fireworks licensing cash fund created in section 12-28-104 (6) (b), Colorado Revised Statutes, and the fire suppression cash fund created in section 24-33.5-1207.6, Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2011, the sum of seven thousand three hundred thirty-seven dollars (\$7,337), or so much thereof as may be necessary, for the provision of legal services to the department of public safety related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of public safety out of the appropriation made in subsection (1) of this section."

Re-number succeeding sections accordingly.

Page 1, line 102, strike "**SAFETY.**" and substitute "**SAFETY, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**".

Appropriations

After consideration on the merits, the Committee recommends that **SB11-266** 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, before line 21 insert:

"SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado bureau of investigation identification unit fund created in section 24-33.5-426, Colorado Revised Statutes, not otherwise appropriated, to the department of public safety, for allocation to the Colorado bureau of investigation, Colorado crime information center, for fingerprint based background checks, for the fiscal year beginning July 1, 2011, the sum of seven hundred thirty-five thousand eight hundred thirty-eight dollars (\$735,838) cash funds and 3.4 FTE, or so much thereof as may be necessary, for the implementation of this act."

Re-number succeeding section accordingly.

Page 1, line 102, strike "**SCHOOLS.**" and substitute "**SCHOOLS, AND MAKING AN APPROPRIATION THEREFOR.**".

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Appropriations

After consideration on the merits, the Committee recommends that **SB11-032** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Agriculture, Natural Resources, and Energy Committee Report, dated May 2, 2011, page 2, after line 20 insert:

"SECTION 2. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the public utilities commission fixed utility fund created in section 40-2-114, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the executive director's office and administrative services, for legal services, for the fiscal year beginning July 1, 2011, the sum of thirty-eight thousand one hundred fifty-two dollars (\$38,152) 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, out of any moneys in the public utilities commission fixed utility fund created in section 40-2-114, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the public utilities commission, for personal services and operating expenses, for the fiscal year beginning July 1, 2011, the sum of one hundred ten thousand nine hundred seventeen dollars (\$110,917) cash funds and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2011, the sum of thirty-eight thousand one hundred fifty-two dollars (\$38,152) and 0.3 FTE, or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section."

Renumber succeeding section accordingly.

Page 2 of the report, after line 32 insert:

"Page 1 of the printed bill, line 104, strike "**PROPERTY.**" and substitute "**PROPERTY, AND MAKING AN APPROPRIATION THEREFOR.**"."

Appropriations

After consideration on the merits, the Committee recommends that **HB11-1242** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB11-1265** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 8, after line 10 insert:

"SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of revenue, for allocation to the taxation business group, for the fiscal year beginning July 1, 2011, the sum of nineteen thousand seven hundred one dollars (\$19,701) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding sections accordingly.

Page 1, line 102, strike "**TAX.**" and substitute "**TAX, AND MAKING AN APPROPRIATION THEREFOR.**"."

Appropriations

After consideration on the merits, the Committee recommends that **HB11-1005** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, after line 26, insert:

"SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of revenue, for allocation to the central department operations division, for the fiscal year beginning July 1, 2010, the sum of three hundred sixty-three dollars (\$363), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding sections accordingly.

Page 4, line 5 strike "five thousand seven hundred eighty dollars (\$5,780)," and substitute "five thousand four hundred seventeen dollars (\$5,417),"

Finance After consideration on the merits, the Committee recommends that **HB11-1269** be postponed indefinitely.

Finance After consideration on the merits, the Committee recommends that **SB11-001** be postponed indefinitely.

Finance After consideration on the merits, the Committee recommends that **HB11-1290** be referred to the Committee on Local Government with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **SB11-263** be referred to the Committee on Appropriations with favorable recommendation.

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

Amend the Judiciary Committee Report, dated May 2, 2011, page 1, strike lines 8 through 22 and substitute:

"SECTION 2. 12-43.3-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-43.3-104. Definitions. As used in this article, unless the context otherwise requires:

(1.5) "IMMATURE PLANT" MEANS A NONFLOWERING MEDICAL MARIJUANA PLANT THAT IS NO TALLER THAN EIGHT INCHES AND NO WIDER THAN EIGHT INCHES PRODUCED FROM A CUTTING, CLIPPING, OR SEEDLING AND THAT IS IN A GROWING CONTAINER THAT IS NO LARGER THAN TWO INCHES WIDE AND TWO INCHES TALL THAT IS SEALED ON THE SIDES AND BOTTOM."

Page 2 of the report, strike lines 1 through 21.

Page 3, line 3, strike "CLONES" and substitute "IMMATURE PLANTS".

Page 3, line 5, strike "CLONES," and substitute "IMMATURE PLANTS,".

Page 3, line 8, strike "CLONES" and substitute "IMMATURE PLANTS".

Page 3, line 31, strike "CLONES" and substitute "IMMATURE PLANTS".

Page 3, line 32, strike "CLONES," and substitute "IMMATURE PLANTS,".

Page 4, line 6, strike "CLONES," and substitute "IMMATURE PLANTS,".

Trans- After consideration on the merits, the Committee recommends that **SB11-246** be postponed indefinitely.

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Trans-
portation

After consideration on the merits, the Committee recommends that **HB11-1157** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 15, strike "MAY" and substitute "SHALL".

Page 3, strike lines 21 through 24 and substitute:

"applicability. (1) This act shall take effect January 1, 2012; except that, if a referendum petition is filed pursuant to".

Page 3, line 26, strike "such period," and substitute "the ninety-day period after final adjournment of the general assembly,".

Page 4, line 1, after "on" insert "January 1, 2012, or on".

Page 4, line 2, change the period to a comma and add "whichever is later.".

Trans-
portation

After consideration on the merits, the Committee recommends that **HB11-1093** 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 reengrossed bill, page 2, line 19, strike "(16) (b), (16) (c), (16) (d)," and substitute "(16) (c)".

Page 2, strike line 23 and substitute "**collections - definitions.** (16) (c) Upon receiving authorization pursuant to UNDER paragraph (b) of this subsection (16), the owner shall collect from the user the specific ownership tax in the amount equivalent to two percent of the amount of the rental or lease payment. No later than the twentieth day of each month, the owner shall submit a report, using forms furnished by the department, to the authorized agent in ~~the EACH county in which~~ WHERE the equipment is used, together with the remittance ~~for all~~ OF THE taxes collected FOR THE USE IN THE COUNTY for the preceding month. A copy of each report shall be submitted simultaneously by the owner to the department.".

Strike page 3.

Page 4, strike lines 1 through 18.

Page 5, line 1, after "by" insert " AN AUTHORIZED AGENT OR".

Trans-
portation

After consideration on the merits, the Committee recommends that **HB11-1024** be postponed indefinitely.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB11-032, SB11-261, SB11-264, HB11-1005 at 11:50 a.m.

Committee
of the Whole

The hour of 11:50 a.m. having arrived, Senator Bacon moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Bacon was called to the Chair to act as Chairman.

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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.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, May 2, pages 982-983 and placed in members' bill files.)

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

As amended, **lost** on second reading.

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

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 (SB11-261, SB11-264, HB11-1005) of Wednesday, May 4 was laid over until Thursday, May 5, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

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.

Senator Johnston moved to amend the Report of the Committee of the Whole to show that SB 11-032, as amended, was laid over to the special orders calendar of May 5, 2011, retaining its place on the calendar.

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 | 25 | NO | 9 | EXCUSED | 0 | ABSENT | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar | Y | Guzman | Y | Kopp | * | Scheffel | N |
| Bacon | Y | Harvey | N | Lambert | N | Schwartz | Y |
| Boyd | Y | Heath | Y | Lundberg | N | Spence | N |
| Brophy | Y | Hodge | Y | Mitchell | Y | 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. | Y | Renfroe | N | President | Y |
| Grantham | N | King S. | Y | Roberts | Y | | |

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

| YES | 31 | NO | 4 | EXCUSED | 0 | ABSENT | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar | Y | Guzman | Y | Kopp | Y | Scheffel | Y |
| Bacon | Y | Harvey | N | Lambert | N | Schwartz | Y |
| Boyd | Y | Heath | Y | Lundberg | N | Spence | Y |
| Brophy | Y | Hodge | Y | Mitchell | Y | Steadman | Y |
| Cadman | Y | Hudak | Y | Morse | Y | Tochtrop | Y |
| Carroll | Y | Jahn | Y | Newell | Y | White | Y |
| Foster | Y | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron | Y | King K. | Y | Renfroe | N | President | Y |
| Grantham | Y | King S. | Y | Roberts | Y | | |

The Committee of the Whole took the following action:

Laid over until May 5: SB11-032 as amended, SB11-261, SB11-264, HB11-1004.

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MESSAGE FROM THE HOUSE

May 4, 2011

Mr. President:

The House has postponed indefinitely SB11-004. The bill is returned herewith.

The House has adopted and returns herewith SJR11-052.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1280.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
 HB11-1311, amended as printed in House Journal, May 3, page 1212.
 HB11-1301, amended as printed in House Journal, May 3, pages 1212-1214.
 HB11-1263, amended as printed in House Journal, May 3, page 1222.
 HB11-1273, amended as printed in House Journal, May 3, page 1223.
 HB11-1091, amended as printed in House Journal, May 3, page 1223.
 HB11-1316, amended as printed in House Journal, May 3, page 1223.
 HB11-1309, amended as printed in House Journal, May 3, pages 1223-1224.
 HB11-1014, amended as printed in House Journal, May 3, page 1224.
 HB11-1212, amended as printed in House Journal, May 3, page 1224.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
 SB11-200, amended as printed in House Journal, May 3, pages 1221-1222.

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MESSAGE FROM THE REVISOR OF STATUTES

May 4, 2011

We herewith transmit:

Without comment, HB11-1280.
 Without comment, as amended, HB11-1014, 1091, 1212, 1263, 1273, 1301, 1309, 1311,
 and 1316.
 Without comment, as amended, SB11-200.

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INTRODUCTION OF BILLS -- FIRST READING

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

- SB11-273** by Senator(s) Steadman; also Representative(s) Massey--Concerning authorization to consume alcohol beverages within a festival area.
Business, Labor and Technology1
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- HB11-1010** by Representative(s) Acree, Baumgardner, Priola; also Senator(s) Brophy--Concerning the incidental use of property owned by a fraternal organization or veterans' organization that is exempt from property tax, and making an appropriation in connection therewith.
Local Government11
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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.
Finance17
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- 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.
Finance23
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- 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.
Transportation32
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- HB11-1300** by Representative(s) Looper, Acree, DelGrosso, Priola, Swalm; also Senator(s) Grantham and Nicholson, Jahn--Concerning the resolution of a disputed claim for a state income tax credit for a donation of a perpetual conservation easement that includes a process that allows a taxpayer to waive an expedited administrative hearing for the purpose of appealing directly to a district court, and making an appropriation therefor.
Finance40
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- HB11-1303** by Representative(s) Gardner B., Labuda, Levy, Murray, Waller; also Senator(s) Brophy, Carroll, Morse, Roberts, Schwartz--Concerning nonsubstantive revisions of statutes in the Colorado Revised Statutes, as amended, and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.
Judiciary48
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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.
Finance56
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MESSAGE FROM THE GOVERNOR

April 29, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

**MEMBERS OF THE
COLORADO WILDLIFE HABITAT STAMP COMMITTEE**

for a term expiring December 31, 2011:

Bryan J. Martin of Westminster, Colorado, to serve as a representative of national or regionally recognized conservation organizations whose missions are focused on nongame wildlife and whose membership is composed primarily of nongame wildlife users and occasioned by the resignation of Jennifer A. Clanahan of Denver, Colorado, appointed.

for terms expiring December 31, 2014:

Michelle Zimmerman of Denver, Colorado, to serve as a representative of national or regionally recognized conservation organizations whose missions are focused on nongame wildlife and whose membership is composed primarily of nongame wildlife users, reappointed;

Gary C. Miller of Fort Collins, Colorado, to serve as a sportsperson, reappointed;

Kelly D. Van Cleave of Erie, Colorado, to serve as a sportsperson, appointed;

Allen L. Moores of Gunnison, Colorado, to serve as a sportsperson, appointed;

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 5/2/11
Cindi Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, and Energy

April 29, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint, and submit to your consideration, the following:

MEMBERS OF THE
CHARTER SCHOOL INSTITUTE BOARD

for a term expiring July 1, 2013:

Patricia Mae Clouber of Leadville, Colorado, a Republican who has experience as a public school teacher, to fill the vacancy occasioned by the resignation of Celeste C. Di Iorio of Fort Collins, Colorado, appointed;

for terms expiring July 1, 2014:

Wayne D. Eckerling of Denver, Colorado, a Democrat who has experience as a public school teacher and as a public school administrator working with charter schools, reappointed;

Steven Richard Schneider, Colorado Springs, Colorado, a Republican who has experience as a public school administrator with experience working with charter schools and with other board or public service experience, appointed.

Sincerely,
(signed)
John Hickenlooper
Governor
Rec'd: 5/2/11
Cindi Markwell, Secretary of the Senate

Committee on Education

SENATE SERVICES REPORT

- Correctly Printed:** SB11-272.
- Correctly Engrossed:** SB11-186; SJR11-032 and 036.
- Correctly Revised:** HB11-1121, 1166, 1199, 1267 and 1275; HJR11-1023.
- Correctly Rerevised:** HB11-1002, 1064, 1095, 1109, 1237, 1241, 1278 and 1279.
- Correctly Enrolled:** SB11-169.

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, May 4 was laid over until Thursday, May 5, retaining its place on the calendar.

- Consideration of Resolutions: SJR11-047, SJR11-040.
- Consideration of Memorials: SJM11-002, SJM11-003, SJM11-004.
- Consideration of House Amendments to Senate Bills: SCR11-001, SB11-189, SB11-193.
- Consideration of Governor's Appointments:
 - Members of the Air Quality Control Commission
 - Member of the Advisory Committee to the Property Tax Administrator
 - Member of the Board of Parks and Outdoor Recreation

TRIBUTES

Honoring:

- Valor Christian Golf Team -- by Senator Harvey.
- Valor Christian Football Team -- by Senator Harvey.
- Shaffer Elementary School - Odyssey of the Mind -- by Senator Kopp.
- Falcon Bluff Middle School - Odyssey of the Mind -- by Senator Kopp.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, May 5, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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