

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

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62nd Legislative Day

Monday, March 14, 2011

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|--------------------|--|----|
| Prayer             | By the chaplain, Father Eustace Sequeira, St. Ignatius Loyola Catholic Church, Denver.   | 1  |
|                    |  | 2  |
| Call to Order      | By the President at 10:00 a.m.   | 3  |
|                    |  | 4  |
| Pledge             | By Senator Lambert.  | 5  |
|                    |  | 6  |
| Roll Call          | Present--32  | 7  |
|                    | Absent--1, Williams S.   | 8  |
|                    | Excused--2, Kopp, Lundberg.  | 9  |
|                    | Present later--1, Williams S.  | 10 |
|                    |  | 11 |
| Quorum             | The President announced a quorum present.  | 12 |
|                    |  | 13 |
| Reading of Journal | On motion of Senator Aguilar, reading of the Journal of Friday, March 11, 2011, was dispensed with and the Journal was approved as corrected by the Secretary. | 14 |
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**MESSAGE FROM THE HOUSE**

March 11, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1055, amended as printed in House Journal, March 2, pages 520-521.

HB11-1065, amended as printed in House Journal, March 2, pages 521-522.

The House has adopted and returns herewith SJR11-022.

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**MESSAGE FROM THE REVISOR OF STATUTES**

March 11, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, as amended, HB11-1055 and 1065.

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

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

**SB11-170** by Senator(s) Aguilar; also Representative(s) Ferrandino--Concerning the limit on the growth of the general fund share of rates for reimbursing nursing home providers under the "Colorado Medical Assistance Act".

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

| YES      | 20 | NO       | 12 | EXCUSED   | 2 | ABSENT      | 1 |
|----------|----|----------|----|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y  | Kopp      | E | Scheffel    | N |
| Bacon    | Y  | Harvey   | Y  | Lambert   | Y | Schwartz    | N |
| Boyd     | N  | Heath    | Y  | Lundberg  | E | Spence      | Y |
| Brophy   | Y  | Hodge    | Y  | Mitchell  | N | Steadman    | Y |
| Cadman   | N  | Hudak    | Y  | Morse     | Y | Tochtrop    | N |
| Carroll  | Y  | Jahn     | N  | Newell    | N | White       | N |
| Foster   | Y  | Johnston | Y  | Nicholson | Y | Williams S. | A |
| Giron    | Y  | King K.  | Y  | 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: Foster and Nicholson.

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

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

| YES      | 20 | NO       | 12 | EXCUSED   | 2 | ABSENT      | 1 |
|----------|----|----------|----|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y  | Kopp      | E | Scheffel    | N |
| Bacon    | Y  | Harvey   | N  | Lambert   | N | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y  | Lundberg  | E | 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. | A |
| Giron    | Y  | King K.  | Y  | 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 was passed.

Co-sponsors added: Boyd, Foster, Guzman, Heath, Hudak, Johnston and Nicholson.

**HB11-1016** by Representative(s) Summers; also Senator(s) Boyd--Concerning prohibitions against furnishing tobacco products to minors.

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

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| YES      | 29 | NO       | 3 | EXCUSED   | 2 | ABSENT      | 1 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Kopp      | E | Scheffel    | Y |
| Bacon    | Y  | Harvey   | Y | Lambert   | Y | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Lundberg  | E | 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       | Y |
| Foster   | Y  | Johnston | Y | Nicholson | Y | Williams S. | A |
| 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, Guzman, Heath, Hodge, Hudak, Jahn, King S., Newell, Nicholson, Schwartz and Steadman.

**SB11-091**

by Senator(s) Brophy, Guzman, Jahn; also Representative(s) McKinley--Concerning continuation of the state board of veterinary medicine, and, in connection therewith, implementing the recommendations contained in the sunset review of the board and its functions, and making an appropriation.

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

| YES      | 32 | NO       | 0 | EXCUSED   | 2 | ABSENT      | 1 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Kopp      | E | Scheffel    | Y |
| Bacon    | Y  | Harvey   | Y | Lambert   | Y | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Lundberg  | E | 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. | A |
| 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, Giron, Hodge, Schwartz and Tochtrop.

**SB11-088**

by Senator(s) Carroll and Lundberg, Boyd, Mitchell; also Representative(s) Acree--Concerning the regulation of direct-entry midwives, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies, and making an appropriation.

Laid over until March 15, retaining its place on the calendar.

**SB11-045**

by Senator(s) Johnston; also Representative(s) Levy--Concerning a streamlined process for securing governmental approval for the siting of electric transmission facilities, and, in connection therewith, creating a task force.

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

| YES      | 24 | NO       | 8 | EXCUSED   | 2 | ABSENT      | 1 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Kopp      | E | Scheffel    | N |
| Bacon    | Y  | Harvey   | N | Lambert   | N | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Lundberg  | E | Spence      | Y |
| Brophy   | Y  | Hodge    | Y | Mitchell  | Y | Steadman    | Y |
| Cadman   | N  | Hudak    | Y | Morse     | Y | Tochtrop    | N |
| Carroll  | Y  | Jahn     | Y | Newell    | Y | White       | N |
| Foster   | Y  | Johnston | Y | Nicholson | Y | Williams S. | A |
| 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**.

Co-sponsors added: Bacon, Boyd, Carroll, Foster and Heath.

**SB11-069** by Senator(s) Hudak, Bacon, Guzman; also Representative(s) Massey--Concerning educational management organizations.

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

| YES      | 26 | NO       | 6 | EXCUSED   | 2 | ABSENT      | 1 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Kopp      | E | Scheffel    | N |
| Bacon    | Y  | Harvey   | N | Lambert   | Y | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Lundberg  | E | 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       | N |
| Foster   | Y  | Johnston | Y | Nicholson | Y | Williams S. | A |
| Giron    | Y  | King K.  | Y | Renfroe   | Y | 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**.

Co-sponsors added: Carroll, Giron, Heath, King K., Newell and Schwartz.

**SB11-090** by Senator(s) Schwartz, Giron, Guzman; also Representative(s) Baumgardner--Concerning the continuation of the issuance of permits for weather modification operations, and, in connection therewith, implementing a sunset review recommendation of the department of regulatory agencies and continuing indefinitely the "Weather Modification Act of 1972".

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

| YES      | 23 | NO       | 9 | EXCUSED   | 2 | ABSENT      | 1 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Kopp      | E | Scheffel    | N |
| Bacon    | Y  | Harvey   | N | Lambert   | N | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Lundberg  | E | Spence      | N |
| 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. | A |
| Giron    | Y  | King K.  | N | 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**.

**HB11-1118** by Representative(s) Kerr J., Acree, Gardner D., Miklosi; also Senator(s) Carroll, Tochtrop--Concerning authorization for the state auditor to conduct a performance audit of a public highway authority.

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

| YES      | 21 | NO       | 12 | EXCUSED   | 2 | ABSENT      | 0 |
|----------|----|----------|----|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y  | Kopp      | E | Scheffel    | N |
| Bacon    | Y  | Harvey   | N  | Lambert   | N | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y  | Lundberg  | E | Spence      | N |
| Brophy   | N  | 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.  | 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 was passed.

Co-sponsors added: Aguilar, Giron, Nicholson and Steadman.

**HB11-1176** by Representative(s) Ramirez; also Senator(s) Renfroe--Concerning an exemption of crude oil from designated routes set by the state patrol for the transportation of hazardous substances by motor vehicle.

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

| YES      | 31 | NO       | 2 | EXCUSED   | 2 | ABSENT      | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Kopp      | E | Scheffel    | Y |
| Bacon    | Y  | Harvey   | Y | Lambert   | Y | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Lundberg  | E | Spence      | Y |
| Brophy   | Y  | Hodge    | Y | Mitchell  | Y | Steadman    | Y |
| Cadman   | Y  | Hudak    | Y | 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.

**RECONSIDERATION OF HB11-1118**

**HB11-1118** by Representative(s) Kerr J., Acree, Gardner D., Miklosi; also Senator(s) Carroll, Tochtrop--Concerning authorization for the state auditor to conduct a performance audit of a public highway authority.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills - Final Passage, on **HB11-1118**.

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 title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

**HB11-1118** by Representative(s) Kerr J., Acree, Gardner D., Miklosi; also Senator(s) Carroll, Tochtrop--Concerning authorization for the state auditor to conduct a performance audit of a public highway authority.

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

| YES      | 21 | NO       | 12 | EXCUSED   | 2 | ABSENT      | 0 |
|----------|----|----------|----|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y  | Kopp      | E | Scheffel    | N |
| Bacon    | Y  | Harvey   | N  | Lambert   | N | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y  | Lundberg  | E | Spence      | N |
| Brophy   | N  | 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.  | 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 was passed.

Co-sponsors added: Aguilar, Giron and Nicholson.

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

**HB11-1079** by Representative(s) Casso; also Senator(s) Jahn--Concerning methods to reduce the number of homeless youth.

Amendment No. 1, Local Government Committee Amendment.  
(Printed in Senate Journal, March 10, page 424 and placed in members' bill files.)

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

**HB11-1122** by Representative(s) Schafer S.; also Senator(s) Jahn--Concerning the technical modification of specified requirements affecting the process by which a proposed home rule charter for a municipality is to be submitted for the approval of the voters of the municipality.

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

**HB11-1144** by Representative(s) Solano, Casso, Duran, Kerr A., Todd; also Senator(s) Tochtrop--Concerning fetal alcohol spectrum disorders, and, in connection therewith, expanding the number of members of the fetal alcohol spectrum disorders commission and encouraging evaluation and expanded use of health warning information.

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 Guzman, the report of the Committee of the Whole was adopted on the following roll call vote:

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| YES      | 33 | NO       | 0 | EXCUSED   | 2 | ABSENT      | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Kopp      | E | Scheffel    | Y |
| Bacon    | Y  | Harvey   | Y | Lambert   | Y | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Lundberg  | E | 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: HB11-1079 as amended, HB11-1122, HB11-1144.

Committee of the Whole

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

**SB11-107**

by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident.

Laid over until Tuesday, March 15, retaining its place on the calendar.

**SB11-124**

by Senator(s) Hodge, Lambert, Steadman; also Representative(s) Gerou, Ferrandino--Concerning the transfer of unspent county TANF reserves to a county, and making an appropriation in connection therewith.

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, February 11, page 158, was **lost**.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, March 4, page 380 and placed in members' bill files.)

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

Amend printed bill, page 2, strike lines 2 and 3 and substitute:

"**SECTION 1.** 26-2-714 (3) and (5) (a), Colorado Revised Statutes, are amended, and the said 26-2-714 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:".

Page 2, strike line 5 and substitute "(1.5) MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY TO THE COUNTY BLOCK GRANT LINE SHALL REMAIN APPROPRIATED AND AVAILABLE TO COUNTIES PURSUANT TO THE PROCEDURES SPECIFIED IN THIS SECTION.

~~(3) The state department shall not be authorized to reduce a county block grant pursuant to subsection (2) of this section based upon the amount of any moneys maintained by such county in a reserve account authorized pursuant to subsection (5) of this section~~ NOTHING IN SUBSECTIONS (2) AND (2.5) OF THIS SECTION SHALL PREVENT A COUNTY FROM TRANSFERRING AT ANY TIME DURING THE FISCAL YEAR, PURSUANT TO PROCEDURES ESTABLISHED BY THE STATE DEPARTMENT AND THE WORKS ALLOCATION COMMITTEE, A PORTION OF THE COUNTY'S CURRENT FEDERAL TANF ALLOCATION TO ANOTHER COUNTY IN EXCHANGE FOR AN AMOUNT OF COUNTY MONEYS EQUAL TO THE MAINTENANCE OF EFFORT ASSOCIATED WITH THE ALLOCATION.

(5) (a) (I) (A) A county shall be authorized to maintain a reserve account".

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Page 2, strike lines 8 through 17 and substitute:

"(B) PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (V) OF PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION, upon the conclusion of state fiscal year ~~2008-09~~, a county shall remit to the Colorado long-term works reserve created in section ~~26-2-721~~ 2010-11, AND UPON THE CONCLUSION OF EACH STATE FISCAL YEAR THEREAFTER, THE WORKS ALLOCATION COMMITTEE MAY TRANSFER TO ANOTHER COUNTY ON OR BEFORE NOVEMBER 1 OF THE SUCCEEDING FISCAL YEAR, any unspent COUNTY TANF reserves in excess of ~~seventy~~ FORTY percent of the county's county block grant for the CONCLUDING state fiscal year. ~~2008-09~~ TANF RESERVES TRANSFERRED TO A COUNTY PURSUANT TO THIS SUB-SUBPARAGRAPH (B) SHALL BE AVAILABLE TO THE COUNTY IN THE SUCCEEDING STATE FISCAL YEAR."

Page 3, strike lines 1 through 4.

Page 3, strike lines 9 through 15.

Page 3, line 21, strike "OR (C)".

Page 3, line 24, after the period add "THE COUNTY RECEIVING THE TANF RESERVES SHALL BE RESPONSIBLE FOR PROVIDING AN AMOUNT OF COUNTY MONEYS EQUAL TO THE MAINTENANCE OF EFFORT ASSOCIATED WITH THE TANF RESERVES."

Page 4, strike lines 4 through 9 and substitute:

"(II) Notwithstanding any provision of subparagraph (I) of this paragraph (a) to the contrary, in state fiscal year 2008-09, and in each state fiscal year thereafter, a county with an annual county block grant amount of two hundred thousand dollars or less shall ~~remit to the Colorado long-term works reserve~~ MAKE AVAILABLE TO THE WORKS ALLOCATION COMMITTEE FOR TRANSFER TO ANOTHER COUNTY PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (V) OF PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION any unspent TANF reserves in excess of one hundred thousand dollars."

Page 5, line 4, strike "SUB-SUBPARAGRAPHS (B) AND (C)" and substitute "SUB-SUBPARAGRAPH (B)".

Page 5, line 6, strike "THE WORKS" and substitute "WITH THE GOAL OF INCREASING THE COUNTIES' MINIMUM PERCENTAGE RESERVE BALANCES, THE WORKS".

Page 5, line 8, strike "A ZERO" and substitute "NO MORE THAN A TEN PERCENT".

Page 5, line 9, after the period add "IF MONEYS REMAIN AFTER SATISFYING THE FIRST PRIORITY CRITERIA, SECOND PRIORITY SHALL BE GIVEN TO TRANSFERS TO THOSE COUNTIES WHOSE TANF RESERVES ARE MORE THAN TEN PERCENT, BUT NO MORE THAN TWENTY PERCENT."

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

**SB11-072** by Senator(s) Carroll, Bacon, Boyd, Giron, Hodge, Hudak, Morse, Steadman, Tochtrop, Aguilar, Guzman, Johnston; also Representative(s) Levy, Court, Fields, Tyler--Concerning the creation of remedies in employment discrimination cases brought under state law.

Laid over until Friday, March 18, retaining its place on the calendar.

**SB11-050** by Senator(s) Roberts; also Representative(s) Gerou--Concerning a requirement that a condemning authority pay fair market value for land subject to a conservation easement.

Amendment No. 1, General Orders Amendment.  
(Printed in Senate Journal, March 11, page 432 and placed in members' bill files.)

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Amendment No. 2(L.006), by Senator Roberts.

Strike the Agriculture, Natural Resources, and Energy Committee Report, dated February 17, 2011, and substitute:

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

"SECTION 1. Article 30.5 of title 38, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**38-30.5-112. Conservation easement - task force - creation - report - legislative declaration - repeal.** (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(a) IT IS WITHIN THE POWER OF THE GENERAL ASSEMBLY TO ADDRESS ISSUES RELATED TO PROPERTY BEING CONDEMNED THAT IS SUBJECT TO A CONSERVATION EASEMENT; AND

(b) ISSUES RELATED TO THE VALUE OF PROPERTY BEING CONDEMNED THAT IS SUBJECT TO A CONSERVATION EASEMENT ARE A MATTER OF STATEWIDE CONCERN AND SHOULD BE ADDRESSED BY THE GENERAL ASSEMBLY.

(2) (a) THERE IS HEREBY CREATED THE CONDEMNATION OF CONSERVED PROPERTY TASK FORCE, REFERRED TO IN THIS SECTION AS THE "TASK FORCE", WHICH SHALL MEET DURING THE INTERIM AFTER THE FIRST REGULAR SESSION OF THE SIXTY-EIGHTH GENERAL ASSEMBLY TO STUDY THE VALUATION OF PROPERTY BEING CONDEMNED THAT IS SUBJECT TO A CONSERVATION EASEMENT, REPORT ITS FINDINGS AND RECOMMENDATIONS, AND, IF APPROPRIATE, PROPOSE STATUTORY MODIFICATIONS TO ENSURE THAT THE PROPERTY INTERESTS CONDEMNED ARE VALUED FAIRLY AND APPROPRIATELY.

(b) THE TASK FORCE SHALL CONSIST OF THE FOLLOWING TWELVE MEMBERS:

(I) THE EXECUTIVE DIRECTOR OF COLORADO COUNTIES, INCORPORATED, OR HIS OR HER DESIGNEE;

(II) THE EXECUTIVE DIRECTOR OF THE COLORADO MUNICIPAL LEAGUE, OR HIS OR HER DESIGNEE;

(III) THREE REPRESENTATIVES OF UTILITIES WITH EXPERTISE IN EMINENT DOMAIN, ONE TO BE APPOINTED BY THE PRESIDENT OF THE SENATE, ONE TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND ONE TO BE APPOINTED BY THE GOVERNOR;

(IV) THREE REPRESENTATIVES OF VARIOUS CONSERVATION EASEMENT HOLDERS, ONE TO BE APPOINTED BY THE PRESIDENT OF THE SENATE, ONE TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND ONE TO BE APPOINTED BY THE GOVERNOR;

(V) TWO REPRESENTATIVES OF LANDOWNER INTERESTS, ONE TO BE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES; AND

(VI) TWO REPRESENTATIVES OF THE APPRAISER COMMUNITY, ONE TO BE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

(c) ALL APPOINTMENTS TO THE TASK FORCE SHALL BE MADE ON OR BEFORE JUNE 15, 2011.

(3) (a) THE TASK FORCE SHALL STUDY, MAKE RECOMMENDATIONS, AND REPORT FINDINGS ON ALL MATTERS RELATING TO THE VALUATION OF CONSERVATION EASEMENTS SUBJECT TO CONDEMNATION, INCLUDING A REVIEW OF EXISTING COLORADO EMINENT DOMAIN LAW RELATING TO THE APPLICATION OF THE UNDIVIDED BASIS RULE IN THE CONTEXT OF PROPERTY SUBJECT TO A CONSERVATION EASEMENT, PERCEIVED DEFICIENCIES IN EXISTING CONDEMNATION LAW FROM THE PERSPECTIVE OF THE CONSERVATION EASEMENT COMMUNITY, OPPORTUNITIES TO ADDRESS THE PERCEIVED DEFICIENCIES USING EXISTING LAW, APPRAISAL PRACTICE IMPLICATIONS, TAX IMPLICATIONS, APPORTIONMENT ISSUES, AND POTENTIAL CHANGES TO EXISTING LAW TO ADDRESS SPECIFIC PROBLEMS.

(b) THE TASK FORCE SHALL SUBMIT A WRITTEN REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE AGRICULTURE, NATURAL RESOURCES, AND ENERGY AND LOCAL GOVERNMENT COMMITTEES OF THE SENATE AND THE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES AND LOCAL GOVERNMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES BY OCTOBER 17, 2011. UPON REQUEST OF A MEMBER OF THE TASK FORCE, SUMMARIES OF DISSENTING OPINIONS SHALL BE PREPARED AND ATTACHED TO THE FINAL REPORT OF FINDINGS AND RECOMMENDATIONS.

(4) (a) THE FIRST MEETING OF THE TASK FORCE SHALL BE NO LATER

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THAN AUGUST 2, 2011. THE TASK FORCE SHALL MEET AT LEAST FOUR TIMES.

(b) MEETINGS OF THE TASK FORCE SHALL BE PUBLIC MEETINGS.

(5) THE TASK FORCE SHALL SOLICIT AND ACCEPT REPORTS AND PUBLIC TESTIMONY AND MAY REQUEST OTHER SOURCES, INCLUDING BUT NOT LIMITED TO THE NATIONAL CONFERENCE OF STATE LEGISLATURES, REPRESENTATIVES FROM STATE AND LOCAL GOVERNMENT, PROPERTY OWNERS, NONPROFIT ORGANIZATIONS, APPROPRIATE TRADE GROUPS AND REPRESENTATIVES OF OTHER CONDEMNOR INTERESTS WITH EMINENT DOMAIN EXPERTISE SUCH AS SPECIAL DISTRICTS, THE DEPARTMENT OF TRANSPORTATION, AND PIPELINE COMPANIES, TO PROVIDE TESTIMONY, WRITTEN COMMENTS, AND OTHER RELEVANT DATA TO THE TASK FORCE.

(6) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT COMPENSATION AND SHALL NOT BE ENTITLED TO REIMBURSEMENT FOR EXPENSES.

(7) THIS SECTION IS REPEALED, EFFECTIVE NOVEMBER 1, 2011.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."."

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

**HB11-1151** by Representative(s) Hamner; also Senator(s) Nicholson--Concerning cruelty to service animals.

Amendment No. 1, Local Government Committee Amendment.

(Printed in Senate Journal, March 10, page 424 and placed in members' bill files.)

Amendment No. 2(L.009), by Senator Nicholson.

Amend reengrossed bill, page 3, line 6, after "AGENCY" insert "OR INDIVIDUAL" and strike "AND".

Page 3, line 7, strike "EMPLOYING THE PEACE OFFICER".

Page 1, line 101, strike "ANIMALS IN LAW ENFORCEMENT." and substitute "ANIMALS.".

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

**HB11-1187** by Representative(s) Sonnenberg; also Senator(s) Brophy--Concerning personnel employed to operate the public golfing club at Northeastern junior college.

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

**HB11-1083** by Representative(s) Swerdfeger, Brown, Coram, Gardner B., Joshi, Liston, Looper, Massey, Ramirez, Sonnenberg, Soper, Szabo; also Senator(s) Giron and Grantham--Concerning the consideration of new hydroelectricity projects, and, in connection therewith, allowing the public utilities commission to consider hydroelectricity and pumped hydroelectricity for the generation of electricity.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.

(Printed in Senate Journal, March 10, page 425 and placed in members' bill files.)

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

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

| YES      | 33 | NO       | 0 | EXCUSED   | 2 | ABSENT      | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Kopp      | E | Scheffel    | Y |
| Bacon    | Y  | Harvey   | Y | Lambert   | Y | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Lundberg  | E | 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: SB11-124 as amended, HB11-1151 as amended, HB11-1187, HB11-1083 as amended.

Laid over until March 15: SB11-107.

Laid over until March 18: SB11-072.

Referred to Committee on Legislative Council: SB11-050.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

On motion of Senator Foster, the following Governor's appointments were confirmed by a roll call vote:

**MEMBERS OF THE STATE HOUSING BOARD**

for terms expiring January 31, 2015:

Eugene R. Lucero, Denver, Colorado, a Democrat and resident of the 1st Congressional District, reappointed;

James A. Coil, Grand Junction, Colorado, a Democrat and resident of the 3rd Congressional District, reappointed.

| YES      | 33 | NO       | 0 | EXCUSED   | 2 | ABSENT      | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Kopp      | E | Scheffel    | Y |
| Bacon    | Y  | Harvey   | Y | Lambert   | Y | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Lundberg  | E | 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 Foster, the following Governor's appointment was confirmed by a roll call vote:

**MEMBER OF THE ADVISORY COMMITTEE TO THE PROPERTY TAX ADMINISTRATOR**

for a term expiring September 1, 2014:

Christopher M. Woodruff of Greeley, Colorado, to serve as an assessor from a county of seventy-five thousand or more population according to the most recent federal census, reappointed.

| YES      | 33 | NO       | 0 | EXCUSED   | 2 | ABSENT      | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Kopp      | E | Scheffel    | Y |
| Bacon    | Y  | Harvey   | Y | Lambert   | Y | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Lundberg  | E | 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 Foster, the following Governor's appointment was confirmed by a roll call vote:

**MEMBER OF THE  
BOARD OF ASSESSMENT APPEALS**

for a term expiring July 1, 2011:

Gregg A. Near of Wheat Ridge, Colorado, appointed.

| YES      | 33 | NO       | 0 | EXCUSED   | 2 | ABSENT      | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar  | Y  | Guzman   | Y | Kopp      | E | Scheffel    | Y |
| Bacon    | Y  | Harvey   | Y | Lambert   | Y | Schwartz    | Y |
| Boyd     | Y  | Heath    | Y | Lundberg  | E | 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 |             |   |

**MESSAGE FROM THE GOVERNOR**

Appointment A letter of designation and appointment from Governor Bill Ritter, Jr., was read and assigned to committee as follows:

August 30, 2010

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 COMMISSION ON THE AGING**

for terms expiring July 1, 2014:

Frederick Calovich of Arvada, Colorado, to serve as a Democrat from Congressional District 7, reappointed;

Linda K. Sanden of Colorado Springs, Colorado, to serve as a Republican from Congressional District 5, reappointed;

Karl D. Aguilera of Pueblo, Colorado, to serve as an at-large member from Congressional District 3, reappointed; 1  
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Maureen Robinson of Littleton, Colorado, to serve as a Democrat from Congressional District 6, reappointed; 4  
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Russell H. DenBraber of Littleton, Colorado, to serve as a Republican from Congressional District 6, reappointed; 7  
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Vivian Stovall of Denver, Colorado, to serve as a Democrat from Congressional District 1, reappointed; 10  
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Karyn P. Leible, M.D. of Thornton, Colorado, to serve as a Democrat from Congressional District 2, reappointed. 13  
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Sincerely, 16  
(signed) 17  
Bill Ritter, Jr. 18  
Governor 19  
Rec'd: 9/7/10 20  
Karen Goldman, Secretary of the Senate 21  
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Committee on Health & Human Services 23  
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March 11, 2011 25  
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To the Honorable Senate 28  
Sixty-eighth General Assembly 29  
First Regular Session 30  
State Capitol 31  
Denver, CO 80203 32  
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Ladies and Gentlemen: 36  
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I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts: 38  
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**SB11-028** CONCERNING THE NUMBER OF JUDGES IN CERTAIN JUDICIAL DISTRICTS. 41  
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Approved March 11, 2011 at 12:23 p.m. 45  
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### SENATE SERVICES REPORT 50 51

**Correctly Engrossed:** SB11-045, 069, 088, 090, 091 and 170. 52  
**Correctly Reengrossed:** SB11-092 and 094. 53  
**Correctly Revised:** HB11-1016, 1069, 1118 and 1176. 54  
**Correctly Rerevised:** HB11-1053, 1089 and 1176. 55  
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### SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS 57 58 59 60

The President has signed: SB11-002, 029, 086, 093 and 103. 61  
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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 Monday, March 14 was laid over until Tuesday, March 15, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-009, HJR11-1008, SJR11-015, SJR11-023, SJR11-024.

Consideration of Memorials: SM11-001.

Consideration of House Amendments to Senate Bills: SCR11-001.



On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, March 15, 2011.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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