

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

51st Legislative Day Thursday, March 3, 2011

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Prayer	By the chaplain, Reverend Paul Kottke, University Park United Methodist Church, Denver.	11
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Call to Order	By the President at 9:00 a.m.	14
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Pledge	By Senator Roberts	17
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Roll Call	Present--33	19
	Absent--1, Hudak.	20
	Excused--1, Kopp.	21
	Present later--1, Hudak.	22
		23
Quorum	The President announced a quorum present.	24
		25
Reading of Journal	On motion of Senator Guzman, reading of the Journal of Wednesday, March 2, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.	26
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REPORT OF CONFERENCE COMMITTEE

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
 ON SB11-136**

 THIS REPORT ADOPTS THE
 REREVISED BILL

To the President of the Senate and the
 Speaker of the House of Representatives:

Your first conference committee appointed on SB11-136,
 concerning a supplemental appropriation to the department of corrections,
 has met and reports that it has agreed upon the following:

That the Senate accede to the House amendment made to the bill
 and that the rerevised bill be adopted without change.

Respectfully submitted,

Senate Committee:
 (signed)
 Mary Hodge, Chairman
 Pat Steadman
 Kent D. Lambert

House Committee:
 (signed)
 Cheri Gerou, Chairman
 Jon Becker
 Mark Ferrandino

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FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-137

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB11-137,
concerning a supplemental appropriation to the department of education,
has met and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the bill,
as said amendments appear in the rerevised bill, with the following
changes:

Page 11, line 7, in the GENERAL FUND column strike "3,215,467,092"
and substitute "3,216,221,842" and in the CASH FUNDS column strike
"386,382,273" and substitute "385,627,523".

Page 12, line 1, strike "\$284,556,397" and substitute "\$283,801,647".

Page 20, line 3, in the ITEM & SUBTOTAL column strike "~~4,998,500~~"
and substitute "4,998,500" and in the CASH FUNDS column strike
"~~4,998,500~~" and substitute "4,998,500".

Page 20, strike line 4.

Page 21, line 2, strike "462,659,884" and substitute "463,414,634".

Page 22, line 14, strike "4,637,028,435" and substitute "4,637,783,185".

Page 28, line 5, in the TOTAL column strike "\$4,707,626,341" and
substitute "\$4,708,381,091" and in the GENERAL FUND column strike
"\$3,381,112,099" and substitute "\$3,381,866,849".

Respectfully submitted,

Senate Committee:
(signed)
Mary Hodge, Chairman
Pat Steadman
Kent D. Lambert

House Committee:
(signed)
Cheri Gerou, Chairman
Jon Becker
Mark Ferrandino

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-141

THIS REPORT ADOPTS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB11-141,
concerning a supplemental appropriation to the department of human
services, has met and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the bill
and that the rerevised bill be adopted without change.

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Respectfully submitted,

Senate Committee:
(signed)
Mary Hodge, Chairman
Pat Steadman
Kent D. Lambert

House Committee:
(signed)
Cheri Gerou, Chairman
Jon Becker
Mark Ferrandino

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-142

THIS REPORT ADOPTS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB11-142,
concerning a supplemental appropriation to the judicial department, has
met and reports that it has agreed upon the following:

That the Senate accede to the House amendment made to the bill
and that the rerevised bill be adopted without change.

Respectfully submitted,

Senate Committee:
(signed)
Mary Hodge, Chairman
Pat Steadman
Kent D. Lambert

House Committee:
(signed)
Cheri Gerou, Chairman
Jon Becker
Mark Ferrandino

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-144

THIS REPORT ADOPTS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB11-144,
concerning a supplemental appropriation to the department of law, has
met and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the bill
and that the rerevised bill be adopted without change.

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Respectfully submitted,

Senate Committee:
(signed)
Mary Hodge, Chairman
Kent D. Lambert

House Committee:
(signed)
Cheri Gerou, Chairman
Jon Becker
Mark Ferrandino

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-159

THIS REPORT AMENDS THE
REENGROSSED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB11-159, concerning the distribution of fifty percent of the balance remaining in the limited gaming fund that is allocated to the state general fund or such other fund as the general assembly provides as specified in section 9 (5) (b) (II) of article XVIII of the state constitution, and making an appropriation in connection therewith, has met and reports that it has agreed upon the following:

1. That the House recede from its amendment made to the bill, as the amendment appears in the rerevised bill, and that the following amendments be substituted therefor:

Amended reengrossed bill, page 6, strike lines 1 through 7 and substitute:

"(III) ANY AMOUNT OF THE STATE SHARE THAT IS GREATER THAN FORTY-EIGHT MILLION FIVE HUNDRED THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE STATE GENERAL FUND."

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend reengrossed bill, page 5, line 7, strike "FIFTY-ONE" and substitute "FIFTY".

Page 5, line 9, strike "NINETEEN" and substitute "EIGHTEEN".

Page 5, line 13, strike "THIRTEEN" and substitute "FIFTEEN".

Page 12, strike line 10 and substitute "million one hundred fifty thousand dollars (\$14,150,000) cash".

Page 13, strike lines 12 and 13 and substitute "discovery evaluation, is decreased by two hundred twenty-six thousand dollars (\$226,000)".

Page 13, strike lines 18 and 19 and substitute "impact grants, is decreased by one million nine hundred five thousand dollars (\$1,905,000)".

Respectfully submitted,

Senate Committee:
(signed)
Pat Steadman, Chairman
Mary Hodge
Kent D. Lambert

House Committee:
(signed)
Cheri Gerou, Chairman
Jon Becker
Mark Ferrandino

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FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB11-164

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB11-164,
concerning the augmentation of the general fund through transfers of
certain moneys, has met and reports that it has agreed upon the following:

1. That the Senate accede to the House amendments made to the
bill, as the amendments appear in the rerevised bill.

2. That, under the authority granted the committee to consider
matters not at issue between the two houses, the following amendments
be recommended:

Amend rerevised bill, page 5, line 6, after the period add "THE TRANSFER
REQUIRED BY THIS SUBSECTION (4) SHALL BE FROM MONEYS DEPOSITED IN
THE COLORADO DOMESTIC ABUSE PROGRAM FUND THAT WERE GENERATED
FROM FEES COLLECTED PURSUANT TO SECTIONS 13-32-101 (1) (a) AND (1)
(b) AND 14-2-106 (1) (a), C.R.S., AND SUCH TRANSFER SHALL NOT
INCLUDE ANY MONEYS THAT WERE VOLUNTARY CONTRIBUTIONS RECEIVED
PURSUANT TO SECTION 39-22-801."

Respectfully submitted,

Senate Committee:
(signed)
Mary Hodge, Chairman
Pat Steadman
Kent D. Lambert

House Committee:
(signed)
Cheri Gerou, Chairman
Jon Becker
Mark Ferrandino

MESSAGE FROM THE HOUSE

March 2, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB11-1059, amended as printed in House Journal, February 28, page 496.
HB11-1169, amended as printed in House Journal, March 1, page 509.
HB11-1236, amended as printed in House Journal, March 1, pages 509-510.
HB11-1193, amended as printed in House Journal, March 1, page 510.
HB11-1120, amended as printed in House Journal, March 1, page 510.
HB11-1205, amended as printed in House Journal, March 1, page 510.

The House has adopted and returns herewith SJR11-021.

March 2, 2011

Mr. President:

The House has voted to concur in the Senate amendments to HB11-1077 and
HB11-1035 and has repassed the bills as so amended.

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MESSAGE FROM THE REVISOR OF STATUTES

March 2, 2011

To: Senate

Message From Revisor of Statutes

We herewith transmit:

Without comment, as amended, HB11-1059, 1120, 1169, 1193, 1205, and 1236.

MESSAGE FROM THE GOVERNOR

Appointment Letters of designation and appointment from Governor Ritter were read and assigned to committees as follows:

January 7, 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, appoint, reappoint, and submit to your consideration, the following:

MEMBERS OF THE
STATE BOARD FOR COMMUNITY COLLEGES
AND OCCUPATIONAL EDUCATION

for terms expiring December 31, 2014:

Anthony L. Leffert from Denver, Colorado, to serve as a Democrat from the First Congressional District, appointed;

John U. Trefny from Golden, Colorado, to serve as an Unaffiliated from the Seventh Congressional District, reappointed;

James M. Johnson from Colorado Springs, Colorado, to serve as a Republican from the Fifth Congressional District, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 1/10/11
Cindi Markwell, Secretary of the Senate
Committee on Education

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August 16, 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, appoint, and submit to your consideration the following:

MEMBER OF THE
COLORADO COMMISSION ON THE AGING

for a term expiring when no longer a legislator:

Senator Lucia Guzman of Denver, Colorado, to serve as a representative of the Colorado State Senate, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 8/25/10
Cindi Markwell, Asst. Secretary

Committee on Health & Human Services

September 9, 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, appoint, and submit to your consideration the following:

MEMBERS OF THE
COLORADO COMMISSION ON THE AGING

for a term expiring July 1, 2012:

Ruth E. Long of Fort Collins, Colorado, to fill the vacancy occasioned by the resignation of Mark N. Shelton of Fort Collins, Colorado, and to serve as a representative from the Fourth Congressional District and as a Democrat, appointed;

for a term expiring July 2, 2014:

Leanne Jo Abdnor of Boulder, Colorado, to serve as a representative from the Second Congressional District and as a Republican, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 9/24/10
Cindi Markwell, Asst. Secretary

Committee on Health & Human Services

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May 13, 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, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO COMMISSION FOR THE
DEAF AND HARD OF HEARING

for terms expiring July 1, 2014:

Marie N. Runge of Greeley, Colorado, to serve as a member who is deaf, appointed;

Kirk B. Neuroth of Denver, Colorado, to serve as a member who is an interpreter for the deaf and hard of hearing, appointed;

Deborah G. Mohny of Boulder, Colorado, to serve as a member who is hard of hearing, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 5/19/10
Karen Goldman, Secretary of the Senate

Committee on Health & Human Services

August 2, 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, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
BOARD OF TRUSTEES FOR THE COLORADO
SCHOOL FOR THE DEAF AND THE BLIND

for terms expiring July 1, 2014:

Carolena Guiral Steen of Colorado Springs, Colorado, a Democrat, reappointed;

Chris A. Madison of Grand Junction, Colorado, a Republican, appointed;

Kay A. Ferrell of Greeley, Colorado, a Democrat, appointed.

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Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 8/6/10
Cindi Markwell, Asst. Secretary

Committee on Education

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-028, HB11-1011, 1018, 1021, 1028, 1041, 1051, 1087, 1110, 1113.

SENATE SERVICES REPORT

Correctly Printed: SB11-178, 179, 180, 181, 182, 183 and 184; SR11-004.
Correctly Engrossed: SJR11-021.
Correctly Enrolled: SJR11-021.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committees indicated:

SB11-185 by Senator(s) Johnston; --Concerning a clause in state contracts that requires a vendor to notify the state if the vendor outsources duties performed pursuant to the contract to a locale outside the United States.
Local Government

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs The Committee on State, Veterans, and Military Affairs has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
FIRE AND POLICE PENSION ASSOCIATION
BOARD OF DIRECTORS

for terms expiring September 1, 2014:

Jack E. Blumenthal of Denver, Colorado, a person from the state's financial or business community experienced in personnel or corporate administration, reappointed;

Monica Cortez-Sangster of Aurora, Colorado, who has experience in insurance disability claims, reappointed;

Susan R. Eaton of Denver, Colorado, a representative of Colorado municipal employers, reappointed.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB11-1202** be referred to the Committee of the Whole with favorable recommendation.

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Education After consideration on the merits, the Committee recommends that **HB11-1074** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 14, strike "FELLOWSHIPS" and substitute "STUDENT SUPPORT".

Page 3, after line 17, insert:

"SECTION 2. 23-1-104 (2), Colorado Revised Statutes, is amended to read:

23-1-104. Financing the system of postsecondary education - report - repeal. (2) Notwithstanding any provision of this section to the contrary, beginning in the 2011-12 fiscal year and for each fiscal year thereafter through the 2020-21 fiscal year, the general assembly shall appropriate moneys to the governing board of the Colorado school of mines in accordance with section 23-41-104.7, THROUGH FEE-FOR-SERVICE CONTRACTS, AS AUTHORIZED IN SECTIONS 23-1-109.7 AND 23-5-130, and as stipends, as defined in section 23-18-102, as a single line item to said governing board. ~~The amount appropriated pursuant to section 23-41-104.7 shall be in lieu of any amount authorized through fee-for-service contracts negotiated pursuant to section 23-1-109.7 and 23-5-130.~~"

Renumber succeeding section accordingly.

Education After consideration on the merits, the Committee recommends that **HB11-1069** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, strike lines 17 and 18.

Judiciary After consideration on the merits, the Committee recommends that **HB11-1085** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB11-1117** 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 **SB11-175** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Health & Human Services After consideration on the merits, the Committee recommends that **HB11-1030** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Health & Human Services After consideration on the merits, the Committee recommends that **HB11-1148** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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 Thursday, March 3 was laid over until Friday, March 4, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1040, HB11-1017, SB11-165, SB11-037, SB11-108, SB11-089, HB11-1060, HB11-1019, HB11-1102.

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General Orders -- Second Reading of Bills: SB11-055, SB11-015, SB11-050,
SB11-107, HB11-1031, SB11-060, SB11-102, SB11-057, SB11-003, SB11-090,
SB11-126, HB11-1105, SB11-170, SB11-168.
Consideration of Resolutions: SJR11-005, SJR11-009, HJR11-1008.
Consideration of House Amendments to Senate Bills: SCR11-001.

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, March 4, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate