

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

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71st Legislative Day

Wednesday, March 23, 2011

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Prayer	By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator Jahn.	15
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Roll Call	Present--34	17
	Excused--1, Mitchell.	18
	Present later--1, Mitchell.	19
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Quorum	The President announced a quorum present.	21
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Reading of Journal	On motion of Senator Roberts, reading of the Journal of Tuesday, March 22, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.	23
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**MESSAGE FROM THE HOUSE**

March 22, 2011

Mr. President:

The House has postponed indefinitely SB11-009. The bill is returned herewith.

House has passed on Third Reading and transmitted to the Revisor of Statutes  
HB11-1145, amended as printed in House Journal, March 18, page 707.  
HB11-1199, amended as printed in House Journal, March 21, pages 707-708.  
HB11-1201, amended as printed in House Journal, March 21, page 708.  
HB11-1241, amended as printed in House Journal, March 21, page 708.  
HB11-1140, amended as printed in House Journal, March 21, page 708.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;  
SB11-025, amended as printed in House Journal, March 21, page 707.

The House has voted not to concur in the Senate amendments to HB11-1069 and requests that a conference committee be appointed. The Speaker has appointed Representatives Massey, chairman, Fields, and Ramirez as House conferees on the First Conference Committee on HB11-1069. The bill is transmitted herewith.

The House has voted to concur in the Senate amendments to HB11-1210 and has repassed the bill as so amended.

The House has voted to adhere to its position on SB11-007. The bill is returned herewith.

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MESSAGE FROM THE REVISOR OF STATUTES

March 22, 2011

We herewith transmit:

Without comment, as amended, HB11-1140, 1145, 1199, 1201, and 1241.  
Without comment, as amended, SB11-025.

INTRODUCTION OF BILLS -- FIRST READING

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

**HB11-1076** by Representative(s) Riesberg; also Senator(s) Roberts--Concerning time payment fees in judicial matters.  
Judiciary

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

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

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

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

YES	24	NO	10	EXCUSED	1	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	N	Mitchell	E	Steadman	N
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	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.

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

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

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

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

Co-sponsor added: Steadman

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

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, Boyd, Giron, Guzman, Heath, Hodge, Newell, Nicholson, Tochtrop and White.

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

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.

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

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: Grantham, Harvey, King S., Lambert, Lundberg, Roberts and White.

**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:

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

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	Y
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	N		

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

Co-sponsors added: Guzman, Spence and Williams S.

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

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

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

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

Co-sponsor added: Steadman

Committee of the Whole

On motion of Senator Carroll, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Carroll 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 bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the following bills were laid over until Thursday, March 24, retaining their place on the calendar: SB11-107, HB11-1181, SB11-180, HB11-1169, HB11-1013, SB11-052, HB11-1155, HB11-1097, SB11-070, SB11-128, SB11-169.

**SB11-172**

by Senator(s) Steadman, Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, Morse, Newell, Nicholson, Shaffer B., Tochtrop, Williams S., Schwartz; also Representative(s) Ferrandino, Court, Duran, Fischer, Gardner D., Hamner, Hullinghorst, Jones, Kagan, Kefalas, Kerr A., Labuda, Lee, Levy, McCann, Miklosi, Pabon, Peniston, Ryden, Schafer S., Tyler, Williams A., Wilson, Casso, Fields, Todd, Vigil--Concerning authorization of civil unions.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 8, pages 405-406 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, March 18, pages 513-515 and placed in members' bill files.)

Amendment No. 3(L.012), by Senator Steadman.

Amend the Appropriations Committee Report, dated March 18, 2011, page 1, line 14, strike "**Appropriation.**" and substitute "**Appropriation - legislative intent.**".

Page 2, after line 40 insert:

"(4) It is the intent of the general assembly that the general fund appropriations in subsections (2) and (3) of this section for the implementation of this act shall be derived from savings generated from the implementation of the provisions of House Bill 11-1033, as enacted during the first regular session of the sixty-eighth general assembly."

Renumber succeeding subsection accordingly.

Page 3, line 14, strike "2011." and substitute "2011.

(3) Notwithstanding the provisions of subsection (1) of this section, this act shall only take effect if:

(a) The final fiscal estimate for House Bill 11-1033, as reflected in the appropriations clause for said act, shows a net general fund savings that is equal to or greater than the final general fund fiscal estimate for this act, as reflected in section 28 of this act; and

(b) House Bill 11-1033 is enacted at the first regular session of the sixty-eighth general assembly and becomes law; and

(c) The staff director of the joint budget committee files written notice with the revisor of statutes no later than July 15, 2011, that the requirement set forth in paragraph (a) of this subsection (3) has been met.".

Amendment No. 4(L.014), by Senator King K.

Amend printed bill, page 12, line 5, strike "UNION." and substitute "UNION, REGARDLESS OF WHERE THE CIVIL UNION WAS ENTERED INTO."

Page 26, line 10, after "**jurisdiction.**" insert "(1)".

Page 26, after line 18 insert:

"(2) THE COURT SHALL FOLLOW THE LAWS OF COLORADO IN A MATTER FILED IN COLORADO THAT IS SEEKING A DISSOLUTION, LEGAL SEPARATION, OR INVALIDITY OF A CIVIL UNION THAT WAS ENTERED INTO IN ANOTHER STATE."

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

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

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	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		

The Committee of the Whole took the following action:

Passed on second reading: SB11-172 as amended.

Laid over until Thursday, March 24: SB11-107, HB11-1181, SB11-180, HB11-1169, HB11-1013, SB11-052, HB11-1155, HB11-1097, SB11-070, SB11-128, SB11-169.

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**MESSAGE FROM THE HOUSE**

March 23, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1237, amended as printed in House Journal, March 22, page 721.  
HB11-1261, amended as printed in House Journal, March 22, page 721.  
HB11-1254, amended as printed in House Journal, March 22, page 722.

The House has postponed indefinitely SB11-015, 049. The bills are returned herewith.

The House has passed on Third Reading and returns herewith SB11-008.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-120, amended as printed in House Journal, March 22, pages 719-721.

The House has voted to concur in the Senate amendments to HB11-1178, 1183, and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB11-1189 and requests that a conference committee be appointed. The Speaker has appointed Representatives Waller, chairman, Nikkel, and Fields as House conferees on the First Conference Committee on HB11-1189. The bill is transmitted herewith.

MESSAGE FROM THE REVISOR OF STATUTES

March 23, 2011

We herewith transmit:

Without comment, as amended, HB11-1237, 1254, and 1261.  
Without comment, as amended, SB11-120.

MESSAGE FROM THE GOVERNOR

March 22, 2011

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

Ladies and Gentlemen:

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

**SB11-086** CONCERNING PERIODS GOVERNING THE APPEAL BY TAXPAYERS IN TAX DISPUTES WITH LOCAL GOVERNMENTS IN CONNECTION WITH THE IMPOSITION OF SALES OR USE TAX BY SUCH GOVERNMENTS

Approved March 22th, 2011 at 10:31 a.m.

**SB11-029** CONCERNING CERTAIN ANNUAL REPORTS OF THE STATE BOARD OF LAND COMMISSIONERS

Approved March 22th, 2011 at 10:29 a.m.

Sincerely,  
(signed)  
John W. Hickenlooper  
Governor

SENATE SERVICES REPORT

- Correctly Printed:** SB11-201.
- Correctly Engrossed:** SB11-198; SM11-001.
- Correctly Reengrossed:** SB11-178 and 188.
- Correctly Revised:** HB11-1033, 1101, 1111, 1159 and 1236.
- Correctly Rerevised:** HB11-1180, 1183, 1186, 1189, 1193, 1203 and 1262.
- Correctly Enrolled:** SJR11-028; SM11-001.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR11-025, 027 and 028; SM11-001.

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**DELIVERY TO THE GOVERNOR**

To the Governor for signature on Tuesday, March 22, 2011, at 11:30 a.m.:  
SB11-012, 021, 040 and 096.

**COMMITTEE OF REFERENCE REPORTS**

Business,  
Labor, &  
Technology

After consideration on the merits, the Committee recommends that **HB11-1209** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 19 through 27 and substitute:

"(II) ON OR BEFORE JANUARY 15, 2012, AND ON OR BEFORE EACH JANUARY 15 THEREAFTER, THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT SHALL SUBMIT A REPORT TO THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE AND THE ECONOMIC AND BUSINESS DEVELOPMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR SUCH SUCCESSOR COMMITTEES, WHICH REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE NUMBER OF SMALL BUSINESSES BEING SERVED BY THE SMALL BUSINESS NAVIGATOR."

Page 4, strike lines 1 through 11.

Renumber succeeding section accordingly.

Trans-  
portation

After consideration on the merits, the Committee recommends that **SB11-197** be referred to the Committee on Appropriations with favorable recommendation.

Trans-  
portation

The Committee on Transportation has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBERS OF THE  
COLORADO AERONAUTICAL BOARD**

for terms expiring December 19, 2013:

Debra K. Wilcox of Centennial, Colorado, to serve as a member familiar with and supportive of the state's aviation issues, interests, and concerns, reappointed;

Dale E. Hancock of Glenwood Springs, Colorado, to serve as a representative of local government in the western slope which operates airports, reappointed.

Trans-  
portation

After consideration on the merits, the Committee recommends that **HB11-1192** be referred to the Committee of the Whole with favorable recommendation.

State,  
Veterans, &  
Military  
Affairs

After consideration on the merits, the Committee recommends that **HB11-1205** be postponed indefinitely.

Local  
Government

After consideration on the merits, the Committee recommends that **HB11-1042** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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Amend reengrossed bill, page 3, line 23, after "IMPROVEMENT," insert "OR".

Local Government After consideration on the merits, the Committee recommends that **HB11-1059** be postponed indefinitely.

Local Government After consideration on the merits, the Committee recommends that **HB11-1124** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local Government After consideration on the merits, the Committee recommends that **HB11-1174** 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 **HB11-1128** be postponed indefinitely.

Judiciary After consideration on the merits, the Committee recommends that **HB11-1221** be referred to the Committee of the Whole with favorable recommendation.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, March 23 was laid over until Thursday, March 24, retaining its place on the calendar.

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

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

Consideration of Governor's Appointments:

Members of the Board of Trustees for Mesa State College

Requests for Conference Committee: SB11-007, HB11-1069.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, March 24, 2011.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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