

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

56th Legislative Day Tuesday, March 8, 2011

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Prayer	By the chaplain, Archbishop Charles J. Chaput, Archdiocese of 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 Nicholson.	15
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Roll Call	Present--32	17
	Excused--3, Cadman, Carroll, Schwartz.	18
	Present later--3, Cadman, Carroll, Schwartz.	19
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator White, reading of the Journal of Monday, March 7, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.	24
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MESSAGE FROM THE GOVERNOR

Appointment A letter of designation and appointment from Governor John W. Hickenlooper was read and assigned to committee as follows:

March 3, 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 WATER CONSERVATION BOARD**

for a term expiring February 12, 2013

Russ George of Grand Junction, Colorado to serve as a representative from the main Colorado drainage basin to fill the vacancy occasioned by the resignation of John D. Redifer of Grand Junction, Colorado, and as a Republican, appointed;

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for terms expiring February 12, 2014:

April D. Montgomery of Norwood, Colorado, a resident of the San Miguel-Dolores-San Juan drainage basin and a Democrat, reappointed;

Travis L. Smith of Del Norte, Colorado to serve as a representative from the Rio Grande drainage basin and as a Republican, reappointed;

Alan C. Hamel of Pueblo, Colorado to serve as a representative from the Arkansas drainage basin and as a Republican, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 3/7/11
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, & Energy

SENATE SERVICES REPORT

- Correctly Printed: SB11-186.
- Correctly Engrossed: SB11-175.
- Correctly Reengrossed: SB11-003, 015, 037, 057, 089, 102 and 108.
- Correctly Revised: HB11-1030, 1074, 1085, 1117, 1148 and 1202.
- Correctly Rerevised: HB11-1017, 1019, 1027, 1031, 1036, 1040, 1060, 1073, 1102 and 1177.
- Correctly Enrolled: SB11-136, 137, 141, 142, 144 and 164.

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:

HB11-1030 by Representative(s) Gardner B.; also Senator(s) Boyd--Concerning modifications to the set aside program that requires a state agency to first solicit bids for certain services from nonprofit agencies that employ persons with severe disabilities.

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

YES	27	NO	8	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	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.	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, Carroll, Foster, Heath, Morse, Newell, Spence and Williams S.

SB11-165 by Senator(s) Guzman; also Representative(s) Kerr A.--Concerning the "Colorado Uniform Estate Tax Apportionment Act".

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: Brophy.

HB11-1117 by Representative(s) McCann and Court, Gardner B., Kagan, Kerr A., Lee, Liston, Looper, Ryden, Waller; also Senator(s) King S.--Concerning subpoenas issued by administrative law judges in campaign finance proceedings.

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: Carroll, Guzman, Jahn, Steadman and Tochtrop.

SB11-175 by Senator(s) Carroll; also Representative(s) Levy--Concerning enactment of the insurable interest amendments to the uniform trust code.

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: Guzman.

HB11-1148 by Representative(s) Labuda and Nikkel, Summers, Acree, Kagan; also Senator(s) Boyd-- Concerning the disclosure of employment information to an employer regarding a health care worker, and, in connection therewith, granting immunity from civil liability for the disclosure of information and creating an exception from the prohibition against blacklisting for the disclosure of information.

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: Guzman, Newell 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:

HB11-1202 by Representative(s) Labuda, Casso, Soper; also Senator(s) Tochtrop--Concerning a requirement that a public entity have appropriations available to it prior to the performance of any work conducted by a contractor pursuant to a change order.

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**.

HB11-1074 by Representative(s) Gerou, Tyler, Becker, Kerr J., Schafer S., Summers; also Senator(s) Jahn, Heath, Hodge, Hudak, Spence--Concerning Colorado school of mines funding of financial aid.

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, Guzman, King S., Kopp, Newell and Williams S.

HB11-1085 by Representative(s) Schafer S.; also Senator(s) Jahn--Concerning referral of offenders to community corrections.

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, King S., Morse, Newell, Schwartz, Tochtrop and Williams S.

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 Governor's appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

MEMBERS OF THE
BOARD OF TRUSTEES FOR
WESTERN STATE COLLEGE OF COLORADO

for terms expiring December 31, 2014:

Linda A. Clark of Denver, Colorado, a Democrat, appointed;

Todd M. Wheeler of Castle Rock, Colorado, a Republican, appointed.

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		

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB11-1003** be postponed indefinitely.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB11-1004** be referred to the Committee on Finance with favorable recommendation.

Business, Labor, & Technology

The Committee on Business Labor and Technology has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE EXAMINING BOARD OF PLUMBERS

for a term expiring July 1, 2014:

Donald P. Crandell of Denver, Colorado, a person engaged in the construction of residential or commercial buildings as a plumbing contractor, reappointed.

Business, Labor, & Technology

The Committee on Business Labor and Technology has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE COLORADO BANKING BOARD

for a term expiring July 1, 2013:

Scott G. Pearson of Highlands Ranch, Colorado, an executive officer of a trust company, to fill the vacancy occasioned by the resignation of D. Terry Reitan of Golden, Colorado, appointed.

Business, Labor, & Technology

The Committee on Business Labor and Technology has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

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MEMBER OF THE
BOARD OF REAL ESTATE APPRAISERS

for a term expiring July 1, 2011:

Deborah K. Delaney of Fort Collins, Colorado, an officer or employee of a commercial bank experienced in real estate lending, to fill the vacancy occasioned by the resignation of Leslie Mitchell of Denver, Colorado, appointed.

Business,
Labor, &
Technology

The Committee on Business Labor and Technology has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
STATEWIDE INTERNET PORTAL AUTHORITY

for a term expiring June 1, 2011:

Louis J. Lago of Centennial, Colorado, an individual from the private sector who exhibits a background in information management and technology and who is a user of electronic information, products, and services or information technology services that are offered through the private sector, to fill the vacancy occasioned by the resignation of Kent W. Glassman of Denver, Colorado, appointed.

Business,
Labor, &
Technology

The Committee on Business Labor and Technology has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
COLORADO CIVIL RIGHTS COMMISSION

for a term expiring March 13, 2011:

A. Susie Velasquez of Greeley, Colorado, to fill the vacancy occasioned by the resignation of Anthony R. Aragon of Denver, Colorado, and to serve as a representative for local (or state) government entities, appointed.

Business,
Labor, &
Technology

The Committee on Business Labor and Technology has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
SECURITIES BOARD

for a term expiring July 1, 2013:

Scott R. Saltzman of Denver, Colorado, a certified public accountant, appointed.

Judiciary

After consideration on the merits, the Committee recommends that **SB11-172** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 11, line 6, strike "HEALTH CARE".

Page 11, line 7, strike "COVERAGE," and substitute "INSURANCE COVERAGE PROVIDED BY A HEALTH COVERAGE PLAN,".

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Page 17, strike lines 25 and 26 and substitute "TO A CIVIL UNION OR".

Page 21, after line 12 insert:

"SECTION 7. 10-16-102 (14), Colorado Revised Statutes, is amended to read:

10-16-102. Definitions. As used in this article, unless the context otherwise requires:

(14) "Dependent" means a spouse, A PARTNER IN A CIVIL UNION, an unmarried child under nineteen years of age, an unmarried child who is a full-time student under twenty-four years of age and who is financially dependent upon the parent, and an unmarried child of any age who is medically certified as disabled and dependent upon the parent. "Dependent" shall include a designated beneficiary, as defined in section 15-22-103 (1), C.R.S., if an employer elects to cover a designated beneficiary as a dependent."

Renumber succeeding sections accordingly.

Page 33, after line 15 insert:

"SECTION 25. 24-50-603 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-50-603. Definitions. As used in this part 6, unless the context otherwise requires:

(5) "Dependent" means:

(c.5) AN EMPLOYEE'S PARTNER IN A CIVIL UNION, WHO HAS SUBMITTED DOCUMENTATION DEMONSTRATING THE CREATION OF A CIVIL UNION WITH AN EMPLOYEE;"

Renumber succeeding sections accordingly.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, March 8 was laid over until Wednesday, March 9, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1053, HB11-1089, SB11-092, SB11-094.

General Orders -- Second Reading of Bills: SB11-107, SB11-170, HB11-1069, HB11-1016, SB11-124, SB11-091, SB11-088, SB11-072, SB11-045, SB11-069.

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

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

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

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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