

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

---

41st Legislative Day Monday, February 21, 2011

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Prayer	By Senator Foster.	1
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Call to Order	By the President at 10:00 a.m.	3
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Pledge	By Senator Giron.	5
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Roll Call	Present--34	7
	Excused--1, Hodge.	8
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Quorum	The President announced a quorum present.	10
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Reading of Journal	On motion of Senator King S., reading of the Journal of Friday, February 18, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.	12
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**MESSAGE FROM THE GOVERNOR**

Appointment	A letter of designation and appointment from Governor John Hickenlooper was read and assigned to committee as follows:	31
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January 10, 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 and submit to your consideration, the following:

**MEMBER OF THE  
PINNACOL ASSURANCE BOARD OF DIRECTORS**

for a term expiring January 1, 2016:

Blair E. Richardson of Denver, Colorado, to serve as an employee of an employer whose liability is insured by Pinnacol, appointed.

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

Committee on Business, Labor, & Technology

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, reappoint and submit to your consideration, the following:

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.

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

Committee on State, Veterans, & Military Affairs

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**SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS**

The President has signed: HB11-1001, 1009, 1015, 1023, 1006, 1022, 1037.

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**SENATE SERVICES REPORT**

**Correctly Engrossed:** SB11-007, 008, 010, 012, 016, 034, 039, 043 and 110; SCR11-001.  
**Correctly Reengrossed:** SB11-096.  
**Correctly Rerevised:** HB11-1050.

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Call of the Senate.                      Call raised.

\_\_\_\_\_  
**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:

**SCR11-001** by Senator(s) Shaffer B. and Spence, Kopp, Brophy, Heath, Jahn, King S., Morse, Roberts, Schwartz, Steadman, Tochtrop, White; also Representative(s) Murray and Court, McNulty, Acree, Barker, Baumgardner, Becker, Brown, Casso, Conti, Coram, Duran, Ferrandino, Fields, Fischer, Gardner D., Hamner, Hullinghorst, Kagan, Kefalas, Kerr A., Labuda, Lee, Levy, Liston, Massey, McCann, McKinley, Miklosi, Pace, Peniston, Priola, Riesberg,

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Ryden, Schafer S., Scott, Solano, Sonnenberg, Soper, Summers, Swerdfeger, Todd, Tyler, Vigil, Williams A., Wilson--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution concerning ballot measures, and, in connection therewith, increasing the number of votes needed to pass a constitutional amendment from a majority to at least sixty percent of the votes cast; allowing a constitutional amendment passed prior to 2013 to be repealed by a majority of the votes cast; adding a requirement that a minimum number of petition signatures for a citizen-initiated constitutional amendment be gathered from voters who reside in each Colorado congressional district; and increasing the requirement from a majority to a two-thirds vote of the state legislature to change, repeal, or supersede a citizen-initiated law for three years after it becomes effective.

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

YES	25	NO	9	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	E	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		

A constitutional two-thirds of all members elected to the Senate having voted in the affirmative, the concurrent resolution was **passed**.

Co-sponsors added: Bacon, Boyd, Foster, Hudak, Johnston, Newell, Nicholson and Williams S.

**SB11-010** by Senator(s) Tochtrop; also Representative(s) Priola--Concerning the trade readjustment allowance program.

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	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	E	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.	N	Roberts	Y		

Co-sponsors added: Newell

**SB11-039** by Senator(s) Tochtrop; also Representative(s) Massey--Concerning the consequences of default in payments due for storage of personal property in a self-storage facility.

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	E	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: Williams S.

**SB11-012**

by Senator(s) Brophy; also Representative(s) Massey--Concerning a public school student's authority to possess prescription medications at school.

A majority of those elected to the Senate having voted in the affirmative, Senator Brophy was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.015), by Senator Brophy.

Amend the engrossed bill, page 3, line 14, strike "PHYSICIAN" and substitute "LICENSED HEALTH CARE PRACTITIONER".

Page 3, line 17, strike "PHYSICIAN, DENTIST, OR ADVANCED" and substitute "LICENSED HEALTH CARE PRACTITIONER".

Page 3, line 18, strike "PRACTICE NURSE".

Page 4, strike line 1 and substitute "'LICENSED HEALTH CARE PRACTITIONER TO BE USED BY THE".

The amendment was passed on the following roll call vote:

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

YES	32	NO	2	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	E	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	N	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, Spence and White.

**SB11-034** by Senator(s) Nicholson; also Representative(s) Summers--Concerning requiring an educator who provides services through the women, infants, and children program to report child abuse or neglect.

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

YES	25	NO	9	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	E	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	Y	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: Aguilar, Bacon, Boyd, Giron, Guzman, Heath, Hudak, Jahn, Johnston, Morse, Newell, Schwartz, Shaffer B., Steadman, Tochtrop and Williams S.

**SB11-043** by Senator(s) Steadman; also Representative(s) Massey--Concerning a requirement that pharmaceutical manufacturers develop plans for the safe disposal of sharps intended for home use.

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

YES	22	NO	12	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	N	Hodge	E	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.	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, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hudak, Nicholson and Shaffer B.

**SB11-007** by Senator(s) Grantham; also Representative(s) Becker--Concerning the responsibility for the prosecution of a person who is charged with failure to register as a sex offender.

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

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

Co-sponsors added: Aguilar and Brophy.

**SB11-016** by Senator(s) Grantham; --Concerning increases in the amounts allocated to certain family members during the administration of a decedent's estate.

Laid over until Tuesday, February 22, retaining its place on the calendar.

**SB11-110** by Senator(s) Nicholson; also Representative(s) Coram--Concerning a requirement that certain boards of county commissioners develop an open burning permit system for the purpose of safely disposing of slash.

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

YES	21	NO	13	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	E	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.	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: Foster, Guzman and Schwartz.

**SB11-008** by Senator(s) Boyd; also Representative(s) Gerou--Concerning aligning medicaid eligibility for children.

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

YES	23	NO	11	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	E	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.	N	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Carroll, Foster, Guzman, Heath, Hudak, Newell, Schwartz, Shaffer B., Steadman, 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 House amendments to Senate bills.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**SB11-159** by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Ferrandino, Becker, Gerou--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.

Senator Steadman moved that the Senate not concur in House amendments to **SB11-159**, as printed in House journal, February 16, page(s) 295, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

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	E	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 President appointed Senators Steadman, Chair, Hodge, and Lambert as Senate conferees on the first conference committee on **SB11-159**.

Senator Steadman moved that the Senate conferees on the first conference committee on **SB11-159** be granted permission to go beyond the scope of the differences between the two houses. The motion was **adopted** on the following roll call vote:

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	E	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		

**SB11-164** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning the augmentation of the general fund through transfers of certain moneys.

Senator Steadman moved that the Senate not concur in House amendments to **SB11-164**, as printed in House journal, February 16, page(s) 296, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

YES	21	NO	13	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	E	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.	N	Roberts	N		

The President appointed Senators Hodge, Chair, Steadman, and Lambert as Senate conferees on the first conference committee on **SB11-164**.

**SB11-144** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of law.

Senator Lambert moved that the Senate not concur in House amendments to **SB11-144**, as printed in House journal, February 16, page(s) 295, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

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	E	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 President appointed Senators Hodge, Chair, Steadman, and Lambert as Senate conferees on the first conference committee on **SB11-144**.

**SB11-137** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of education.

Senator Steadman moved that the Senate not concur in House amendments to **SB11-137**, as printed in House journal, February 16, page(s) 294-295, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

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	E	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 President appointed Senators Hodge, Chair, Steadman, and Lambert as Senate conferees on the first conference committee on **SB11-137**.

**SB11-141** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of human services.

Senator Lambert moved that the Senate not concur in House amendments to **SB11-141**, as printed in House journal, February 16, page(s) 292-293, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

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	E	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 President appointed Senators Hodge, Chair, Steadman, and Lambert as Senate conferees on the first conference committee on **SB11-141**.

**SB11-136** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of corrections.

Senator Steadman moved that the Senate not concur in House amendments to **SB11-136**, as printed in House journal, February 16, page(s) 292-293, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

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	E	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 President appointed Senators Hodge, Chair, Steadman, and Lambert as Senate conferees on the first conference committee on **SB11-136**.

**SB11-156** by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Becker, Gerou, Ferrandino--Concerning a reduction in the amount of the general fund reserve required for the 2010-11 state fiscal year.

Senator Lambert moved that the Senate not concur in House amendments to **SB11-156**, as printed in House journal, February 16, page(s) 292-293, and that a conference committee be appointed.

On a substitute motion, Senator Morse moved that the Senate concur in House amendments to **SB11-156**. The motion was **adopted** by the following roll call vote:

YES	32	NO	2	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	N
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 question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	20	NO	14	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	E	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.	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, as amended, was **repassed**.

**SB11-138**

by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting.

Senator Steadman moved that the Senate concur in House amendments to **SB11-138**, as printed in House journal, February 16, page(s) 288-289. The motion was **adopted** by the following roll call vote:

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	E	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 question being "Shall the bill, as amended, 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	E	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, as amended, was **repassed**.

**SB11-139** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of health care policy and financing.

Senator Lambert moved that the Senate concur in House amendments to **SB11-139**, as printed in House journal, February 16, page(s) 289-290. The motion was **adopted** by the following roll call vote:

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	E	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 question being "Shall the bill, as amended, 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	E	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, as amended, was **repassed**.

**SB11-150** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the department of public safety.

Senator Steadman moved that the Senate concur in House amendments to **SB11-150**, as printed in House journal, February 16, page(s) 291. The motion was **adopted** by the following roll call vote:

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	E	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 question being "Shall the bill, as amended, 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	E	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, as amended, was **repassed**.

**SB11-142** by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Gerou, Becker, Ferrandino--Concerning a supplemental appropriation to the judicial department.

Senator Lambert moved that the Senate not concur in House amendments to **SB11-142**, as printed in House journal, February 16, page(s) 293, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

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	E	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 President appointed Senators Hodge, Chair, Steadman, and Lambert as Senate conferees on the first conference committee on **SB11-142**.

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

**SB11-084** by Senator(s) Boyd; also Representative(s) Summers--Concerning the employment of physicians at long-term care facilities.

Upon request of Senator Morse, **SB11-084** was removed from the General Orders--Second Reading of Bills Consent Calendar of Monday, February 21 and was placed at the end of the General Orders--Second Reading of Bills Calendar of Monday, February 21.

**SB11-083** by Senator(s) Roberts; --Concerning provisions relating to the Colorado probate code.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, February 17, pages 217-224 and placed in members' bill files.)

As amended, ordered engrossed 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 Hudak, the report of the Committee of the Whole was **adopted** on the following roll call vote:

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	E	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: SB11-083 as amended.  
Laid over to the end of the General Orders -- Second Reading of Bills calendar, Monday, February 22: SB11-084.

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

**SB11-013** by Senator(s) Newell; also Representative(s) Lee--Concerning the use of alternative dispute resolution practices.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, January 27, page 66 and placed in members' bill files.)

Amendment No. 2(L.005), by Senator Newell.

Amend printed bill, page 2, line 10, strike "restorative mediation practices" and substitute "other restorative processes may".

Page 2 of the bill, line 12, strike "restorative mediation practices" and substitute "other restorative processes".

Page 2 of the bill, strike lines 15 through 17 and substitute:

**"SECTION 2.** 13-22-302, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:".

Amend the Judiciary Committee Report, dated January 26, 2011, page 1, strike lines 4 through 18.

Page 2 of the bill, strike lines 20 through 26.

Page 3 of the bill, strike lines 1 through 18 and substitute:

"(94.1) "RESTORATIVE JUSTICE PRACTICE" MEANS, IN THE CONTEXT OF A CIVIL CLAIM, FACILITATED MEETINGS ATTENDED VOLUNTARILY BY THE PARTIES AND OTHER APPROPRIATE INDIVIDUALS THAT PROVIDE THE OPPORTUNITY FOR A VOLUNTARY ACKNOWLEDGMENT OF RESPONSIBILITY AND A DISCUSSION CONCERNING THE REPAIR OF ANY HARM, DAMAGE, OR LOSS."

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Page 2 of the report, strike lines 1 through 14 and substitute:

**"SECTION 3.** 13-22-307, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**13-22-307. Confidentiality.** (6) IN ANY CIVIL ACTION OR ARBITRATION PROCEEDING BROUGHT".

Page 2 of the report, line 15, strike "THE" and substitute "A".

Page 2 of the report, line 18, strike "BY A PARTY TO THE" and substitute "DURING THE MEDIATION IN THE CIVIL ACTION OR ARBITRATION PROCEEDING BY THAT PARTY".

Page 2 of the report, line 19, strike "MEDIATION OR THE" and substitute "OR THAT" and after "INADMISSIBLE" insert "AGAINST THAT PARTY".

Page 2 of the report, strike line 23.

Page 2 of the report, line 26, strike "OR RESTORATIVE MEDIATION PROCESS" and substitute "PRACTICE".

Page 2 of the report, line 31, strike "OR RESTORATIVE MEDIATION PROCESS" and substitute "PRACTICE".

Page 2 of the report, line 32, strike "PROCESS." and substitute "RESTORATIVE JUSTICE PRACTICE.".

Page 4 of the bill, line 10, strike "MEDIATION,".

Page 4 of the bill, line 11, strike the second "RESTORATIVE".

Page 4 of the bill, line 12, strike "MEDIATION".

Page 2 of the report, line 34, strike "6." and substitute "5.".

Page 3 of the report, strike lines 1 through 3 and substitute:

**"13-22-314. Participation in a restorative justice practice.** IF, PRIOR TO A".

Page 3 of the report, line 5, strike "OR RESTORATIVE MEDIATION PROCESS," and substitute "PRACTICE,".

Page 3 of the report, line 6, strike "PROCESS" and substitute "RESTORATIVE JUSTICE PRACTICE".

Page 3 of the report, line 10, strike "OR" and substitute "PRACTICE.".

Page 3 of the report, strike line 11.

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

**SB11-019** by Senator(s) King K.; also Representative(s) Stephens--Concerning payment of the costs of health insurance coverage to employees of small employers.

Laid over until Tuesday, February 22, retaining its place on the calendar.

**SB11-009** by Senator(s) Steadman, Guzman; also Representative(s) Fischer, Gardner B.--Concerning procedural requirements for payment of costs related to impounded animals.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, January 25, page 55 and placed in members' bill files.)

Amendment No. 2(L.005), by Senator Steadman.

Amend the Judiciary Committee Report, dated January 24, 2011, page 1, before line 1 insert:

"Amend printed bill, page 3, line 10, after "PAYMENT," insert "AND AFTER THE TEN-DAY PERIOD IN WHICH THE OWNER OR CUSTODIAN SHALL FILE THE

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- INITIAL PAYMENT HAS ELAPSED," . 1
- Page 3, line 24, strike "THE" and substitute "WITHIN TEN DAYS AFTER THE 2  
IMPOUNDMENT, THE". 3
- Page 3, line 25, strike "JURISDICTION" and substitute "JURISDICTION.". 4  
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- Page 3, line 26, strike "WITHIN TEN DAYS AFTER IMPOUNDMENT.". 6  
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- Page 1 of the committee report, line 1, strike "Amend printed bill, page" 8  
and substitute "Page". 9
- As amended, ordered engrossed and placed on the calendar for third reading and final 10  
passage. 11  
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- SB11-055** by Senator(s) Lundberg, Lambert, Kopp, Renfroe; also Representative(s) Joshi, Holbert, 13  
Nikkel, Scott--Concerning notices required prior to the use of security scanning systems in 14  
the state. 15  
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- Laid over until Tuesday, February 22, retaining its place on the calendar. 20
- SB11-107** by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of 21  
noneconomic damages in a civil action concerning damages resulting from a DUI incident. 22  
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- Laid over until Friday, February 25, retaining its place on the calendar. 25  
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- SB11-040** by Senator(s) Spence and Newell; also Representative(s) Summers and Todd--Concerning 28  
the requirement that a coach of an organized youth athletic activity follow concussion 29  
guidelines, and, in connection therewith, creating the "Jake Snakenberg Youth Concussion 30  
Act". 31  
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- Amendment No. 1, Health & Human Services Committee Amendment. 33  
(Printed in Senate Journal, February 11, pages 171-172 and placed in members' bill files.) 34  
35
- Amendment No. 2(L.013), by Senator Spence. 36  
37
- Amend the Health and Human Services Committee Report, dated 38  
February 10, 2011, page 2, line 40, after "(4)" insert "(a)". 39  
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- Page 3, after line 10 insert: 41  
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- "(b) AN ORGANIZATION OR ASSOCIATION OF WHICH A SCHOOL OR 43  
SCHOOL DISTRICT IS A MEMBER, A PRIVATE OR PUBLIC SCHOOL, A PRIVATE 44  
CLUB, A PUBLIC RECREATION FACILITY, OR AN ATHLETIC LEAGUE MAY 45  
ALLOW A REGISTERED ATHLETIC TRAINER TO MANAGE THE GRADUATED 46  
RETURN TO PLAY AND PROVIDE CLEARANCE TO RETURN TO PLAY 47  
PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) AFTER THE 48  
CONCUSSED ATHLETE HAS BEEN EVALUATED BY A HEALTH CARE PROVIDER 49  
AND HAS BEEN RELEASED TO THE CARE OF THE ATHLETIC TRAINER WITH 50  
SPECIFIC KNOWLEDGE OF THE ATHLETE'S CONDITION." 51  
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- As amended, ordered engrossed and placed on the calendar for third reading and final 53  
passage. 54  
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- SB11-025** by Senator(s) Carroll; also Representative(s) Ferrandino--Concerning accountability for 57  
state procurement, and, in connection therewith, enacting the "Colorado Taxpayer 58  
Empowerment Act of 2011". 59  
60
- Amendment No. 1, Finance Committee Amendment. 61  
(Printed in Senate Journal, February 11, pages 157-158 and placed in members' bill files.) 62  
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- As amended, ordered engrossed and placed on the calendar for third reading and final 64  
passage. 65  
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**HB11-1028** by Representative(s) Liston, Bradford, Levy, Massey, McCann, Murray, Peniston, Schafer S., Todd; also Senator(s) Johnston and Newell--Concerning the voluntary contribution designation benefiting the Alzheimer's Association fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

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

**SB11-068** by Senator(s) Carroll; also Representative(s) Solano--Concerning an increase in consumer protection under the "Colorado Consumer Protection Act".

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, February 15, page 198 and placed in members' bill files.)

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

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

**SB11-119** by Senator(s) Guzman; --Concerning procedures governing the appeal of a valuation of income-producing commercial real property.

Laid over until Friday, February 25, retaining its place on the calendar.

**SB11-063** by Senator(s) Giron and Newell; --Concerning the promotion of health care accessibility by encouraging local governments to consider the health care needs of their communities in the composition of their master land use plans.

Laid over until Friday, February 25, retaining its place on the calendar.

**SB11-060** by Senator(s) Boyd and White; also Representative(s) Gardner B. and Kerr A.--Concerning the alcohol content of alcohol beverages that are available for consumption on a licensed premises.

Laid over until Monday, February 28, retaining its place on the calendar.

**SB11-049** by Senator(s) Williams S.; also Representative(s) Ryden--Concerning the use of restraints on persons.

Laid over until Tuesday, February 22, retaining its place on the calendar.

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**AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE**

**SB11-068** by Senator(s) Carroll; also Representative(s) Solano--Concerning an increase in consumer protection under the "Colorado Consumer Protection Act".

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the following Mitchell floor amendment, (L.007) to SB 11-068, did pass.

Amend printed bill, page 2, after line 20 insert:

**"SECTION 3.** Article 1 of title 6, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 12  
ENERGY COSTS

**6-1-1201. New energy technologies - consideration by commission.** THE COMMISSION SHALL GIVE THE FULLEST POSSIBLE CONSIDERATION TO THE COST-EFFECTIVE IMPLEMENTATION OF NEW CLEAN ENERGY AND ENERGY-EFFICIENT TECHNOLOGIES IN ITS CONSIDERATION OF GENERATION ACQUISITIONS FOR ELECTRIC UTILITIES, BEARING IN MIND THE BENEFICIAL CONTRIBUTIONS SUCH TECHNOLOGIES MAKE TO COLORADO'S ENERGY SECURITY, ECONOMIC PROSPERITY, ENVIRONMENTAL PROTECTION, AND INSULATION FROM FUEL PRICE INCREASES. THE



COMMISSION SHALL CONSIDER UTILITY INVESTMENTS IN ENERGY EFFICIENCY TO BE AN ACCEPTABLE USE OF RATEPAYER MONEYS.

**6-1-1202. Renewable energy standard - definitions - net metering - legislative declaration.** (1) EACH PROVIDER OF RETAIL ELECTRIC SERVICE IN THE STATE OF COLORADO THAT SERVES OVER FORTY THOUSAND CUSTOMERS IS A QUALIFYING RETAIL UTILITY. EACH QUALIFYING RETAIL UTILITY, WITH THE EXCEPTION OF COOPERATIVE ELECTRIC ASSOCIATIONS THAT HAVE VOTED TO EXEMPT THEMSELVES FROM COMMISSION JURISDICTION PURSUANT TO SECTION 40-9.5-104 AND MUNICIPALLY OWNED UTILITIES, IS SUBJECT TO THE RULES ESTABLISHED UNDER THIS ARTICLE BY THE COMMISSION. NO ADDITIONAL REGULATORY AUTHORITY OF THE COMMISSION OTHER THAN THAT SPECIFICALLY CONTAINED IN THIS SECTION IS PROVIDED OR IMPLIED. IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., THE COMMISSION SHALL REVISE OR CLARIFY EXISTING RULES TO ESTABLISH THE FOLLOWING:

(a) **Electric resource standards.** (I) THE ELECTRIC RESOURCE STANDARDS SHALL REQUIRE EACH QUALIFYING RETAIL UTILITY TO GENERATE, OR CAUSE TO BE GENERATED, ELECTRICITY FROM ELIGIBLE RENEWABLE ENERGY RESOURCES IN THE FOLLOWING MINIMUM AMOUNTS:

(A) THREE PERCENT OF ITS RETAIL ELECTRICITY SALES IN COLORADO FOR THE YEAR 2007;

(B) FIVE PERCENT OF ITS RETAIL ELECTRICITY SALES IN COLORADO FOR THE YEARS 2008 THROUGH 2010; AND

(C) TEN PERCENT OF ITS RETAIL ELECTRICITY SALES IN COLORADO FOR THE YEARS 2011 AND THEREAFTER.

(II) OF THE AMOUNTS IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), AT LEAST FOUR PERCENT SHALL BE DERIVED FROM SOLAR ELECTRIC TECHNOLOGIES LOCATED ON-SITE AT CUSTOMERS' FACILITIES. AT LEAST ONE-HALF OF THIS FOUR PERCENT SHALL BE DERIVED FROM SOLAR ELECTRIC TECHNOLOGIES LOCATED ON-SITE AT CUSTOMERS' FACILITIES.

(III) EACH KILOWATT-HOUR OF RENEWABLE ELECTRICITY GENERATED IN COLORADO SHALL BE COUNTED AS ONE AND ONE-QUARTER KILOWATT-HOURS FOR THE PURPOSES OF COMPLIANCE WITH THIS STANDARD.

(IV) TO THE EXTENT THAT THE ABILITY OF A QUALIFYING RETAIL UTILITY TO ACQUIRE ELIGIBLE RENEWABLE ELECTRIC GENERATION IS LIMITED BY A REQUIREMENTS CONTRACT WITH A WHOLESALE ELECTRIC SUPPLIER, THE QUALIFYING RETAIL UTILITY SHALL ACQUIRE THE MAXIMUM AMOUNT ALLOWED BY THE CONTRACT. FOR ANY SHORTFALLS TO THE AMOUNTS ESTABLISHED BY THE COMMISSION PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), THE QUALIFYING RETAIL UTILITY SHALL ACQUIRE AN EQUIVALENT AMOUNT OF EITHER RENEWABLE ENERGY CREDITS, DOCUMENTED AND VERIFIED ENERGY SAVINGS THROUGH ENERGY EFFICIENCY AND CONSERVATION PROGRAMS, OR A COMBINATION OF BOTH. ANY CONTRACT ENTERED INTO BY A QUALIFYING RETAIL UTILITY AFTER DECEMBER 1, 2004, SHALL NOT CONFLICT WITH THIS ARTICLE."

Renumber succeeding sections accordingly.

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	15	NO	19	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Kopp	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following Renfroe floor amendment, (L.008) to SB 11-068, did pass.

Amend printed bill, page 2, after line 20 insert:

"SECTION 3. Article 1 of title 6, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 12  
NEW ENERGY TECHNOLOGIES

**6-1-1201. Commission consideration of new energy technologies - least-cost planning.** (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, THE COMMISSION SHALL GIVE THE FULLEST POSSIBLE CONSIDERATION TO THE COST-EFFECTIVE IMPLEMENTATION OF NEW CLEAN ENERGY AND ENERGY-EFFICIENT TECHNOLOGIES IN ITS CONSIDERATION OF GENERATION ACQUISITIONS FOR ELECTRIC UTILITIES, BEARING IN MIND THE BENEFICIAL CONTRIBUTIONS SUCH TECHNOLOGIES MAKE TO COLORADO'S ENERGY SECURITY, ECONOMIC PROSPERITY, ENVIRONMENTAL PROTECTION, AND INSULATION FROM FUEL PRICE INCREASES. THE COMMISSION SHALL CONSIDER UTILITY INVESTMENTS IN ENERGY EFFICIENCY, AND IN RESOURCE ACQUISITIONS NECESSARY TO MEET THE RENEWABLE ENERGY PORTFOLIO STANDARDS SET FORTH IN SECTION 40-2-124, TO BE AN ACCEPTABLE USE OF RATEPAYER MONEYS SO LONG AS SUCH INVESTMENTS COMPLY WITH THE COMMISSION'S LEAST-COST RESOURCE PLANNING RULES ADOPTED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR RESOURCE PLANNING PURPOSES, THE COMMISSION SHALL DEVELOP AND IMPLEMENT LEAST-COST PLANNING RULES REQUIRING JURISDICTIONAL UTILITIES TO USE A LEAST-COST PORTFOLIO UNDER A NET PRESENT VALUE REVENUE REQUIREMENT OVER THE EXPECTED LIFE OF THE GENERATION ASSETS, WITH THE ADDITIONAL REQUIREMENTS THAT:

(a) THE PLANNING RULES MUST BE NEUTRAL WITH REGARD TO FUEL TYPE AND RESOURCE TECHNOLOGY;

(b) COSTS THAT ARE NOT IDENTIFIED AS THOSE THAT WILL BE ACTUALLY INCURRED BY THE ELECTRIC UTILITY MAY NOT BE INCLUDED IN THE REVENUE REQUIREMENT ANALYSES;

(c) FUEL SUPPLY COSTS MAY NOT BE MODIFIED BEYOND THE KNOWN ACTUAL COSTS OR BEST ESTIMATED COSTS. BEST ESTIMATED COSTS MAY NOT BE MODIFIED TO REFLECT ANY EXTERNAL FACTORS NOT DEFINITELY REQUIRED BY FEDERAL OR STATE LAW.

(d) FOR RESOURCES OWNED BY THE ELECTRIC UTILITY, THE COSTS FOR TRANSMISSION FACILITIES REQUIRED TO DELIVER ENERGY FROM THE PROPOSED RESOURCE TO THE CONNECTION WITH THE TRANSMISSION SYSTEM OF THE ELECTRIC UTILITY MUST BE INCLUDED IN THE REVENUE REQUIREMENTS ANALYSES; AND

(e) FOR RESOURCES PURCHASED FROM OTHER SUPPLIERS, THE COSTS INCURRED FOR DELIVERY TO THE CONNECTION OWNED BY THE ELECTRIC UTILITY MUST BE BORNE BY THE SELLING PARTY AND INCLUDED IN THE PRICE OF DELIVERED POWER AND ENERGY."

Re-number succeeding sections accordingly.

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	14	NO	19	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Kopp	*	Scheffel	Y
Bacon	N	Harvey	Y	Lambert	Y	Schwartz	N
Boyd	N	Heath	N	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	E	Mitchell	Y	Steadman	N
Cadman	Y	Hudak	N	Morse	N	Tochtrop	N
Carroll	N	Jahn	N	Newell	N	White	Y
Foster	N	Johnston	N	Nicholson	N	Williams S.	N
Giron	N	King K.	Y	Renfroe	Y	President	N
Grantham	Y	King S.	Y	Roberts	Y		

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

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

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

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	E	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: SB11-013 as amended, SB11-009 as amended, SB11-040 as amended, SB11-025 as amended, SB11-068 as amended, HB11-1028.

Laid over until Tuesday, February 22: SB11-019, SB11-055, SB11-082, SB11-115, SB11-049, SB11-084.

Laid over until Friday, February 25: SB11-107, SB11-119, SB11-063.

Laid over until Monday, February 28: SB11-060.

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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, February 21 was laid over until Tuesday, February 22, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005.

Consideration of Governor's Appointments:

Executive Director of the Department of Local Affairs

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Senate in recess.                      Senate reconvened.

**MESSAGE FROM THE HOUSE**

February 21, 2011

Mr. President:

The Speaker has appointed Representatives Gerou, chairman, Becker, and Ferrandino as House conferees on the First Conference Committee on SB11-159.

The Speaker has appointed Representatives Gerou, chairman, Becker, and Ferrandino as House conferees on the First Conference Committee on SB11-164.

The Speaker has appointed Representatives Gerou, chairman, Becker, and ferrandino as House conferees on the First Conference Committee on SB11-144.

The Speaker has appointed Representatives Gerou, chairman, Becker, and Ferrandino as House conferees on the First Conference Committee on SB11-137.

The Speaker has appointed Representatives Gerou, chairman, Becker, and Ferrandino as House conferees on the First Conference Committee on SB11-141.

The Speaker has appointed Representatives Gerou, chairman, Becker, and Ferrandino as House conferees on the First Conference Committee on SB11-136.

In response to the request of the Senate, the Speaker has appointed Representatives Gerou, chairman, Becker, and Ferrandino as House conferees on the First Conference Committee on SB11-142.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that HB11-1051 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 HB11-1041 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-173 by Senator(s) King S., King K., Morse, Shaffer B., Cadman, Carroll, Giron, Kopp, Roberts, Spence; --Concerning interoperable communications in schools. Education

SB11-174 by Senator(s) Heath; also Representative(s) Gerou and Riesberg--Concerning a state fund of funds. Business, Labor and Technology

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

SB11-176 by Senator(s) Carroll; also Representative(s) Levy--Concerning appropriate use of restrictive confinement. Judiciary

SB11-177 by Senator(s) Nicholson, Aguilar, Boyd, Carroll, Foster, Newell; also Representative(s) Nikkel--Concerning the teen pregnancy and dropout prevention program, and, in connection therewith, continuing the program. Health and Human Services

HB11-1002 by Representative(s) Nikkel; also Senator(s) Kopp--Concerning the creation of an on-line database for the department of transportation's financial information, and making an appropriation therefor. Transportation

HB11-1027 by Representative(s) Looper; also Senator(s) Newell--Concerning the creation of the department of defense quality child care standards pilot program. State, Veterans & Military Affairs

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. Health and Human Services

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. Health and Human Services

HB11-1053 by Representative(s) Solano, Massey; also Senator(s) Steadman--Concerning court proceedings initiated to compel a minor to attend school. Education

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<b>HB11-1058</b>	by Representative(s) Pabon; also Senator(s) Jahn--Concerning a requirement that the entity that administers the electronic public assistance benefits transfer service prohibit recipients from accessing cash benefits at specified locations. Health and Human Services	1 2 3 4 5
<b>HB11-1069</b>	by Representative(s) Massey and Fields; also Senator(s) Aguilar--Concerning measures to increase physical activity in public schools. Education	6 7 8 9
<b>HB11-1073</b>	by Representative(s) Barker; also Senator(s) Morse--Concerning peace officer designation for United States marshals. Judiciary	10 11 12 13
<b>HB11-1083</b>	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. Agriculture, Natural Resources, and Energy	14 15 16 17 18 19 20
<b>HB11-1109</b>	by Representative(s) Liston, Balmer, Bradford, DelGrosso, Holbert, Kerr J., Looper, Nikkel, Priola, Ramirez, Schafer S., Stephens; also Senator(s) Giron--Concerning the authority for a local government to create an exemption from local sales tax for the sale of equipment used directly in the provision of telecommunications services. Local Government	21 22 23 24 25 26
<b>HB11-1117</b>	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. Judiciary	27 28 29 30 31
<b>HB11-1118</b>	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. Transportation	32 33 34 35 36
<b>HB11-1148</b>	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. Health and Human Services	37 38 39 40 41 42 43
<b>HB11-1159</b>	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. Agriculture, Natural Resources, and Energy	44 45 46 47 48 49 50
<b>HB11-1176</b>	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. Transportation	51 52 53 54 55
<b>HB11-1177</b>	by Representative(s) Sonnenberg and Jones; also Senator(s) Schwartz and White--Concerning an extension of the ability to make voluntary contributions via income tax to the Colorado healthy rivers fund. Finance	56 57 58 59 60
<b>HB11-1187</b>	by Representative(s) Sonnenberg; also Senator(s) Brophy--Concerning personnel employed to operate the public golfing club at Northeastern junior college. Business, Labor and Technology	61 62 63 64
<b>HB11-1202</b>	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. Business, Labor and Technology	65 66 67 68 69

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, February 22, 2011.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Cindi Markwell  
Secretary of the Senate

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