

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

63rd Legislative Day

Tuesday, March 15, 2011

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Prayer	By the chaplain, Father Louis J. Christopulos, St. Catherine Greek Orthodox Church, Greenwood Village.	11
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Call to Order	By the President at 9:00 a.m.	14
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Pledge	By Senator Lambert.	17
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Roll Call	Present--33	19
	Excused--2, Lundberg, Mitchell.	20
	Present later--1, Mitchell.	21
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Quorum	The President announced a quorum present.	23
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Reading of Journal	On motion of Senator Aguilar, reading of the Journal of Monday, March 14, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.	25
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MESSAGE FROM THE HOUSE

March 14, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1168, amended as printed in House Journal, March 11, page 613.
HB11-1123, amended as printed in House Journal, March 11, page 613.
HB11-1121, amended as printed in House Journal, March 11, page 613.

The House has passed on Third Reading and returns herewith SB11-021, 096.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-012, amended as printed in House Journal, March 11, page 614.
SB11-010, amended as printed in House Journal, March 11, page 614.
SB11-007, amended as printed in House Journal, March 11, page 615.
SB11-040, amended as printed in House Journal, March 11, page 615.

The House has voted to concur in the Senate amendments to HB11-1074, 1089 and has repassed the bills as so amended.

The House has postponed indefinitely SB11-068. The bill is returned herewith.

MESSAGE FROM THE REVISOR OF STATUTES

March 14, 2011

To: Senate

Message From Revisor of Statutes

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We herewith transmit:

Without comment, as amended, HB11-1121, 1123, and 1168.
 Without comment, as amended, SB11-007, 010, 012, and 040.

**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:

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

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

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

Co-sponsors added: Aguilar, Bacon, Boyd, Foster, Giron, Guzman, Heath, Hodge, Hudak, King S., Newell, Nicholson, Roberts, Schwartz, Shaffer B., Steadman, Tochtrop and Williams S.

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

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

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

Co-sponsors added: Boyd

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

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

YES	33	NO	1	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	E	Spence	Y
Brophy	N	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, Hudak and Schwartz.

THIRD READING OF BILLS -- FINAL PASSAGE

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

SB11-088 by Senator(s) Carroll and Lundberg, Boyd, Mitchell; also Representative(s) Acree-- Concerning the regulation of direct-entry midwives, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies, and making an appropriation.

Laid over until Wednesday, March 16, retaining its place on the calendar.

SB11-124 by Senator(s) Hodge, Lambert, Steadman; also Representative(s) Gerou, Ferrandino-- Concerning the transfer of unspent county TANF reserves to a county, and making an appropriation in connection therewith.

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

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

Co-sponsors added: Aguilar, Boyd, Foster, Guzman, Heath, Jahn, King S., Newell, Nicholson, Roberts, Tochtrop, White and Williams S.

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

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

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

Co-sponsors added: Aguilar, Carroll, Giron, Guzman, Hodge, King S., Morse, Newell, Schwartz, Steadman, Tochtrop and Williams S.

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

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

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

HB11-1083 by Representative(s) Swerdfeger, Brown, Coram, Gardner B., Joshi, Liston, Looer, 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.

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

YES	33	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	*	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

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

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Guzman, Harvey, Heath, Jahn, King K., King S., Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White 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 resolutions.

CONSIDERATION OF RESOLUTIONS

HJR11-1008 by Representative(s) Sonnenberg; also Senator(s) Schwartz--Concerning approval of water project revolving fund eligibility lists administered by the Colorado water resources and power development authority.

On motion of Senator Schwartz, the resolution 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	E	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

CONSIDERATION OF MEMORIALS

SM11-001 by Senator(s) Bacon; --Memorializing former Senator James Beatty.

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

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

MEMBER OF THE
GROUND WATER COMMISSION

for a term expiring May 1, 2014:

Virgil F. Valdez of Alamosa, Colorado, to fill the vacancy occasioned by the passing of Douglas L. Shriver of Monte Vista, Colorado, and to serve as a representative from Water Division 3 and as an Agriculturist, appointed.

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

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

MEMBERS OF THE SOLID AND HAZARDOUS WASTE COMMISSION

for terms expiring August 1, 2013:

Frederick S. Myers of Castle Rock, Colorado, to serve as a member of the public and as a Democrat, reappointed;

Christopher J. Neumann of Denver, Colorado, to serve as a representative of the government or academic community and as a Republican, reappointed;

Thomas S. Schweitzer of Castle Rock, Colorado, to serve as a representative from the regulated community and as a Republican, reappointed.

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

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

MEMBERS OF THE BOARD OF TRUSTEES OF METROPOLITAN STATE COLLEGE OF DENVER

for terms expiring December 31, 2014:

Terrance D. Carroll of Denver, Colorado, a Democrat, appointed;

Michelle M. Lucero of Littleton, Colorado, a Democrat, reappointed.

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

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

**MEMBERS OF THE
BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE**

for terms expiring December 31, 2014:

Peter R. Decker of Ridgway, Colorado, a Democrat, reappointed;

Matthew S. Wassam of Sedalia, Colorado, a Republican, appointed.

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

INTRODUCTION OF BILLS -- FIRST READING

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

- SB11-192** by Senator(s) Aguilar and Spence, Boyd, Guzman, Jahn, Newell, White, Williams S.; also Representative(s) Massey, Casso, Priola, Riesberg, Soper--Concerning the continuation of the prescription drug monitoring program, and, in connection therewith, repealing the prescription controlled substance abuse monitoring committee.
Health and Human Services
- SB11-193** by Senator(s) Aguilar; also Representative(s) Gardner B. and Kerr J.--Concerning the disclosure of employment information to an employer regarding a person employed to work with a person with a developmental disability, 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.
Judiciary
- SB11-194** by Senator(s) Boyd; --Concerning the regulation of alcohol beverages.
Business, Labor and Technology
- SB11-195** by Senator(s) Brophy; also Representative(s) Sonnenberg--Concerning the residency of a health care provider who verifies a person's disability for purposes of obtaining credentials entitling the person to park a vehicle in spaces reserved for use by persons with disabilities.
Health and Human Services
- HB11-1055** by Representative(s) Beezley; also Senator(s) Spence--Concerning facilities for use by charter schools.
State, Veterans & Military Affairs
- HB11-1065** by Representative(s) Balmer, Ferrandino, Priola; also Senator(s) Cadman--Concerning restrictions on the appearance by public officials in communications paid for with state moneys.
State, Veterans & Military Affairs

- HB11-1121** by Representative(s) Ramirez, Massey, McNulty, Szabo; also Senator(s) King K.--
Concerning disqualification from school employment for conviction of certain offenses, and making an appropriation therefor.
State, Veterans & Military Affairs

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- HB11-1123** by Representative(s) Coram, Brown; also Senator(s) Roberts, Grantham, King S.--
Concerning a prohibition on transfers to the state general fund from cash funds that have revenue related to the severance of minerals in the state.
State, Veterans & Military Affairs

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- HB11-1138** by Representative(s) Gardner B., Barker, Casso, Waller; also Senator(s) Morse, Bacon, Boyd, Jahn, King S.--Concerning the sex offender management board, and making an appropriation therefor.
State, Veterans & Military Affairs

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- HB11-1168** by Representative(s) Murray; also Senator(s) Spence--Concerning equalizing the amount of the Colorado opportunity fund stipend for students attending state institutions of higher education and students attending participating private institutions of higher education.
State, Veterans & Military Affairs

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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 11, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
WORKERS' COMPENSATION COST
CONTAINMENT BOARD

for terms expiring December 13, 2013:

Tasha R. Greene, Ault, Colorado, representing executives with good risk management experience in the insurance industry, and as Unaffiliated, reappointed;

Patrick W. Hagge, Fort Collins, Colorado, representing employers with good risk management experience with respect to their workers' compensation insurance, and as a Republican, reappointed.

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

Committee on Business, Labor, & Technology

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SENATE SERVICES REPORT

Correctly Engrossed: SB11-124.
Correctly Reengrossed: SB11-045, 069, 090, 091 and 170.
Correctly Revised: HB11-1079, 1083, 1122, 1144, 1151 and 1187.
Correctly Rerevised: HB11-1016, 1069, 1118 and 1176.
Correctly Enrolled: SJR11-007 and 022.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1030, 1031, 1040, 1085, 1117, 1148, 1177, 1202.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Monday, March 14, 2011, at 3:51 p.m.:
SB11-002, 020, 029, 061, 086, 093, 101, 103, 104, 106, 123 and 159.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that HB11-1226 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that HB11-1220 be postponed indefinitely.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that HB11-1155 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 4, after line 10 insert:

"SECTION 4. Article 22 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-22-118. Transfer of savings to knowledge-based economy fund. (1) IF THE LIEUTENANT GOVERNOR IS APPOINTED DURING HIS OR HER TERM OF OFFICE TO CONCURRENTLY SERVE AS THE HEAD OF A PRINCIPAL DEPARTMENT:

(a) WITHIN THIRTY DAYS AFTER THE COMMENCEMENT OF THE LIEUTENANT GOVERNOR CONCURRENTLY SERVING AS THE HEAD OF THE PRINCIPAL DEPARTMENT, THE STATE TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE KNOWLEDGE-BASED ECONOMY FUND CREATED IN SECTION 24-75-1402 (1) AN AMOUNT OF MONEY EQUAL TO [(THE DIFFERENCE BETWEEN THE ANNUAL SALARY PAID FOR THE POSITION OF HEAD OF THE PRINCIPAL DEPARTMENT IN WHICH THE LIEUTENANT GOVERNOR IS CONCURRENTLY SERVING AND THE ANNUAL SALARY OF THE LIEUTENANT GOVERNOR SPECIFIED IN SECTION 24-9-101) ÷ 12] × THE NUMBER OF COMPLETE MONTHS REMAINING IN THE STATE FISCAL YEAR FOLLOWING THE DATE ON WHICH SUCH CONCURRENT SERVICE COMMENCES; AND

(b) ON THE FIRST DAY OF EACH FISCAL YEAR FOLLOWING THE COMMENCEMENT OF THE LIEUTENANT GOVERNOR CONCURRENTLY

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SERVING AS THE HEAD OF THE PRINCIPAL DEPARTMENT, THE STATE TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE KNOWLEDGE-BASED ECONOMY FUND CREATED IN SECTION 24-75-1402 (1) AN AMOUNT OF MONEY EQUAL TO THE DIFFERENCE BETWEEN THE ANNUAL SALARY PAID FOR THE POSITION OF HEAD OF THE PRINCIPAL DEPARTMENT IN WHICH THE LIEUTENANT GOVERNOR IS CONCURRENTLY SERVING AND THE ANNUAL SALARY OF THE LIEUTENANT GOVERNOR SPECIFIED IN SECTION 24-9-101.

(2) TRANSFERS SHALL NOT BE MADE PURSUANT TO SUBSECTION (1) OF THIS SECTION SUBSEQUENT TO THE DATE ON WHICH THE LIEUTENANT GOVERNOR CEASES TO CONCURRENTLY SERVE AS THE HEAD OF A PRINCIPAL DEPARTMENT.

SECTION 5. Article 22 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-22-118. Transfer of savings to state public school fund.

(1) IF THE LIEUTENANT GOVERNOR IS APPOINTED DURING HIS OR HER TERM OF OFFICE TO CONCURRENTLY SERVE AS THE HEAD OF A PRINCIPAL DEPARTMENT:

(a) WITHIN THIRTY DAYS AFTER THE COMMENCEMENT OF THE LIEUTENANT GOVERNOR CONCURRENTLY SERVING AS THE HEAD OF THE PRINCIPAL DEPARTMENT, THE STATE TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114 (1), C.R.S., AN AMOUNT OF MONEY EQUAL TO [(THE DIFFERENCE BETWEEN THE ANNUAL SALARY PAID FOR THE POSITION OF HEAD OF THE PRINCIPAL DEPARTMENT IN WHICH THE LIEUTENANT GOVERNOR IS CONCURRENTLY SERVING AND THE ANNUAL SALARY OF THE LIEUTENANT GOVERNOR SPECIFIED IN SECTION 24-9-101) ÷ 12] × THE NUMBER OF COMPLETE MONTHS REMAINING IN THE STATE FISCAL YEAR FOLLOWING THE DATE ON WHICH SUCH CONCURRENT SERVICE COMMENCES; AND

(b) ON THE FIRST DAY OF EACH FISCAL YEAR FOLLOWING THE COMMENCEMENT OF THE LIEUTENANT GOVERNOR CONCURRENTLY SERVING AS THE HEAD OF THE PRINCIPAL DEPARTMENT, THE STATE TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION 22-54-114 (1), C.R.S., AN AMOUNT OF MONEY EQUAL TO THE DIFFERENCE BETWEEN THE ANNUAL SALARY PAID FOR THE POSITION OF HEAD OF THE PRINCIPAL DEPARTMENT IN WHICH THE LIEUTENANT GOVERNOR IS CONCURRENTLY SERVING AND THE ANNUAL SALARY OF THE LIEUTENANT GOVERNOR SPECIFIED IN SECTION 24-9-101.

(2) TRANSFERS SHALL NOT BE MADE PURSUANT TO SUBSECTION (1) OF THIS SECTION SUBSEQUENT TO THE DATE ON WHICH THE LIEUTENANT GOVERNOR CEASES TO CONCURRENTLY SERVE AS THE HEAD OF A PRINCIPAL DEPARTMENT."

Renumber succeeding sections accordingly.

Page 8, after line 19 insert:

"SECTION 8. Effective date. (1) Except as provided in subsection (2) of this section, this act shall take effect upon passage.

(2) (a) Section 4 of this act shall take effect only if Senate Bill 11-001 is enacted and becomes law and shall take effect either upon the effective date of this act or Senate Bill 11-001, whichever is later.

(b) Section 5 of this act shall take effect only if Senate Bill 11-001 is not enacted and does not become law."

Renumber succeeding section 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 14 was laid over until Wednesday, March 15, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB11-183,
HB11-1260.
General Orders -- Second Reading of Bills: SB11-107, HB11-1181, HB11-1109.
Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023,
SJR11-024.
Consideration of House Amendments to Senate Bills: SCR11-001.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, March 16, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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