

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

104th Legislative Day

Monday, April 25, 2011

Prayer	By the chaplain, Father Eustace Sequeira, St. Ignatius Loyola Catholic Church, Denver.	1
Call to Order	By the President at 10:00 a.m.	2
Pledge	By Senator Grantham.	3
Roll Call	Present--35	4
Quorum	The President announced a quorum present.	5
Reading of Journal	On motion of Senator Jahn, reading of the Journal of Thursday, April 21, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.	6

MESSAGE FROM THE HOUSE

April 21, 2011

Mr. President:

The House has adopted and returns herewith SJR11-035, SJR11-043

INTRODUCTION OF BILLS -- FIRST READING

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

SCR11-002	by Senator(s) Lambert, Harvey, Lundberg, Cadman, Renfroe, King K., Spence, Scheffel, Brophy, Grantham, King S., Kopp, Mitchell; also Representative(s) Holbert--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution concerning the authority of the secretary of state to request proof of citizenship of any elector whose name appears in the computerized statewide voter registration list who the secretary of state believes is not a citizen of the United States. State, Veterans & Military Affairs	7
SCR11-003	by Senator(s) Lambert, Cadman, Renfroe, Scheffel, King K., Spence, Grantham, Harvey, King S., Kopp, Lundberg; also Representative(s) Joshi--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution concerning a requirement that an elected public officer provide proof of citizenship before entering upon the duties of office. State, Veterans & Military Affairs	8
SCR11-004	by Senator(s) Lambert, Renfroe, Harvey, Cadman, Mitchell, Scheffel, King K., Spence, Grantham, King S., Kopp, Lundberg; also Representative(s) Joshi--Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution concerning a requirement that employers verify the work eligibility status of new employees through the federal electronic verification program. State, Veterans & Military Affairs	9

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB11-220 by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Ferrandino, Becker, Gerou--Concerning a reduction in the mileage allowance for the use of a personal motor vehicle for official state business, and making an appropriation therefor.

Laid over until Friday, April 29, retaining its place on the calendar.

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

SB11-078 by Senator(s) Morse, Carroll, Roberts, Schwartz; also Representative(s) Gardner B., Labuda, Levy, Murray, Waller--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE -- CONSENT CALENDAR

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

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		

The Committee of the Whole took the following action:

Passed on second reading: SB11-078.

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

- SB11-200** by Senator(s) Boyd; also Representative(s) Stephens--Concerning a Colorado health benefit exchange, and, in connection therewith, creating a process for the implementation of a health benefit exchange in Colorado.
- Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, April 1, page 633 and placed in members' bill files.)
- Amendment No. 2, Legislative Council Committee Amendment.
(Printed in Senate Journal, April 20, page 812 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- HB11-1291** by Representative(s) McNulty; also Senator(s) Morse--Concerning legislative approval of the regional haze element of the state implementation plan, and, in connection therewith, postponing the automatic expiration of the portion of the plan that consists of rules.
- Laid over until Tuesday, April 26, retaining its place on the calendar.
- SB11-044** by Senator(s) Steadman; also Representative(s) Levy--Concerning the collateral consequences of a conviction.
- Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 20, pages 813-814 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-133** by Senator(s) Hudak and Newell, Foster, Giron, Steadman, Bacon, Jahn, King K.; also Representative(s) Nikkel, Ferrandino, Gardner B., Kagan, Levy, Waller, Solano--Concerning a study of disciplinary actions taken in public schools.
- Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 24, pages 561-563 and placed in members' bill files.)
- Amendment No. 2, Legislative Council Committee Amendment.
(Printed in Senate Journal, April 20, pages 812-813 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- SB11-051** by Senator(s) Giron; also Representative(s) Swerdfeger--Concerning an intercept of a person's winnings for the purpose of paying an unpaid debt due to the state, and making an appropriation therefor.
- Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, February 4, page 103 and placed in members' bill files.)
- Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 15, page 772 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for third reading and final passage.

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AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB11-200 by Senator(s) Boyd; also Representative(s) Stephens--Concerning a Colorado health benefit exchange, and, in connection therewith, creating a process for the implementation of a health benefit exchange in Colorado.

Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the following Mitchell floor amendment, (L.013) to SB 11-200, did pass.

Amend printed bill, page 5, line 7, strike "ON OR".

Page 5, line 8, strike "BEFORE JULY 1, 2011," and substitute "WITHIN THIRTY DAYS AFTER THE DATE OF THE IMPLEMENTATION OF THIS ARTICLE,".

Page 10, line 15, strike "ON".

Page 10, line 16, strike "OR BEFORE AUGUST 1, 2011," and substitute "WITHIN SIXTY DAYS AFTER THE DATE OF THE IMPLEMENTATION OF THIS ARTICLE,".

Page 12, after line 25 insert:

"10-22-109. Implementation of article - waiver from federal act. (1) WITHIN SIXTY DAYS AFER THE EFFECTIVE DATE OF THIS ARTICLE, THE GOVERNOR OF COLORADO SHALL SEEK A WAIVER FROM THE TERMS, RESTRICTIONS, AND REQUIREMENTS OF THE FEDERAL ACT; THE REGULATIONS PROMULGATED PURSUANT TO THE FEDERAL ACT; AND ADMINISTRATIVE GUIDELINES ISSUED PURSUANT TO THE FEDERAL ACT.

(2) THIS ARTICLE SHALL NOT BE IMPLEMENTED UNTIL THE WAIVER REQUESTED PURSUANT TO SUBSECTION (1) OF THIS SECTION IS GRANTED."

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	20	EXCUSED	0	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	N	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 Mitchell moved to amend the Report of the Committee of the Whole to show that the following Mitchell floor amendment, (L.014) to SB 11-200, did pass.

Amend printed bill, page 3, strike lines 1 through 10 and substitute "ASSEMBLY DETERMINES AND DECLARES THAT".

Page 3, line 15, strike "EXCHANGE, INCLUDING AN AMERICAN".

Page 3, line 16, strike "HEALTH BENEFIT EXCHANGE," and substitute "EXCHANGE".

Page 8, strike lines 17 through 19 and substitute:

"(c) APPLY FOR, RECEIVE, AND EXPEND GIFTS, GRANTS, AND DONATIONS; EXCEPT THAT THE BOARD SHALL NOT APPLY FOR, RECEIVE, OR EXPEND FEDERAL MONEYS FOR THE IMPLEMENTATION OF THE EXCHANGE. EACH".

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	20	EXCUSED	0	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	N	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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

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		

The Committee of the Whole took the following action:

Passed on second reading: SB11-200 as amended, SB11-044 as amended, SB11-133 as amended, SB11-051 as amended.
 Laid over until April 26: HB11-1291, SB11-052, HB11-1109, HB11-1268, HB11-1138, HB11-1267, SB11-182, SB11-125, HB11-1219, SB11-050, SB11-111, SB11-232.

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 conference committee reports.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB11-1209 by Representative(s) Jones, Loooper, Massey; also Senator(s) Heath--Concerning the creation of a small business navigator by the small business assistance center under the office of economic development.

Senator Heath moved for the adoption of the first report of the first conference committee on **HB11-1209**, as printed in Senate journal, April 21, pages 819-820. The motion was **adopted** by the following roll call vote:

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		

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

YES	23	NO	12	EXCUSED	0	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	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	Y		

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

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

- SJR11-049** by Senator(s) Newell; also Representative(s) Gardner B.--Concerning recognition of October as "Conflict Resolution Month" in Colorado.
Laid over until Tuesday, April 26, retaining its place on the calendar.
- SJR11-050** by Senator(s) King S.; also Representative(s) Scott and Bradford--Concerning the 100th Anniversary of the Colorado National Monument.
Laid over until Tuesday, April 26, retaining its place on the calendar.
- SJR11-051** by Senator(s) Carroll, Guzman, Newell, Spence, Williams S.; also Representative(s) Fields, Acree, Balmer, Conti, Ryden, Swalm, Todd--Concerning the 150th anniversary of Arapahoe County.
Laid over until Tuesday, April 26, retaining its place on the calendar.
- SJR11-052** by Senator(s) Morse and King S.; also Representative(s) Barker--Concerning declaring the week of May 15-21, 2011, as Police Week and May 15, 2011, as Peace Officers' Memorial Day.
Laid over until Tuesday, April 26, retaining its place on the calendar.

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-259 by Senator(s) King K., Bacon, Hudak, Spence; also Representative(s) Massey, Hamner, Summers, Solano--Concerning the provision of state matching funds for property tax revenues that a school district raises through a specific mill levy override election for the district's general fund.
 Education
 Local Government

SB11-260 by Senator(s) Morse; also Representative(s) Lee--Concerning safety procedures related to the towing of vehicles.
 Judiciary

MESSAGE FROM THE GOVERNOR

April 19, 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:

MEMBER OF THE BOARD OF PARKS AND OUTDOOR RECREATION

for a term expiring June 30, 2012:

Christopher J. Castilian of Denver, Colorado to serve as a representative of the Metro Region and as a Republican, occasioned by the resignation of Laurie Mathews, appointed.

Sincerely,
 (signed)
 John Hickenlooper
 Governor
 Rec'd: 4/20/11
 Cindi Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, & Energy

Call of the Senate. Call raised.

RECONSIDERATION OF HB11-1209

HB11-1209 by Representative(s) Jones, Looper, Massey; also Senator(s) Heath--Concerning the creation of a small business navigator by the small business assistance center under the office of economic development.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Consideration of Repassage, on **HB11-1209**.

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB11-1209 by Representative(s) Jones, Looper, Massey; also Senator(s) Heath--Concerning the creation of a small business navigator by the small business assistance center under the office of economic development.

Senator Heath moved for the repassage of HB11-1209. The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

Table with 8 columns: YES (22), NO (13), EXCUSED (0), ABSENT (0). Rows list members and their votes: Aguilar (Y), Bacon (Y), Boyd (Y), Brophy (N), Cadman (N), Carroll (Y), Foster (Y), Giron (Y), Grantham (N), Guzman (Y), Harvey (Y), Heath (Y), Hodge (N), Hudak (Y), Jahn (Y), Johnston (Y), King K. (Y), King S. (N), Kopp (Y), Lambert (N), Lundberg (Y), Mitchell (Y), Morse (Y), Newell (Y), Nicholson (Y), Renfroe (N), Roberts (N), Scheffel (N), Schwartz (N), Spence (N), Steadman (N), Tochtrop (Y), White (Y), Williams S. (Y), President (N).

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

SENATE SERVICES REPORT

- Correctly Printed: SB11-245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257 and 258; SJR11-047 and 048.
Correctly Engrossed: SJR11-035, 043 and 044.
Correctly Reengrossed: SB11-004, 047, 066, 105, 177, 185, 192 and 227.
Correctly Rerevised: HB11-1076, 1145, 1146, 1201 and 1218.
Correctly Enrolled: SB11-188.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1004, 1156, 1234, HJR11-1016.

COMMITTEE OF REFERENCE REPORTS

Local Government After consideration on the merits, the Committee recommends that SB11-239 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local Government After consideration on the merits, the Committee recommends that SB11-234 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, strike lines 15 through 21.

Reletter succeeding sub-subparagraphs accordingly.

Page 4, line 22, strike "INTEREST," and substitute "PRINCIPAL, INTEREST,".

Page 6, line 23, strike "LOCATED" and substitute "LOCATED, THE COMMON AREAS OF THE COMMUNITY, OR ANY ADJACENT OR CONTIGUOUS REAL PROPERTY".

Page 6, line 27, strike "OR".

Page 7, line 2, strike "TRANSFER".

Page 7, line 3, strike "FEE".

Page 7, line 5, strike "PROPERTY." and substitute "PROPERTY; OR (VII) ANY PROVISION IN A RECORDED DEED, MEMORANDUM, SHORT FORM, OR OTHER RECORDED DOCUMENT REQUIRING PAYMENT OF AN AMOUNT THAT, ONCE PAID, SHALL NOT BIND ANY SUCCESSOR IN TITLE TO THE INTEREST IN RESIDENTIAL REAL PROPERTY AND THAT SHALL IN NO EVENT BE PAYABLE BY A GRANTEE UPON THE CONVEYANCE OF RESIDENTIAL REAL PROPERTY UPON WHICH THERE ARE RESIDENTIAL IMPROVEMENTS.".

Page 8, line 11, after "2011," insert "AND FAILS TO RELEASE SUCH COVENANT AND ANY LIEN PURPORTING TO SECURE THE PAYMENT OF A TRANSFER FEE WITHIN THIRTY DAYS AFTER WRITTEN REQUEST FOR THE RELEASE IS SENT TO THE LAST-KNOWN ADDRESS OF THE PAYEE AS SPECIFIED IN THE TRANSFER FEE COVENANT PERSONALLY OR BY CERTIFIED MAIL, FIRST-CLASS POSTAGE PREPAID, RETURN RECEIPT REQUESTED,".

Page 13, after line 20 insert:

"(8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, SUBSECTIONS (4), (5), AND (6) OF THIS SECTION SHALL NOT APPLY TO A NONPROFIT ORGANIZATION FORMED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 30 OF TITLE 7, C.R.S., ARTICLE 40 OF TITLE 7, C.R.S., OR ARTICLES 121 TO 137 OF TITLE 7, C.R.S., THAT IS A PAYEE UNDER A TRANSFER FEE COVENANT RECORDED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.".

Re-number succeeding subsection accordingly.

Page 13, strike lines 25 through 27.

Re-number succeeding section accordingly.

Agriculture,
Natural
Resources,
and Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
MINED LAND RECLAMATION BOARD

for terms expiring March 1, 2015:

Thomas Earl Brubaker, Parker, Colorado, an individual with substantial experience in the mining industry, appointed;

Ronald Dean Peterson, Lamar, Colorado, an individual with substantial experience in the agriculture industry, appointed;

Barbara J. Green, Denver Colorado, an individual with substantial experience in conservation, reappointed.

Agriculture,
Natural
Resources,
and Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

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MEMBERS OF THE
COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY

for terms expiring October 1, 2014:

Steven C. Harris of Durango, Colorado, to serve as a representative from the San Miguel-Dolores-San Juan drainage basin, and as a representative with experience in the engineering aspects of water projects, reappointed;

Stephen T. LaBonde of Grand Junction, Colorado, to serve as a representative from the Main Colorado drainage basin, and as a representative with experience in public health issues related to drinking water or water quality matters, reappointed;

Gregory J. Higel of Alamosa, Colorado, to serve as a representative of the Rio Grande drainage basin, reappointed.

Agriculture,
Natural
Resources,
and Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
STATE AGRICULTURAL COMMISSION

for terms expiring March 1, 2015:

Thomas K. Cameron of Palisade, Colorado, to serve as a Democrat from the Fourth Agricultural District, reappointed;

Ernest D. Ford of Center, Colorado, to serve as a Democrat from the Third Agricultural District, reappointed;

Alvin Kunugi of Blanca, Colorado, to serve as a Democrat and at-large member, appointed;

Barbara L. Marty of Henderson, Colorado, to serve as a Republican from the First Agricultural District, reappointed.

Education

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

MEMBERS OF THE
BOARD OF GOVERNORS OF THE
COLORADO STATE UNIVERSITY SYSTEM

for terms expiring December 31, 2014:

Dennis E. Flores of Pueblo, Colorado, to serve as a Democrat, and occasioned by the resignation of Bonifacio A. Cosyleon, appointed;

Penfield W. Tate of Denver, Colorado, to serve as a Democrat, and occasioned by the resignation of Leonard W. Gregory, appointed.

Education

The Committee on Education 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
COLLEGEINVEST BOARD OF DIRECTORS

for a term expiring July 31, 2014:

Courtney Cowgill of Centennial, Colorado, appointed.

Education

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

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

for a term expiring December 31, 2014:

Ellen S. Robinson of Denver, Colorado, a Democrat, reappointed.

Education

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

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF HIGHER EDUCATION AND THE
COLORADO COMMISSION ON HIGHER EDUCATION

for a term expiring at the pleasure of the Governor:

Joseph Garcia, of Colorado Springs, Colorado.

Education

After consideration on the merits, the Committee recommends that **HB11-1254** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 4, strike lines 11 through 14.

Page 9, strike lines 15 through 18.

Page 11, strike lines 15 through 18.

Page 13, strike lines 15 through 17 and substitute "TO COERCE, INTIMIDATE, OR CAUSE ANY PHYSICAL, MENTAL, OR EMOTIONAL HARM TO ANY STUDENT,".

Page 16, line 26, strike "(A)".

Page 17, line 2, strike "(B)" and substitute "(II)".

Page 17, line 6, strike "(C)" and substitute "(III)".

Page 17, strike lines 9 through 12.

Education

After consideration on the merits, the Committee recommends that **SB11-240** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Education

After consideration on the merits, the Committee recommends that **SJM11-004** be referred to the Senate for final action.

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Finance After consideration on the merits, the Committee recommends that **SB11-109** be referred to the Committee on Appropriations with favorable recommendation.

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Finance The Committee on Finance 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
COLORADO EDUCATIONAL AND CULTURAL
FACILITIES AUTHORITY BOARD OF DIRECTORS

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for a term expiring June 30, 2014:

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Patrick M. Brady of Fort Collins, Colorado, a Republican, appointed.

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Health & Human Services The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

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MEMBERS OF THE
HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD

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effective immediately, for a term expiring May 15, 2013:

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Ellen S. Robinson of Denver, Colorado, a representative of a business that purchases or otherwise provides health insurance for its employees, to fill the vacancy occasioned by the resignation of Bruce K. Alexander of Englewood, Colorado, appointed;

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further, effective June 1, 2010, for a term expiring at the pleasure of the Governor:

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Ellen S. Robinson of Denver, Colorado, to serve as Chairperson of the Hospital Provider Fee Oversight and Advisory Board, appointed.

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for a term expiring May 15, 2012:

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Karl B. Gills of Steamboat Springs, Colorado, an employee of a rural hospital in Colorado, to fill the vacancy occasioned by the resignation of Robert W. Omer of Meeker, Colorado, appointed.

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Health & Human Services The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

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MEMBERS OF THE
COLORADO TRAUMATIC BRAIN INJURY BOARD

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effective June 30, 2010 for terms expiring June 30, 2013:

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Holly Ann Batal of Denver, Colorado, to serve as a family member of an individual with a brain injury, reappointed.;

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Kimberly A. Gorgens of Denver, Colorado, to serve as a psychologist, reappointed.

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for terms expiring June 30, 2013:

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Rhesia-Maria R. Ochoa of Centennial, Colorado, appointed;

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Lt. Aaron D. Sanchez of Littleton, Colorado, appointed.

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Health &
Human
Services

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

MEMBERS OF THE
WASTE TIRE ADVISORY COMMITTEE

for terms expiring September 9, 2012:

Deputy Sheriff William E. Spalding of Kersey, Colorado, to serve as a representative of law enforcement from jurisdictions that have a waste tire facility, appointed;

for terms expiring September 9, 2011:

Verne A. Stuessy of Pueblo West, Colorado, to serve as a representative of waste tire monofills that are operating in compliance with their certificates of designation, appointed;

Michael "Scott" Skorka of Golden, Colorado, to serve as a tire retailer, appointed;

for terms expiring September 9, 2013:

Richard K. Welle of Centennial, Colorado, to serve as a waste tire processor, appointed.

Health &
Human
Services

The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
COLORADO COMMISSION ON THE AGING

for terms expiring July 1, 2014:

Karl D. Aguilera of Pueblo, Colorado, to serve as an at-large member from Congressional District 3, reappointed.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB11-1281** be referred to the Committee on Appropriations with favorable recommendation.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB11-205** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 24, after "carriers" insert "unreasonably".

Page 3, line 26, strike "practicing to the full extent of" and substitute "practicing,".

Page 3, strike line 27.

Page 4, line 1, strike "by the Institute of Medicine,".

Page 4, strike lines 5 and 6 and substitute "this state that health insurance carriers must give advanced practice nurses fair opportunity to apply for participating provider status".

Page 4, line 7, strike "of practice".

Page 4, strike lines 10 and 11 and substitute:

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"(a) Required to evaluate an application for participating provider status submitted by an advanced practice nurse using objective and reasonable criteria;".

Page 4, after line 20 insert:

"(3) It is not the intention of the general assembly to limit the ability of a carrier to make reasonable contracting decisions or require a carrier to approve a certain number of a specific type of provider for participation in the carrier's network."

Page 4, strike lines 25 and 26 and substitute "**and penalties.** (1) (a) In counties of the state that are neither part of a metropolitan statistical area nor a primary statistical area, a carrier".

Page 5, line 2, strike "OR DETERMINING:" and substitute "reimbursement".

Page 5, line 3, strike "(a) Reimbursement".

Page 5, line 4, strike "OR".

Page 5, line 5, strike "PARTICIPATING" and substitute "A CARRIER OFFERING A HEALTH BENEFIT PLAN SHALL NOT DISCRIMINATE BETWEEN A PHYSICIAN AND AN ADVANCED PRACTICE NURSE WHEN DETERMINING PARTICIPATING".

Page 6, after line 13 insert:

"(5) THIS SECTION DOES NOT LIMIT THE ABILITY OF A CARRIER TO MAKE REASONABLE CONTRACTING DECISIONS OR REQUIRE A CARRIER TO APPROVE A CERTAIN NUMBER OF A SPECIFIC TYPE OF PROVIDER FOR PARTICIPATION IN THE CARRIER'S NETWORK."

Agriculture,
Natural
Resources,
and Energy

After consideration on the merits, the Committee recommends that **SB11-238** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 3, after "(D)," insert "(5.4) (b),".

Page 8, strike lines 3 through 16 and substitute:

~~"(B) Notwithstanding any other provision of this paragraph (a) or subsection (5.5) of this section, in the fiscal years commencing July 1, 2006, July 1, 2007, July 1, 2008, July 1, 2009, and July 1, 2010, the executive director of the department of local affairs shall transfer three million two hundred fifty thousand dollars of the moneys in the fund to the state treasurer, who shall credit the moneys to the wildfire preparedness fund created in section 23-31-309 (4), C.R.S."~~

Page 10, after line 7 insert:

"(b) (I) For each quarter commencing during the 2008-09 fiscal year or during any succeeding fiscal year, forty percent of the moneys shall be credited to the local government mineral impact fund. Fifty percent of the moneys so credited shall be distributed by the executive director of the department of local affairs in accordance with the purposes and priorities described in subsection (1) of this section, and in distributing such THE moneys the executive director shall give priority to those communities most directly and substantially impacted by production of energy resources on federal mineral lands and to grant applications that:

- ~~(F)~~ (A) Are submitted jointly by multiple local governments; or
- ~~(H)~~ (B) Seek funding for a project that is a multi-jurisdictional project or that requires a substantial amount of funding.

(II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IN THE FISCAL YEARS COMMENCING JULY 1, 2012, JULY 1, 2013, JULY 1, 2014, AND JULY 1, 2015, UNLESS ANOTHER SOURCE OF FUNDING BECOMES AVAILABLE, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL

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AFFAIRS SHALL TRANSFER, PRIOR TO ANY OTHER DISTRIBUTION SPECIFIED IN THIS PARAGRAPH (b), THREE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS OF THE MONEYS AVAILABLE FOR GRANT APPLICATIONS PURSUANT TO THIS PARAGRAPH (b) TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEYS TO THE WILDFIRE PREPAREDNESS FUND CREATED IN SECTION 23-31-309 (4), C.R.S. THE COLORADO STATE FOREST SERVICE DESIGNATED IN SECTION 23-31-302, C.R.S., SHALL ANNUALLY REPORT ON THE USE OF THE MONIES TRANSFERRED PURSUANT TO THIS SUBPARAGRAPH (II) TO THE DEPARTMENT OF LOCAL AFFAIRS, THE OFFICE OF STATE PLANNING AND BUDGETING, AND THE GENERAL ASSEMBLY. THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2016."

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CHANGE IN SPONSORSHIP

Upon announcement of President Shaffer, Senator Bacon replaced Senator Mitchell as the Senate prime sponsor on HB11-1199.

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, April 25 was laid over until Tuesday, April 26, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024, SJR11-032, SJR11-036, SJR11-037, SJR11-039, SJR11-042, SJR11-045, SJR11-046, SJR11-047, SJR11-048, SR11-005.
 Consideration of Memorials: SJM11-002, SJM11-003.
 Consideration of House Amendments to Senate Bills: SCR11-001, SB11-213.
 Consideration of Conference Committee Reports: SB11-226, SB11-209.
 Conference Committees to Report: SB11-219.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

April 25, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1277, amended as printed in House Journal, April 21, pages 1057-1058.

The House has passed on Third Reading and returns herewith SB11-108, 124.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB11-089, amended as printed in House Journal, April 21, page 1059.
 SB11-090, amended as printed in House Journal, April 21, page 1059.
 SB11-092, amended as printed in House Journal, April 21, pages 1059-1060.
 SB11-173, amended as printed in House Journal, April 21, page 1060.
 SB11-230, amended as printed in House Journal, April 21, pages 1060-1062 and amended on Third Reading as printed in House Journal, April 25.

The House has adopted the First Report of the First Conference Committee on SB11-209, as printed in House Journal, April 21, pages 1043-1056, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB11-226, as printed in House Journal, April 21, pages 1068-1069, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted and returns herewith SJR11-044.

MESSAGE FROM THE REVISOR OF STATUTES

April 25, 2011

We herewith transmit:

Without comment, as amended, HB11-1277.
Without comment, as amended, SB11-089, 090, 092, 173, and 230.

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-261 by Senator(s) Roberts, Brophy, Carroll, Morse, Schwartz; also Representative(s) Gardner B., Labuda, Levy, Murray, Waller--Concerning the publication of the Colorado Revised Statutes by persons other than the general assembly.
Judiciary

SB11-262 by Senator(s) Scheffel and Tochtrop; also Representative(s) Murray and Williams A.-- Concerning the regulation of telecommunications service by the public utilities commission, and, in connection therewith, eliminating price regulation for all but basic local exchange service and emergency service and phasing out the high-cost support mechanism.
Business, Labor and Technology

MESSAGE FROM THE GOVERNOR

April 22, 2011

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

Ladies and Gentlemen:

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

SB11-034 CONCERNING REQUIRING AN EDUCATOR WHO PROVIDES SERVICES THROUGH THE WOMEN, INFANTS, AND CHILDREN PROGRAM TO REPORT CHILD ABUSE OR NEGLECT

Approved April 22, 2011 at 8:55 a.m.

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SB11-037 CONCERNING THE CREATION OF A WORLD WAR II SPECIAL LICENSE PLATE, AND MAKING AN APPROPRIATION THEREFOR

Approved April 22, 2011 at 8:55 a.m.

SB11-062 CONCERNING THE ADMINISTRATIVE DUTIES OF THE OFFICE OF INFORMATION TECHNOLOGY

Approved April 22, 2011 at 8:56 a.m.

SB11-094 CONCERNING THE CONTINUATION OF THE STATE BOARD OF OPTOMETRIC EXAMINERS, AND, IN CONNECTION THEREWITH, CHANGING THE NAME OF THE BOARD, IMPLEMENTING THE SUNSET REVIEW RECOMMENDATIONS OF THE DEPARTMENT OF REGULATORY AGENCIES, AND MAKING AN APPROPRIATION

Approved April 22, 2011 at 8:56 a.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, April 26, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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