

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

107th Legislative Day Thursday, April 28, 2011

- Prayer By Senator Newell.
- Call to Order By the President at 9:00 a.m.
- Pledge By Senator Grantham.
- Roll Call Present--33
Excused--2, Kopp, Spence.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Jahn, reading of the Journal of Wednesday, April 27, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Reconsideration of HB11-1080.

RECONSIDERATION OF HB11-1080

HB11-1080 by Representative(s) Todd; also Senator(s) King S.--Concerning the address confidentiality program, and making an appropriation therefor.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB11-1080. The roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
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, reconsideration was granted.

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:

HB11-1080 by Representative(s) Todd; also Senator(s) King S.--Concerning the address confidentiality program, and making an appropriation therefor.

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

Third Reading Amendment No. 1(L.011), by Senator King S.

Amend rerevised bill, page 29, line 2, strike "not otherwise appropriated".

Page 29, line 4, after "Statutes," insert "not otherwise appropriated, to the department of personnel and administration, for allocation to the executive director's office, statewide special purpose, for the address confidentiality program,".

The amendment was **passed** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
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	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
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**.

**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:

SB11-239 by Senator(s) Newell; also Representative(s) Swerdfeger--Concerning the repeal of a requirement that the division of local government annually report about information related to incorporated municipalities to the clerk of each incorporated municipality.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsor added: Steadman

SB11-240

by Senator(s) Hudak, Bacon, Schwartz; also Representative(s) Murray--Concerning the implementation of sunset review of the regulation of private occupational schools, and, in connection therewith, requiring the department of regulatory agencies to review the functions of the private occupational school division and the private occupational school board and scheduling a future repeal of the laws related to regulation of private occupational schools.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
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.

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:

SB11-125

by Senator(s) White, Guzman, Jahn, Tochtrop; also Representative(s) Sonnenberg, Pace-- Concerning medicaid nursing facility provider fees, and, in connection therewith, increasing the cap on the medicaid nursing facility provider fee, changing the priority of uses for supplemental payments from the medicaid nursing facility cash fund, and making an appropriation.

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

YES	23	NO	10	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	E
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	Y	King S.	Y	Roberts	N		

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

Co-sponsors added: Aguilar, Boyd, Giron, Nicholson and Williams S.

SB11-050

by Senator(s) Roberts; also Representative(s) Gerou--Concerning a requirement that a condemning authority pay fair market value for land subject to a conservation easement.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Guzman, Jahn, King S., Newell, Steadman, Tochtrop and White.

SB11-111

by Senator(s) King K., Heath, Johnston, Nicholson, Renfroe, Spence; also Representative(s) Massey--Concerning creation of a task force to address the provision of educational services to support students' academic success.

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

YES	32	NO	1	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
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, Jahn, Lambert, Schwartz, White and Williams S.

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INTRODUCTION OF BILLS -- FIRST READING

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

HB11-1297 by Representative(s) Murray; also Senator(s) Cadman--Concerning the statewide internet portal authority.
State, Veterans & Military Affairs

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

SB11-234 by Senator(s) Jahn, Boyd, Cadman, Grantham, Hodge, King S., Kopp, Lundberg, Morse, Nicholson, Scheffel, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; also Representative(s) Massey, Kerr J., Liston, Pace, Schafer S., Scott, Swerdfeger, Todd--Concerning residential real property transfer fee covenants.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, April 25, pages 858-859 and placed in members' bill files.)

Amendment No. 2(L.012), by Senator Jahn.

Amend the Local Government Committee Report, dated April 21, 2011, page 1, after line 3 insert:

"Page 6, line 11, strike "JULY 1," and substitute "THE EFFECTIVE DATE OF THIS SECTION".

Page 6, line 12, strike "2011,".

Page 1 of the Committee Report, after line 17 insert:

"Page 8, strike line 2 and substitute "THE EFFECTIVE DATE OF THIS SECTION, OR ANY LIEN RECORDED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, TO THE".

Page 2 of the Committee Report, strike line 1 and substitute:

"Page 8, line 11, strike "JULY 1, 2011," and substitute "THE EFFECTIVE DATE OF THIS SECTION AND FAILS TO RELEASE SUCH".

Page 2 of the Committee Report, after line 6 insert:

"Page 9, line 2, strike "JULY 1, 2011," and substitute "THE EFFECTIVE DATE OF THIS SECTION,".

Page 2 of the Committee Report, line 11, after "SECTION" insert "THAT IS EITHER DESCRIBED IN SECTIONS 501 (c) (3), 501 (c) (4), OR 501 (c) (7) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, OR THAT IS ORGANIZED".

Page 2 of the Committee Report, line 13, before "THAT" insert "AND".

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

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SB11-205 by Senator(s) Tochtrop; also Representative(s) Miklosi--Concerning parity in status between health care providers under health benefit plans, and, in connection therewith, specifying the conditions under which health insurance carriers must grant participating provider status to advanced practice nurses under the carriers' health benefit plans.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, April 25, pages 863-864 and placed in members' bill files.)

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

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.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, March 24, page 568 and placed in members' bill files.)

Amendment No. 2(L.021), by Senators Morse, Steadman, Boyd, Cadman, King K., and Lundberg.

Amend reengrossed bill, page 9, line 9, before "REPETITIVE" insert "OFTEN".

Amendment No. 3(L.022), by Senators Morse, Steadman, Boyd, Cadman, King K., and Lundberg.

Amend reengrossed bill, page 14, line 24, strike "IF SUFFICIENT" and substitute "IF THE DEPARTMENT OF PUBLIC SAFETY ACQUIRES SUFFICIENT FUNDING, THE BOARD MAY REQUEST THAT INDIVIDUALS OR ENTITIES PROVIDING SEX-OFFENDER-SPECIFIC EVALUATION, TREATMENT, OR POLYGRAPH SERVICES THAT CONFORM WITH STANDARDS DEVELOPED BY THE BOARD PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4) SUBMIT TO THE BOARD DATA AND INFORMATION AS DETERMINED BY THE BOARD AT THE TIME THAT FUNDING BECOMES AVAILABLE. THIS DATA AND INFORMATION MAY BE USED BY THE BOARD TO EVALUATE THE EFFECTIVENESS OF THE GUIDELINES AND STANDARDS DEVELOPED PURSUANT TO THIS ARTICLE TO EVALUATE THE EFFECTIVENESS OF INDIVIDUALS OR ENTITIES PROVIDING SEX-OFFENDER-SPECIFIC EVALUATION, TREATMENT, OR POLYGRAPH SERVICES, OR FOR ANY OTHER PURPOSES CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE."

Page 14, strike lines 25 through 27.

Page 15, strike lines 1 and 2.

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

HB11-1219 by Representative(s) Levy and Lee; also Senator(s) Newell--Concerning the "Uniform Military and Overseas Voters Act".

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, April 19, page 801 and placed in members' bill files.)

Amendment No. 2(L.012), by Senator Newell.

Amend reengrossed bill, page 2, strike lines 17 and 18.

Renumber succeeding sections accordingly.

Page 3, line 9, strike "(c) OR (d)" and substitute "(b) OR (c)".

Page 7, line 19, strike "(e)," and substitute "(d),".

Page 10, line 18, strike "ELECTRONIC TRANSMISSION." and substitute "OTHER ELECTRONIC MEANS."

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

HB11-1163 by Representative(s) Vaad; also Senator(s) Tochtrop--Concerning the issuance by the department of transportation of permits for the movement of super loads on the highways, and making an appropriation in connection therewith.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, April 13, page 745 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 21, page 842 and placed in members' bill files.)

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

HB11-1115 by Representative(s) Priola and Soper, Brown, Casso, Gardner B., Kerr A., Liston, Looper, Peniston, Ramirez, Riesberg, Scott, Solano, Swalm, Swerdfeger, Szabo, Wilson; also Senator(s) Tochtrop, Cadman, Jahn, Kopp, Renfroe--Concerning the payment of retainage in construction contracts involving public entities.

Amendment No. 1, Business, Labor & Technology Committee Amendment.

(Printed in Senate Journal, February 24, pages 296-297 and placed in members' bill files.)

Amendment No. 2, Finance Committee Amendment.

(Printed in Senate Journal, March 25, page 582 and placed in members' bill files.)

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

HB11-1211 by Representative(s) Pace; also Senator(s) Tochtrop, Carroll--Concerning restrictions on travel-related expenditures by state-chartered entities on behalf of persons affiliated with such entities.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, April 21, pages 844-845 and placed in members' bill files.)

Amendment No. 2(L.012), by Senator Tochtrop.

Amend the Judiciary Committee Report, dated April 20, 2011, page 2, strike lines 8 and 9 and substitute:

"Page 4, strike lines 13 through 16 and substitute:

"(I) LODGING EXPENDITURES THAT ARE ABOVE ONE AND ONE-HALF TIMES THE FEDERAL PER DIEM RATE FOR TRAVEL-RELATED EXPENDITURES IN CONNECTION WITH AN EDUCATIONAL CONFERENCE WHERE AN ENTITY OTHER THAN THE PUBLIC ENTITY IS HOSTING THE CONFERENCE AND THE PERSON OR ENTITY ORGANIZING THE CONFERENCE SELECTED THE CONFERENCE HOTEL OR HOTELS; OR".

Amendment No. 3(L.013), by Senator Roberts.

Amend the Judiciary Committee Report, dated April 20, 2011, page 1, strike lines 5 through 13 and substitute:

""(3) "PUBLIC ENTITY" MEANS ANY INSTRUMENTALITY OF THE STATE THAT IS NOT AN AGENCY OF THE STATE AND THAT IS NOT SUBJECT TO ADMINISTRATIVE DIRECTION BY ANY DEPARTMENT, COMMISSION, BUREAU, OR AGENCY OF THE STATE AND INCLUDES ANY SERVICE AUTHORITY, LAW ENFORCEMENT AUTHORITY, SPECIAL PURPOSE AUTHORITY, OR INSTITUTION OF HIGHER EDUCATION. "PUBLIC ENTITY" SHALL NOT INCLUDE ANY COUNTY, MUNICIPALITY, SCHOOL DISTRICT, OR ANY SPECIAL DISTRICT FORMED PURSUANT TO TITLE 32, C.R.S.".

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

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (HB11-1237, HB11-1278) of Thursday, April 28 was laid over until Friday, April 29, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	E	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	E
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: SB11-234 as amended, SB11-205 as amended, HB11-1138 as amended, HB11-1219 as amended, HB11-1163 as amended, HB11-1115 as amended, HB11-1211 as amended.
 Laid over until April 29: HB11-1237, HB11-1278, HB11-1109, HB11-1268, HB11-1267, SB11-182, HB11-1095, HB11-1121, SB11-186, HB11-1105, SB11-244.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of House Amendments to Senate Bills Calendar (SCR11-001, SB11-213, SB11-089, SB11-090, SB11-092, SB11-173, SB11-230) of Thursday, April 28 was laid over until Friday, April 29, retaining its place on the calendar.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of Governor's Appointments Calendar (Members of the Colorado Tourism Office Board of Directors, Members of the Colorado Civil Rights Commission, Members of the Advisory Committee on Governmental Accounting) of Thursday, April 28 was laid over until Friday, April 29, retaining its place on the calendar.

SENATE SERVICES REPORT

Correctly Engrossed: SB11-050, 111, 125, 239 and 240; SJR11-037.

Correctly Reengrossed: SB11-200, 204 and 232.

Correctly Rerevised: HB11-1100, 1274, 1283, 1289 and 1291.

Correctly Enrolled: SJR11-037, 039, 041, 042, 044, 048 and 049.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB11-1160, 1200, 1201, 1251, 1286, 1042.

COMMITTEE OF REFERENCE REPORTS

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB11-248** be referred to the Committee of the Whole with favorable recommendation.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB11-247** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike lines 8 through 27.

Page 3, strike lines 1 through 11.

Renumber succeeding sections accordingly.

Judiciary

After consideration on the merits, the Committee recommends that **SB11-260** be referred to the Committee of the Whole with favorable recommendation.

Judiciary

After consideration on the merits, the Committee recommends that **SB11-253** be referred to the Committee of the Whole with favorable recommendation.

Judiciary

After consideration on the merits, the Committee recommends that **SB11-254** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 2, line 14, strike "ACTIVELY SEEKING EMPLOYMENT OR".

Page 3, line 15, strike "~~shall~~ MAY" and substitute "shall".

Page 4, line 22, strike "LOW" and substitute "MINIMUM".

Page 5, strike lines 16 through 21 and substitute:

"(VI) THE FACT THAT THE DEFENDANT OWES RESTITUTION, COSTS, FEES, FINES, OR SURCHARGES SHALL NOT PROHIBIT THE COURT FROM GRANTING THE MOTION FOR EARLY TERMINATION IF THE COURT FINDS THE MOTION OTHERWISE APPROPRIATE."

Judiciary

After consideration on the merits, the Committee recommends that **HB11-1064** be referred to the Committee on Appropriations with favorable recommendation.

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Judiciary	After consideration on the merits, the Committee recommends that SB11-243 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
Judiciary	After consideration on the merits, the Committee recommends that SB11-256 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	5 6 7 8 9
Judiciary	After consideration on the merits, the Committee recommends that SB11-241 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	10 11 12 13
	Amend printed bill, page 2, line 10, after "PROVIDER" insert "WHO IS EMPLOYED BY OR UNDER CONTRACT WITH THE DEPARTMENT".	14 15 16
	Page 3, line 6, strike "PROVIDER," and substitute "PROVIDER WHO IS EMPLOYED BY OR UNDER CONTRACT WITH THE DEPARTMENT,".	17 18 19
	Page 3, line 20, strike "PRISON." and substitute "A DEPARTMENT OF CORRECTIONS FACILITY FOR THE OFFENSE; OR".	20 21 22
	Page 3, line 22, after "or" insert "WAS CONVICTED OF A CLASS 2 FELONY CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, C.R.S., AND THE OFFENDER HAS SERVED FEWER THAN TEN YEARS IN A DEPARTMENT OF CORRECTIONS FACILITY FOR THE OFFENSE.".	23 24 25 26
	Page 4, line 1, strike "(1) (a)" and substitute "(1) (a) (I)".	27 28 29
	Page 5, after line 8 insert:	30 31
	"(II) EACH MEMBER OF THE PAROLE BOARD WHO IS A MEMBER OF THE BOARD ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II) MAY REAPPLY FOR APPOINTMENT TO THE BOARD AT THE END OF HIS OR HER TERM AND THE GOVERNOR MAY REAPPOINT THE MEMBER REGARDLESS OF WHETHER THE MEMBER MEETS THE QUALIFICATIONS OF THIS PARAGRAPH (a)."	32 33 34 35 36 37
	Page 5, line 19, after the period add "THE SOLE REMEDY FOR FAILURE TO COMPLY WITH EDUCATION, TRAINING, AND DATA COLLECTION REQUIREMENTS SHALL BE REMOVAL OF THE BOARD MEMBER BY THE GOVERNOR, AND THE FAILURE TO COMPLY WITH EDUCATION, TRAINING, AND DATA COLLECTION REQUIREMENTS SHALL NOT CREATE ANY RIGHT FOR ANY OFFENDER.".	38 39 40 41 42 43 44
	Page 6, line 10, strike "BOARD." and substitute "BOARD BY DECEMBER 31, 2012.".	45 46 47
	Page 9, after line 24 insert:	48 49
	"(d) THE SOLE REMEDY FOR FAILURE TO COMPLY WITH EDUCATION, TRAINING, AND DATA COLLECTION REQUIREMENTS SHALL BE TERMINATION OF THE EMPLOYEE, AND THE FAILURE TO COMPLY WITH EDUCATION, TRAINING, AND DATA COLLECTION REQUIREMENTS SHALL NOT CREATE ANY RIGHT FOR ANY OFFENDER.".	50 51 52 53 54 55
	Page 10, after line 14 insert:	56 57
	"(d) THE SOLE REMEDY FOR FAILURE TO COMPLY WITH EDUCATION, TRAINING, AND DATA COLLECTION REQUIREMENTS SHALL BE TERMINATION OF THE EMPLOYEE, AND THE FAILURE TO COMPLY WITH EDUCATION, TRAINING, AND DATA COLLECTION REQUIREMENTS SHALL NOT CREATE ANY RIGHT FOR ANY OFFENDER.".	58 59 60 61 62 63
	Page 12, line 3, strike "STATEMENT," and substitute "STATEMENT OR RESPONSE FROM THE DISTRICT ATTORNEY THAT PROSECUTED THE OFFENDER,".	64 65 66
	Page 12, line 5, strike "(c)" and substitute "(c) (I)".	67 68 69

Page 12, after line 9 insert:

"(II) AT THE SAME TIME THAT THE DEPARTMENT COMPLETES THE NOTIFICATION REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), THE DEPARTMENT SHALL NOTIFY THE DISTRICT ATTORNEY THAT PROSECUTED THE OFFENDER IF THE OFFENDER IS SERVING A SENTENCE FOR A CONVICTION OF A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, C.R.S., OR A SEX OFFENSE AS LISTED IN SECTION 18-1.3-1004 (4), C.R.S. A DISTRICT ATTORNEY SHALL HAVE THIRTY DAYS AFTER RECEIVING NOTIFICATION TO SUBMIT A RESPONSE TO THE DEPARTMENT. THE DEPARTMENT SHALL INCLUDE ANY DISTRICT ATTORNEY RESPONSE IN THE REFERRAL TO THE STATE BOARD OF PAROLE."

Page 13, strike line 12 and substitute:

"(6) THE".

Page 13, line 14, strike "THE INMATE" and substitute "ANY OFFENDER".

Page 14, line 3, strike "PRESUMPTION" and substitute "PRESUMPTION, SUBJECT TO THE FINAL DISCRETION OF THE PAROLE BOARD,".

Page 14, line 11, after "18-12-109, C.R.S.;" insert "SECTION 18-17-104, C.R.S., OR SECTION 18-18-407, C.R.S.;".

Page 14, after line 14 insert:

"(2) IN DETERMINING WHETHER TO GRANT PAROLE PURSUANT TO PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL CONSIDER THE COST OF INCARCERATION TO THE STATE OF COLORADO IN RELATION TO THE NEEDS OF FURTHER CONFINEMENT OF THE INMATE TO ACHIEVE THE PURPOSE OF THE INMATE'S SENTENCE."

Renumber succeeding subsections accordingly.

Page 15, line 8, strike "FOR AN INMATE WHO MEETS THE CRITERIA LISTED IN".

Page 15, strike lines 9 and 10.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HJR11-1017** be postponed indefinitely.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB11-116** be postponed indefinitely.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SR11-004** be postponed indefinitely.

Agriculture, Natural Resources, and Energy

After consideration on the merits, the Committee recommends that **SB11-235** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike lines 5 through 14.

Page 3, strike lines 1 through 19 and substitute:

"(16) (a) IF THE DIVISION EXPERIENCES A BACKLOG IN PROCESSING AIR QUALITY PERMIT APPLICATIONS CAUSED BY AN OCCASIONAL NEED

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THAT IS SEASONAL, IRREGULAR, OR FLUCTUATING IN NATURE, AND THE DEPARTMENT DETERMINES OR REASONABLY EXPECTS THAT, AS A RESULT, PERMITS WOULD NOT BE ISSUED WITHIN STATUTORY TIME FRAMES, THE DIVISION SHALL MAKE AVAILABLE TO SOURCES THAT ARE NOT SUBJECT TO PERMITTING UNDER PART C OF THE FEDERAL ACT THE OPTION TO HAVE THE AIR QUALITY MODELING THAT IS SUBMITTED WITH THE APPLICANT'S AIR PERMIT APPLICATION REVIEWED FOR ACCEPTANCE AS DEMONSTRATING COMPLIANCE BY A CONTRACT CONSULTANT SELECTED BY THE DIVISION IN LIEU OF THE REVIEW BEING CONDUCTED BY DIVISION STAFF.

(b) THE DIVISION SHALL SELECT AND CONTRACT WITH NONGOVERNMENTAL AIR QUALITY MODELING ENGINEERS TO PERFORM AIR QUALITY MODELING REVIEWS OF APPLICANTS WHO CHOOSE CONTRACT CONSULTANT REVIEW OF THEIR AIR QUALITY PERMIT MODELING. THE DIVISION IS NOT SUBJECT TO THE REQUIREMENTS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., IN SELECTING AND CONTRACTING WITH THE CONSULTANTS. THE DIVISION SHALL REVIEW AND EXCLUDE FROM CONSIDERATION AS A CONTRACT AIR QUALITY MODELING CONSULTANT ANY CONTRACTORS WITH A CONFLICT OF INTEREST REGARDING AIR QUALITY PERMIT APPLICATIONS. APPLICANTS THAT CHOOSE CONSULTANT REVIEW OF THEIR AIR QUALITY MODELING ARE RESPONSIBLE FOR BOTH THE CONSULTANT'S COSTS ASSOCIATED WITH THE AIR MODELING REVIEW AS WELL AS THE DIVISION'S COSTS ASSOCIATED WITH THE REVIEW AND DETERMINATION OF THE AIR PERMIT APPLICATION, TO BE PAID TO THE DIVISION.

(c) THE DIVISION SHALL USE THE RESULTS OF THE MODELING CONDUCTED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (16) FOR PURPOSES OF THE DIVISION'S PERMIT APPLICATION ANALYSIS."

Page 1, strike lines 105 and 106 and substitute "APPROVALS."

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 Thursday, April 28 was laid over until Friday, April 29, retaining its place on the calendar.

Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024, SJR11-032, SJR11-036, SJR11-045, SJR11-046, SJR11-047, SJR11-050, SJR11-051, SJR11-052, SJR11-053, SR11-005.
 Consideration of Memorials: SJM11-002, SJM11-003, SJM11-004.
 Consideration of Conference Committee Reports: SB11-219.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

The Speaker has appointed Representative Coram to replace Representative Nikkel as prime sponsor on SB11-177.

INTRODUCTION OF BILLS -- FIRST READING

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

SB11-268 by Senator(s) Heath, Carroll, Schwartz; also Representative(s) Pabon and Vigil--Concerning the congressional redistricting of Colorado.
 State, Veterans & Military Affairs

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB11-128, HB11-1145, 1196.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Thursday, April 28, 2011, at 10:20 a.m.:
SB11-128.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, April 29, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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