

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

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98th Legislative Day

Tuesday, April 19, 2011

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Prayer	By the chaplain, Reverend Barry Ebert, Mile Hi Church, Lakewood.	1
Call to Order	By the President at 9:00 a.m.	2
Pledge	By Senator Guzman.	3
Roll Call	Present--35	4
Quorum	The President announced a quorum present.	5
Reading of Journal	On motion of Senator Lambert, reading of the Journal of Monday, April 18, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.	6

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**MESSAGE FROM THE HOUSE**

April 18, 2011

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1141, amended as printed in House Journal, April 6, page 876.  
HB11-1032, amended as printed in House Journal, April 8, page 912.  
HB11-1272, amended as printed in House Journal, April 11, page 938.  
HB11-1275, amended as printed in House Journal, April 11, page 938.

The House has adopted the First Report of the First Conference Committee on HB11-1258, as printed in House Journal, April 13, page 978, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on SB11-165, as printed in House Journal, April 15, page 1003, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted and transmits herewith HJR11-1017.

The House has voted to concur in the Senate amendments to HB11-1097, 1004, 1042, 1071, 1080, 1156, 1216, 1234, and has repassed the bills as so amended.

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**MESSAGE FROM THE REVISOR OF STATUTES**

April 18, 2011

We herewith transmit:

Without comment, as amended, HB11-1032, 1141, 1272, and 1275.

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## INTRODUCTION OF RESOLUTIONS

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

**SJR11-040** by Senator(s) White, Boyd, Brophy, Cadman, Giron, Grantham, Guzman, Hodge, Jahn, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Nicholson, Renfroe, Roberts, Schwartz, Spence, Tochtrop; also Representative(s) Brown, Acree, Barker, Baumgardner, Becker, Bradford, Conti, Coram, DelGrosso, Gardner B., Hamner, Holbert, Joshi, Kerr J., Looper, Massey, McKinley, Murray, Priola, Riesberg, Scott, Sonnenberg, Soper, Summers, Swalm, Swerdfeger, Vaad, Vigil--Concerning management of wild horse and burro herds by the bureau of land management, and, in connection therewith, urging the bureau of land management to take certain actions concerning those herds.  
Agriculture, Natural Resources, and Energy

**SJR11-041** by Senator(s) Tochtrop, Carroll, King S., Renfroe; also Representative(s) Acree, Gardner D., Kerr J., Miklosi--Concerning the appointment of Dianne E. Ray to the position of state auditor.

Laid over one day under Senate Rule 30(b).

**SJR11-042** by Senator(s) Roberts and Williams S.; also Representative(s) Brown and Coram--Concerning the recognition of the Tri-Ute meeting in Colorado, and, in connection therewith, honoring the culture and heritage of the Ute Indian Tribes.

Laid over one day under Senate Rule 30(b).

**SJR11-043** by Senator(s) Scheffel; also Representative(s) Massey--Concerning the designation of September 27, 2011, as "First Responder Appreciation Day".

Laid over one day under Senate Rule 30(b).

**SJR11-044** by Senator(s) Schwartz; also Representative(s) Jones, Barker, Bradford, Fischer, Gardner D., Hamner, Lee, Looper, Nikkel, Priola, Ryden, Schafer S., Scott, Swalm, Tyler, Wilson--Concerning the proclamation of April 21, 2011, as "Colorado Outdoor Stewardship Day", and, in connection therewith, recognizing the importance of outdoor recreation to the state of Colorado and acknowledging the efforts of outdoor volunteers and the Colorado outdoor stewardship advisory council.

Laid over one day under Senate Rule 30(b).

**SJR11-045** by Senator(s) Jahn; also Representative(s) Tyler--Concerning 22q11.2 deletion syndrome awareness week.

Laid over one day under Senate Rule 30(b).

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## INTRODUCTION OF BILLS -- FIRST READING

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

**SB11-241** by Senator(s) King S. and Carroll; also Representative(s) Gardner B. and Kagan--Concerning changes related to the operation of the parole board.  
Judiciary

**SB11-242** by Senator(s) Aguilar; also Representative(s) Miklosi--Concerning retired volunteer nurse licensure.  
Health and Human Services

**SB11-243** by Senator(s) Guzman; --Concerning the repeal of the civil penalty for document fraud.  
Judiciary

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**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:

**HB11-1251** by Representative(s) Conti, Acree, Balmer, Brown, Kerr J., Summers, Swerdfeger; also Senator(s) Tochtrop--Concerning an exemption from the restrictions on window tinting for public safety vehicles.

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	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.	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: King S. and Williams S.

**HB11-1286** by Representative(s) Sonnenberg and Becker, Baumgardner, Brown, Coram, DelGrosso, Fischer, Hullinghorst, Joshi, McKinley, McNulty, Pace, Priola, Ramirez, Scott, Swalm, Wilson; also Senator(s) Schwartz, Brophy, Giron, Grantham, Guzman, Hodge, Jahn, Renfroe, Tochtrop--Concerning the state engineer's rule-making authority in the case of dewatering of geologic formations by withdrawing nontributary ground water to facilitate the mining of minerals.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

**SB11-231** by Senator(s) Steadman; also Representative(s) Nikkel--Concerning operation of the Colorado channel authority, and, in connection therewith, allowing the authority to make available via the internet audio recordings of proceedings of the general assembly and requiring certain members of the board of directors of the authority to be serving members of the general assembly and to represent the major political parties in each house.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsor added: Cadman

**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:

**SB11-220** 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 Wednesday, April 20, retaining its place on the calendar.

**HB11-1160** by Representative(s) Gerou; also Senator(s) Jahn--Concerning the establishment of a green building incentive pilot program administered by the governor's energy office to incentivize the making of energy efficiency improvements to existing residences with current home energy ratings below minimum standards for people who purchase highly efficient new residential construction.

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

YES	25	NO	10	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	Y
Brophy	Y	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 was passed.

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

**SB11-208** by Senator(s) Schwartz and Hodge, Bacon, Boyd, Brophy, Cadman, Foster, Giron, Grantham, Guzman, Heath, Hudak, Jahn, King S., Kopp, Lambert, Newell, Nicholson, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.; also Representative(s) Sonnenberg and Gerou, Acree, Barker, Baumgardner, Becker, Beezley, Bradford, Coram, Ferrandino, Gardner B., Hamner, Holbert, Joshi, Labuda, Looper, Massey, McCann, Miklosi, Murray, Nikkel, Priola, Ramirez, Ryden, Schafer S., Scott, Stephens, Summers, Swalm, Swerdfeger, Waller, Wilson--Concerning the consolidation of wildlife entities with parks and outdoor recreation entities under the department of natural resources.

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

YES	34	NO	1	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	N	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: Harvey

Senator Newell requested her name be removed as sponsor on SB11-208.

**HB11-1196** by Representative(s) Summers; also Senator(s) Foster--Concerning measures to increase flexibility in funding services for families.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Giron, Guzman, Heath, Hudak, Jahn, Newell, Nicholson, Schwartz, Tochtrop, White and Williams S.

**SB11-166** by Senator(s) Johnston; also Representative(s) Wilson--Concerning the "Uniform Disclaimer of Property Interests Act".

The question being "Shall the bill 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	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.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

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

**SB11-199** by Senator(s) Tochtrop; also Representative(s) Riesberg--Concerning workers' compensation.

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

YES	34	NO	1	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	N	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 and Guzman.

Committee of the Whole On motion of Senator Newell, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Newell was called to the Chair to act as Chairman.

**GENERAL ORDERS -- SECOND READING OF BILLS --  
CONSENT CALENDAR**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

**SB11-066** by Senator(s) Jahn; --Concerning the issuance of special event permits to serve alcohol beverages.

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

**SB11-203** by Senator(s) Schwartz; also Representative(s) Sonnenberg--Concerning the species conservation trust fund, and, in connection therewith, approving the species conservation eligibility list.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.  
(Printed in Senate Journal, March 31, page 615 and placed in members' bill files.)

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

**HB11-1026** by Representative(s) Gerou; also Senator(s) Jahn--Concerning the designation of storm water management system administrators, and making an appropriation therefor.

Amendment No. 1, Business, Labor & Technology Committee Amendment.  
(Printed in Senate Journal, March 17, pages 475-479 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 15, page 776 and placed in members' bill files.)

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

**HB11-1200** by Representative(s) Barker, Beezley, Labuda; also Senator(s) Roberts--Concerning conducting a substance abuse assessment at probation intake when the presentence report is waived.

Ordered revised 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 Newell, 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: SB11-066, SB11-203 as amended, HB11-1026 as amended, HB11-1200.

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

**SB11-194** by Senator(s) Boyd; --Concerning the regulation of alcohol beverages.

Laid over until May 12, retaining its place on the calendar.

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

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

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

On motion of Senator Newell, 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: SB11-060.

Laid over until April 20: SB11-052, HB11-1109, HB11-1268, HB11-1138, HB11-1267, SB11-227, SB11-182, HB11-1218, HB11-1146, SB11-051, SB11-047, SB11-177, SB11-125, SB11-105, SB11-004, SB11-185, HB11-1201, HB11-1145, HB11-1076, SB11-192.

Laid over until May 12: SB11-194.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

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

MEMBER OF THE  
COLORADO COMMISSION ON THE AGING

for a term expiring July 1, 2014:

Maureen Robinson of Littleton, Colorado, to serve as a Democrat from Congressional District 6, reappointed.

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		

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

MEMBERS OF THE  
COLORADO COMMISSION FOR THE  
DEAF AND HARD OF HEARING

for terms expiring July 1, 2014:

Marie N. Runge of Greeley, Colorado, to serve as a member who is deaf, appointed;

Kirk B. Neuroth of Denver, Colorado, to serve as a member who is an interpreter for the deaf and hard of hearing, appointed;

Deborah G. Mohny of Boulder, Colorado, to serve as a member who is hard of hearing, reappointed.



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		

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

MEMBERS OF THE  
COAL MINE BOARD OF EXAMINERS

for terms expiring July 1, 2012:

Daniel R. Meadors of Durango, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in underground mining, to fill the vacancy occasioned by the resignation of Trent A. Peterson of Marvel, Colorado, appointed;

Lara A. Sims of Hayden, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in surface mining, to fill the vacancy occasioned by the resignation of Karl C. Koehler of Hayden, Colorado, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

MEMBERS OF THE  
COLLEGEINVEST BOARD OF DIRECTORS

for terms expiring July 31, 2014:

David L. Stevens of Denver, Colorado, appointed;

Charles W. Kercheval of Parker, Colorado, appointed;

for a term expiring July 31, 2012:

Angela A. Gripenstraw of Greenwood Village, Colorado, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

MEMBERS OF THE  
PRIVATE OCCUPATIONAL SCHOOL BOARD

for terms expiring July 1, 2014:

Winnifred S. Rovig of Glenwood Springs, Colorado, a representative of the general public, reappointed;

Earl F. Douglass of Lakewood, Colorado, a representative of the general public who is employed by a lending institution located in Colorado and is familiar with the Colorado college access network, reappointed.

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		

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

MEMBER OF THE  
BOARD OF TRUSTEES FOR THE COLORADO  
SCHOOL FOR THE DEAF AND THE BLIND

for a term expiring July 1, 2014:

Chris A. Madison of Grand Junction, Colorado, a Republican, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

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

Senator Guzman moved for the adoption of the first report of the first conference committee on **SB11-165**, as printed in Senate journal, April 15, page 759. 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	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**SB11-188** by Senator(s) Bacon and King K.; also Representative(s) Casso--Concerning increasing the state's oversight of the program that allows the financing of capital construction for qualified charter schools.

Senator Bacon moved that the Senate concur in House amendments to **SB11-188**, as printed in House journal, April 18, page 937. 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	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

**SENATE SERVICES REPORT**

- Correctly Printed:** SR11-005.
- Correctly Engrossed:** SB11-166, 199, 208 and 231.
- Correctly Reengrossed:** SB11-126.
- Correctly Revised:** HB11-1160, 1196, 1251 and 1286; HJR11-1016.
- Correctly Enrolled:** SB11-211, 212, 214, 215, 216, 217, 218, 221, 222, 223, 224, 228 and 229.

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

The President has signed: HB11-1182, 1198, HJR11-1015.

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, April 19 was laid over until Wednesday, April 20, retaining its place on the calendar.

- Consideration of Resolutions: SJR11-005, SJR11-015, SJR11-023, SJR11-024, SJR11-032, SJR11-035, SJR11-036, SJR11-037, SJR11-039, SR11-005.
- Consideration of Memorials: SJM11-002, SJM11-003.
- Consideration of House Amendments to Senate Bills: SCR11-001, SB11-213.
- Conference Committees to Report: HB11-1209.
- Requests for Conference Committee: SB11-209, SB11-226, SB11-219.

**COMMITTEE OF REFERENCE REPORTS**

- Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB11-1283** be referred to the Committee on Appropriations with favorable recommendation.
- Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB11-1199** be referred to the Committee on Appropriations with favorable recommendation.
- Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB11-207** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 19, line 8, strike "THE" and substitute "FOR CONTRACTS ENTERED INTO TO PERFORM ROOFING WORK ON A RESIDENTIAL PROPERTY, THE".

State,  
Veterans, &  
Military  
Affairs

After consideration on the merits, the Committee recommends that **HB11-1140** be postponed indefinitely.

State,  
Veterans, &  
Military  
Affairs

After consideration on the merits, the Committee recommends that **HB11-1252** be postponed indefinitely.

State,  
Veterans, &  
Military  
Affairs

After consideration on the merits, the Committee recommends that **HB11-1219** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 11, line 23, strike "TRANSMISSION," and substitute "TRANSMISSION IN CIRCUMSTANCES WHERE ANOTHER MORE SECURE METHOD, SUCH AS RETURNING THE BALLOT BY MAIL, IS NOT AVAILABLE OR FEASIBLE,".

Page 14, line 5, after "CERTIFIED" insert "STATEWIDE BALLOT QUESTIONS AND".

Judiciary

After consideration on the merits, the Committee recommends that **HB11-1261** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, strike everything below the enacting clause and substitute:

**SECTION 1.** 42-4-1306, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**42-4-1306. Interagency task force on drunk driving - creation - repeal.** (6) (a) BEGINNING WITH THE FIRST MEETING OF THE TASK FORCE ON OR AFTER JULY 1, 2011, AND AT EACH MEETING THEREAFTER, THE TASK FORCE SHALL CONSIDER THE FOLLOWING QUESTIONS:

(I) HOW MAY THE GENERAL ASSEMBLY CONSIDER AMENDING THE CRIMINAL OR ADMINISTRATIVE STATUTORY PROVISIONS RELATING TO THE OFFENSES OF "DRIVING UNDER THE INFLUENCE" AND "DRIVING WHILE ABILITY IMPAIRED", AS DESCRIBED IN SECTION 42-4-1301, TO ADDRESS TRAFFIC OFFENSES IN WHICH THE OFFENDER HAS APPARENTLY CONSUMED ONE OR MORE DRUGS;

(II) SHOULD THE GENERAL ASSEMBLY ESTABLISH A STATUTORY THRESHOLD, EXPRESSED IN NANOGRAMS OF TETRAHYDROCANNABINOLS PER MILLILITER OF WHOLE BLOOD, AS SHOWN BY ANALYSIS OF A PERSON'S BLOOD, FOR THE PURPOSE OF ALLOWING PROSECUTORS TO CHARGE A PERSON WHOSE BLOOD EXCEEDS THE THRESHOLD WITH THE OFFENSE OF DUI PER SE, AS DESCRIBED IN SECTION 42-4-1301;

(III) IF SUCH A STATUTORY THRESHOLD IS ESTABLISHED, WHAT SHOULD THE THRESHOLD BE, AND WHAT IS THE SCIENTIFIC JUSTIFICATION FOR SUCH THRESHOLD;

(IV) TO WHAT EXTENT IS SUCH SCIENTIFIC JUSTIFICATION DEEMED VALID AND RELIABLE BY THE SCIENTIFIC COMMUNITY; AND

(V) WILL THE ESTABLISHMENT OF SUCH A STATUTORY THRESHOLD PRESENT AN UNREASONABLE RISK THAT A PERSON WHO USES MARIJUANA WILL BE UNJUSTLY PROSECUTED FOR OR CONVICTED OF A DUI PER SE TRAFFIC OFFENSE AS A RESULT OF THE DETECTION OF DELTA 9-TETRAHYDROCANNABINOL IN THE PERSON'S WHOLE BLOOD.

(b) ON OR BEFORE DECEMBER 1, 2012, THE TASK FORCE SHALL CREATE AND PUBLISH A REPORT OF ITS FINDINGS AND CONCLUSIONS, IN WHICH REPORT THE TASK FORCE SHALL RESPOND TO THE QUESTIONS POSED IN PARAGRAPH (a) OF THIS SUBSECTION (6). THE TASK FORCE SHALL

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SUBMIT THE REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES.

(c) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE DECEMBER 2, 2012.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Page 1, strike lines 102 through 105 and substitute "**THRESHOLD FOR THE PURPOSE OF CHARGING A PERSON WITH THE CRIMINAL OFFENSE OF DUI PER SE.**".



On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, April 20, 2011.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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