

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

35th Legislative Day

Tuesday, February 14, 2012

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Prayer	By the chaplain, Dr. Gene Selander, Crystal Clear Ministries, Denver.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator Lambert.	15
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Roll Call	Present--33	17
	Excused--2, Mitchell, Scheffel.	18
	Present later--2, Mitchell, Scheffel.	19
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Quorum	The President announced a quorum present.	21
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Reading of Journal	On motion of Senator Jahn, reading of the Journal of Monday, February 13, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	23
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB12-135 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	32
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB12-123 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	38
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB12-080 be postponed indefinitely.	44
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Judiciary	After consideration on the merits, the Committee recommends that SB12-003 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	50
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	Amend printed bill, page 4, line 27, strike "HAS ACCESS TO MONEY".	55
		56
	Page 5, strike line 1 and substitute "IS WITH A BANK OR IS OTHERWISE IN THE FINANCIAL SERVICES SECTOR OR IF THE PERSON'S CONSUMER CREDIT INFORMATION IS OTHERWISE REQUIRED BY A DEFENSE OR SECURITY CONTRACT, INCLUDING CONTRACTS WITH THE FEDERAL DEPARTMENT OF DEFENSE."	57
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Judiciary	After consideration on the merits, the Committee recommends that SB12-105 be amended as follows, and as so amended, be referred to the Committee on <u>Finance</u> with favorable recommendation.	64
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- Amend printed bill, page 5, line 22, strike "OR". 1
- Page 5, line 25, strike "16-24-106." and substitute "16-24-106;". 2
- Page 5, after line 25 insert: 3
 - "(d) INVALIDATING OR CHANGING THE REQUIREMENTS IMPOSED BY 4
 - THE "COLORADO SEX OFFENDER REGISTRATION ACT", ARTICLE 22 OF THIS 5
 - TITLE, OR ANY ASSOCIATED REGULATIONS; OR 6
 - (e) A CHALLENGE TO THE CONDITIONS OF PROBATION IMPOSED 7
 - PURSUANT TO SECTION 18-1.3-204, C.R.S., OR THE CONDITIONS OF PAROLE 8
 - IMPOSED PURSUANT TO ARTICLE 17, C.R.S.". 9
- Page 6, after line 4 insert: 10
 - "(4) A COURT'S DECISION DENYING OR GRANTING RELIEF 11
 - PURSUANT TO SECTIONS 16-24-107 AND 16-24-108 IS NOT PART OF THE 12
 - DEFENDANT'S CRIMINAL CASE AND MAY NOT BE APPEALED.". 13
- Page 7, strike lines 16 through 18. 14
- Reletter succeeding paragraph accordingly. 15
- Page 8, line 16, strike "(3)" and substitute "(3) (a)". 16
- Page 8, after line 22 insert: 17
 - "(b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ORDER 18
 - OF COLLATERAL RELIEF CANNOT RELIEVE ANY COLLATERAL 19
 - CONSEQUENCES IMPOSED BY LAW FOR LICENSURE BY THE DEPARTMENT OF 20
 - EDUCATION OR ANY COLLATERAL CONSEQUENCES IMPOSED BY LAW FOR 21
 - EMPLOYMENT WITH THE JUDICIAL DEPARTMENT.". 22
- Page 8, line 25, strike "COLORADO INTEGRATED CRIMINAL" and substitute 23
- "COLORADO CRIME INFORMATION CENTER,". 24
- Page 8, line 26, strike "JUSTICE INFORMATION SYSTEM,". 25
- Page 8, line 27, strike "CRIMINAL" and substitute "COLORADO CRIME 26
- INFORMATION CENTER.". 27
- Page 9, strike line 1. 28
- Page 9, after line 1 insert: 29
 - "(5) THE COURT MAY REVOKE AN ORDER OF COLLATERAL RELIEF 30
 - UPON CLEAR AND CONVINCING EVIDENCE OF A SUBSEQUENT CRIMINAL 31
 - CONVICTION OR PROOF THAT THE HOLDER OF THE JUDGMENT HAS BECOME 32
 - A PRESENT RISK TO PUBLIC SAFETY. ANY BARS, PROHIBITIONS, SANCTIONS, 33
 - AND DISQUALIFICATIONS THEREBY RELIEVED SHALL BE REINSTATED AS OF 34
 - THE DATE OF THE WRITTEN ORDER OF REVOCATION. THE COURT SHALL 35
 - PROVIDE A COPY OF THE ORDER OF REVOCATION TO THE HOLDER.". 36
- Page 9, line 10, strike "(2)" and substitute "(2) (a)". 37
- Page 9, after line 17 insert: 38
 - "(b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A 39
 - CERTIFICATE OF REHABILITATION CANNOT RELIEVE ANY COLLATERAL 40
 - CONSEQUENCES IMPOSED BY LAW FOR LICENSURE BY THE DEPARTMENT OF 41
 - EDUCATION OR ANY COLLATERAL CONSEQUENCES IMPOSED BY LAW FOR 42
 - EMPLOYMENT WITH THE JUDICIAL DEPARTMENT.". 43
- Page 11, line 9, strike "THAT RESULTED IN" and substitute "THAT 44
- INCLUDES AN ELEMENT THAT REQUIRES A VICTIM TO SUFFER" 45
- Page 11, line 10, strike "INJURY OF ANOTHER;" and substitute "INJURY;". 46
- Page 12, line 6, strike "APPLICATION." and substitute "APPLICATION AND 47
- MAY HEAR ARGUMENT FROM THE PETITIONER AND THE DISTRICT 48
- ATTORNEY.". 49
- Page 13, line 1, strike "COLORADO INTEGRATED CRIMINAL" and substitute 50
- "COLORADO CRIME INFORMATION CENTER,". 51
- Page 13, line 2, strike "JUSTICE INFORMATION SYSTEM,". 52

Page 13, line 3, strike "CRIMINAL" and substitute "COLORADO CRIME INFORMATION CENTER."

Page 13, strike line 4.

Page 13, strike lines 10 through 19.

Re-number succeeding sections accordingly.

Page 15, line 22, strike "**convictions**" and substitute "**convictions.**"

Page 15, strike line 23.

Page 16, after line 20 insert:

"(III) A PETITION TO SEAL RECORDS PURSUANT TO THIS SECTION MAY ONLY BE FILED ONCE DURING A TWELVE MONTH PERIOD. THE COURT SHALL IMMEDIATELY DISMISS A SECOND OR SUBSEQUENT PETITION FILED WITHIN TWELVE MONTHS OF ANOTHER PETITION."

Re-number succeeding subparagraph accordingly.

Page 22, after line 24 insert:

"**SECTION 5.** In Colorado Revised Statutes, 8-2-201, **add** (3) as follows:

8-2-201. Damages - fellow servant rule abolished - limitation on admission of criminal history. (3) IN A JUDICIAL OR ADMINISTRATIVE PROCEEDING ALLEGING NEGLIGENCE OR OTHER FAULT, AN ORDER OF COLLATERAL RELIEF OR A CERTIFICATE OF REHABILITATION ISSUED UNDER ARTICLE 24 OF TITLE 16 MAY BE INTRODUCED AS EVIDENCE OF A PERSON'S DUE CARE IN HIRING, RETAINING, LICENSING, LEASING TO, ADMITTING TO A SCHOOL OR PROGRAM, OR OTHERWISE TRANSACTING BUSINESS OR ENGAGING IN ACTIVITY WITH THE INDIVIDUAL TO WHOM THE ORDER OR CERTIFICATE WAS ISSUED, IF THE PERSON KNEW OF THE ORDER OR CERTIFICATE AT THE TIME OF THE ALLEGED NEGLIGENCE OR OTHER FAULT.

SECTION 6. In Colorado Revised Statutes, 24-5-101, **add** (3) as follows:

24-5-101. Effect of criminal conviction on employment rights. (3) WHENEVER A STATE OR LOCAL AGENCY IS REQUIRED TO MAKE A FINDING DESCRIBED IN SUBSECTION (2) OF THIS SECTION, AN ORDER OF COLLATERAL RELIEF OR A CERTIFICATE OF REHABILITATION ISSUED UNDER ARTICLE 24 OF TITLE 16, IF ISSUED TO A PERSON SEEKING EMPLOYMENT AND APPLICABLE TO THE TYPE OF EMPLOYMENT SOUGHT, SHALL CREATE A PRESUMPTION THAT THE PERSON IS OF GOOD MORAL CHARACTER AS IT RELATES TO THE EMPLOYMENT SOUGHT.

SECTION 7. In Colorado Revised Statutes, 24-72-308, **amend** (1) (a) (I) and (1) (a) (III) introductory portion as follows:

24-72-308. Sealing of arrest and criminal records other than convictions. (1) (a) (I) Except as otherwise provided in subparagraphs (II) and (III) of this paragraph (a), any person in interest may petition the district court of the district in which any arrest and criminal records information pertaining to said person in interest is located for the sealing of all of said records, except basic identification information, if the records are a record of official actions involving a criminal offense for which said person in interest was not charged AND THE STATUTE OF LIMITATIONS FOR THE OFFENSE FOR WHICH THE PERSON WAS ARRESTED THAT HAS THE LONGEST STATUTE OF LIMITATIONS HAS RUN, in any case which was completely dismissed, or in any case in which said person in interest was acquitted.

(III) A person in interest may petition the district court of the district in which any arrest and criminal records information pertaining to said person in interest is located for the sealing of all of said records, except basic identification information, if the records are a record of official actions involving ~~a criminal offense that was not charged~~ or a case that was dismissed due to a plea agreement in a separate case, and if:"

Re-number succeeding section accordingly.

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Judiciary After consideration on the merits, the Committee recommends that **SB12-069** be postponed indefinitely.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB12-144** be referred to the Committee on Appropriations with favorable recommendation.

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:

HB12-1001 by Representative(s) Murray and Gardner B., Labuda, Levy, Waller; also Senator(s) Johnston and Spence, Brophy, Carroll, Morse, Roberts, Schwartz--Concerning legislative review of rules of the state board of education to implement the statewide system to evaluate the effectiveness of licensed educators.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	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.

SB12-145 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Becker, Gerou, Levy--Concerning a cap on the 2011-12 state fiscal year transfers to the state public school fund from public school land moneys.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Hudak, Jahn, Schwartz, White and Williams S.

SB12-079 by Senator(s) King S., Cadman, Morse; also Representative(s) Stephens, Fields, Priola, Schafer S.--Concerning revisions to the safe2tell program relating to advances in communications technology.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Bacon, Boyd, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, King K., Lambert, Newell, Roberts, Schwartz, Spence, Steadman, Tochtrop, White and Williams S.

RECONSIDERATION OF SB12-145

SB12-145 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Becker, Gerou, Levy-- Concerning a cap on the 2011-12 state fiscal year transfers to the state public school fund from public school land moneys.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB12-145.

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

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

SB12-145 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Becker, Gerou, Levy-- Concerning a cap on the 2011-12 state fiscal year transfers to the state public school fund from public school land moneys.

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	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	N	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Giron, Guzman, Hudak, Newell and Williams S.

RECONSIDERATION OF HB12-1001

HB12-1001 by Representative(s) Murray and Gardner B., Labuda, Levy, Waller; also Senator(s) Johnston and Spence, Brophy, Carroll, Morse, Roberts, Schwartz--Concerning legislative review of rules of the state board of education to implement the statewide system to evaluate the effectiveness of licensed educators.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB12-1001.

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

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

HB12-1001 by Representative(s) Murray and Gardner B., Labuda, Levy, Waller; also Senator(s) Johnston and Spence, Brophy, Carroll, Morse, Roberts, Schwartz--Concerning legislative review of rules of the state board of education to implement the statewide system to evaluate the effectiveness of licensed educators.

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

Table with 8 columns: YES (35), NO (0), EXCUSED (0), ABSENT (0) and rows of member names and their votes (Y/N).

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

Co-sponsors added: Aguilar, Bacon, Boyd, Guzman, Heath, King K., Lambert, Newell, White and Williams S.

SB12-020 by Senator(s) Aguilar, Steadman; also Representative(s) Summers--Concerning immunity from certain criminal offenses when a person reports in good faith an emergency drug or alcohol overdose event.

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

Table with 8 columns: YES (25), NO (10), EXCUSED (0), ABSENT (0) and rows of member names and their votes (Y/N).

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

Co-sponsors added: Boyd, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Mitchell, Morse, Newell, Roberts, Schwartz, Spence, Tochtrop, White and Williams S.

SB12-042 by Senator(s) Spence; also Representative(s) Summers--Concerning bringing certain statutory provisions related to child support into compliance with federal law.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Guzman, Hudak, Newell, Roberts, Tochtrop, White and Williams S.

SB12-058 by Senator(s) Heath; --Concerning the creation of the venture capital advisory board.

Laid over until Wednesday, February 15, retaining its place on the calendar.

SB12-097 by Senator(s) Hodge; also Representative(s) Sonnenberg--Concerning a simplified procedure for the adjudication of certain changes of the points of diversion of water rights.

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	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	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: Carroll, Guzman, Newell and Schwartz.

SB12-035 by Senator(s) Hodge; also Representative(s) Gardner B.--Concerning limited liability for spaceflight activities.

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	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

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

Co-sponsors added: Aguilar, Boyd, Cadman, Giron, Guzman, Heath, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Morse, Neville, Newell, Roberts, Scheffel, Schwartz, Spence, Tochtrop, White, Williams S. and Shaffer B.

SB12-110 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Levy, Becker, Gerou-- Concerning a fund consisting of surcharges on insurance premiums to pay for costs associated with criminal prosecution of insurance fraud investigations, and, in connection therewith, making an appropriation.

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	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	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: Aguilar

SB12-115 by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Becker, Gerou, Levy-- Concerning a requirement that the limited gaming control commission take into account the impact on all authorized recipients of gaming tax revenue when considering changes in rules governing the taxes on limited gaming activity.

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	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	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.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions.

CONSIDERATION OF RESOLUTIONS

SJR12-007 by Senator(s) Giron; also Representative(s) Stephens--Concerning awareness of heart disease, and, in connection therewith, declaring February 2012 as "American Heart Month" and February 3, 2012, as "National Wear Red Day".

On motion of Senator Giron, the resolution was adopted by the following roll call vote:

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

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White, Williams S. and Shaffer B.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB12-1180, HB12-1182, HB12-1183, HB12-1184, HB12-1185, HB12-1186, HB12-1187, HB12-1188, HB12-1189, HB12-1190, HB12-1191, HB12-1192, HB12-1193, HB12-1194, HB12-1195, HB12-1196, HB12-1197, HB12-1199, HB12-1200, HB12-1201, HB12-1202, and HB12-1203 were made Special Orders at 9:27 a.m.

Committee of the Whole The hour of 9:27 a.m. having arrived, Senator Nicholson moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Nicholson was called to the chair to act as Chairman.

SPECIAL 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:

HB12-1180 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning a supplemental appropriation to the department of agriculture.

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

- HB12-1182** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of education. 1
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Ordered revised and placed on the calendar for third reading and final passage. 4
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- HB12-1183** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the offices of the governor, lieutenant governor,
and state planning and budgeting. 7
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Ordered revised and placed on the calendar for third reading and final passage. 11
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- HB12-1184** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of health care policy and
financing. 14
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Ordered revised and placed on the calendar for third reading and final passage. 18
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- HB12-1185** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of higher education. 21
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Ordered revised and placed on the calendar for third reading and final passage. 24
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- HB12-1186** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of human services. 27
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Ordered revised and placed on the calendar for third reading and final passage. 30
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- HB12-1187** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the judicial department. 33
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Ordered revised and placed on the calendar for third reading and final passage. 36
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- HB12-1188** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of labor and employment. 39
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Ordered revised and placed on the calendar for third reading and final passage. 42
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- HB12-1189** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of law. 45
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Ordered revised and placed on the calendar for third reading and final passage. 48
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- HB12-1190** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning supplemental appropriation to the department of local affairs. 51
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Ordered revised and placed on the calendar for third reading and final passage. 54
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- HB12-1191** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of military and veterans affairs. 57
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Ordered revised and placed on the calendar for third reading and final passage. 60
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- HB12-1192** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of natural resources. 63
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Ordered revised and placed on the calendar for third reading and final passage. 66
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- HB12-1193** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of personnel and administration. 1
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Ordered revised and placed on the calendar for third reading and final passage. 4
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- HB12-1194** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of public health and
environment. 7
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Ordered revised and placed on the calendar for third reading and final passage. 11
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- HB12-1195** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of public safety. 14
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Ordered revised and placed on the calendar for third reading and final passage. 17
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- HB12-1196** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of regulatory agencies. 20
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Ordered revised and placed on the calendar for third reading and final passage. 23
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- HB12-1197** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of revenue. 26
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Ordered revised and placed on the calendar for third reading and final passage. 29
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- HB12-1199** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning a supplemental appropriation to the department of the treasury. 32
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Ordered revised and placed on the calendar for third reading and final passage. 35
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- HB12-1200** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning funding for capital construction, and making supplemental appropriations in
connection therewith. 38
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Amendment No. 1, Appropriations Committee Amendment. 42
(Printed in Senate Journal, February 13, pages 130-131 and placed in members' bill files.) 43
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As amended, ordered revised and placed on the calendar for third reading and final
passage. 45
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- HB12-1201** by Representative(s) Gerou, Becker, Levy; also Senator(s) Steadman, Hodge, Lambert--
Concerning adjustments in the amount of total program funding for public schools for the
2011-12 budget year, and, in connection therewith, making and reducing appropriations. 49
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Ordered revised and placed on the calendar for third reading and final passage. 53
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- HB12-1202** by Representative(s) Levy, Becker, Gerou; also Senator(s) Lambert, Hodge, Steadman--
Concerning authorization for the appropriation of tobacco education program fund moneys
to the department of health care policy and financing in order to obtain federal matching
funds for the Colorado quitline program, and, in connection therewith, making and reducing
appropriations. 56
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Amendment No. 1, Appropriations Committee Amendment. 62
(Printed in Senate Journal, February 13, page 131 and placed in members' bill files.) 63
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As amended, ordered revised and placed on the calendar for third reading and final
passage. 65
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HB12-1203 by Representative(s) Gerou, Becker, Levy; also Senator(s) Steadman, Hodge, Lambert-- Concerning the reenactment of the statutes that authorize grants from the primary care fund for comprehensive primary care services.

Ordered revised 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 Nicholson, 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	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	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: HB12-1180, HB12-1182, HB12-1183, HB12-1184, HB12-1185, HB12-1186, HB12-1187, HB12-1188, HB12-1189, HB12-1190, HB12-1191, HB12-1192, HB12-1193, HB12-1194, HB12-1195, HB12-1196, HB12-1197, HB12-1199, HB12-1200 as amended, HB12-1201, HB12-1202 as amended, and HB12-1203.

INTRODUCTION OF BILLS -- FIRST READING

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

SB12-149 by Senator(s) Steadman; also Representative(s) Priola--Concerning the circumstances in which the board of a defined benefit plan or system created by a local government may modify retirement benefit provisions of the plan or system.
Finance

HB12-1024 by Representative(s) Szabo; also Senator(s) Spence--Concerning a requirement that the ballot title of a statewide measure be written in plain language.
State, Veterans & Military Affairs

HB12-1034 by Representative(s) Looper, Fischer, Hamner, Jones, Ramirez, Tyler, Vaad, Young; also Senator(s) Spence, Hudak, King S., Williams S.--Concerning continuing the processors and end users fund that encourages recycling of waste tires.
Transportation

HB12-1047 by Representative(s) Kefalas, Gardner B.; also Senator(s) Newell--Concerning the waiver of non-safety licensing standards for kinship foster care.
Health and Human Services

HB12-1061 by Representative(s) Kagan; also Senator(s) Newell--Concerning requiring a report of the correlation between the educational credentials issued and the state's workforce needs.
Business, Labor and Technology

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- HB12-1071** by Representative(s) Liston; also Senator(s) Jahn--Concerning portable electronics insurance.
Business, Labor and Technology
- HB12-1088** by Representative(s) Holbert and Becker, Baumgardner, Sonnenberg, McKinley, Scott, Balmer, Looper, Liston, Coram, Stephens, Acree, Barker, Beezley, Brown, Joshi, McNulty, Priola, Ramirez, Swalm; also Senator(s) Grantham--Concerning the use of deadly physical force against a person who makes an illegal entry into a place of business.
State, Veterans & Military Affairs
- HB12-1089** by Representative(s) Court; also Senator(s) Steadman--Concerning the specific wording related to a statewide ballot title.
State, Veterans & Military Affairs
- HB12-1147** by Representative(s) Williams A., Court, Fields, Hulinghorst, Kerr A., McCann, Schafer S., Solano, Todd, Wilson, Brown, Casso, Fischer, Hamner, Kagan, Labuda, Miklosi, Pabon, Ryden, Szabo, Tyler, Vigil, Young; also Senator(s) Foster, Guzman, Johnston, Spence, Tochtrop--Concerning the designation of the western tiger salamander as the state amphibian.
Agriculture, Natural Resources, and Energy
- HB12-1158** by Representative(s) Baumgardner, Scott, Brown, Joshi; also Senator(s) Giron and Grantham--Concerning the regulation of producers of materials that may be used in commercial livestock feed, and, in connection therewith, repealing the "Colorado Inedible Meat Rendering and Processing Act of 1967" and relocating some of its provisions to the "Colorado Feed Law".
Agriculture, Natural Resources, and Energy
- HB12-1212** by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning the designation of an on-line education program as a multi-district program if the program is authorized by a board of cooperative services.
Education

INTRODUCTION OF RESOLUTIONS

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

- SJR12-014** by Senator(s) Aguilar, Steadman, Boyd, Foster, Guzman, Johnston, Mitchell, Nicholson, Roberts, Spence, White; also Representative(s) Gardner B., Swalm, Szabo, Jones, Kefalas, Kerr A., Todd--Concerning Colorado's community health centers.

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

SENATE SERVICES REPORT

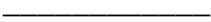
Correctly Engrossed: SB12-020, 035, 042, 058, 079, 097, 110, 115 and 145.
Correctly Reengrossed: SB12-012, 030, 037, 040, 055, 064, 074, 096, 111, 112, 113 and 114.
Correctly Revised: HB12-1001; HJR12-1012.

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, February 14 was laid over until Wednesday, February 15, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1078, SB12-067.

General Orders -- Second Reading of Bills: SB12-011, SB12-051, SB12-072, SB12-122, SB12-131, SB12-061, SB12-146, SB12-099, SB12-045, SB12-036, SB12-022.

Consideration of Resolutions: SJR12-006, HJR12-1010.



On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, February 15, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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