

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

56th Legislative Day

Tuesday, March 6, 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 Aguilar.	15
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Roll Call	Present--34	17
	Excused--2, Renfroe, Schwartz.	18
	Present later--1, Renfroe.	19
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Quorum	The President announced a quorum present.	21
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Reading of Journal	On motion of Senator Neville, reading of the Journal of Monday, March 5, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	23
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COMMITTEE OF REFERENCE REPORTS

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Judiciary	After consideration on the merits, the Committee recommends that HB12-1163 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	32
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Judiciary	After consideration on the merits, the Committee recommends that HB12-1233 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	37
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Judiciary	After consideration on the merits, the Committee recommends that HB12-1005 be referred to the Committee of the Whole with favorable recommendation.	41
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Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB12-1217 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	46
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Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB12-1061 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	51
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1088 be postponed indefinitely.	56
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB12-1064 be postponed indefinitely.	62
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State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB12-152** 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, strike lines 16 and 17 and substitute "shall BE BY MEANS OF A PORTABLE DOCUMENT FORMAT AND SHALL include ~~the report or~~ a hyperlink to the web site where the report is located, IF THE REPORT IS".

SENATE SERVICES REPORT

- Correctly Engrossed: SB12-023.
- Correctly Reengrossed: SB12-095, 118, 141 and 143.
- Correctly Revised: HB12-1013, 1018, 1074, 1077, 1079, 1117, 1120 and 1127.
- Correctly Rerevised: HB12-1071, 1139, 1221 and 1231.
- Correctly Enrolled: SJR12-016 and 017.

**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:

HB12-1077 by Representative(s) Gardner B., Barker, Duran, Labuda, Liston, Peniston, Ramirez, Schafer S., Scott, Waller; also Senator(s) Tochtrop, King S., White--Concerning modifications to the investment confidentiality provisions related to police officers' and firefighters' pension plans.

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	E
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.

HB12-1018 by Representative(s) Labuda, Barker, Duran, Gardner B., Liston, Peniston, Ramirez, Schafer S., Scott, Waller; also Senator(s) Tochtrop, Morse, King S., White--Concerning modifications to available affiliation by social security employers with the fire and police pension association.

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	E
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.

HB12-1127 by Representative(s) Liston, Priola, Holbert, Swalm, Swerdfeger, Szabo; also Senator(s) Williams S.--Concerning elimination of an increase in the unemployment insurance premium rate for new employers.

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	E
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, Foster, Giron, Heath, Johnston, Newell and White.

HB12-1120 by Representative(s) Swerdfeger, Brown, Duran, Liston, Massey, Pabon, Pace, Williams A.; also Senator(s) Tochtrop--Concerning the creation of the division of unemployment insurance in the department of labor and employment to administer the unemployment insurance program.

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	E
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 and Newell.

HB12-1074 by Representative(s) Kerr J., Miklosi; also Senator(s) King S., Tochtrop--Concerning access to data to assist the courts in overseeing persons appointed to manage the affairs of persons under disability.

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	E
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, Foster, Guzman, Heath, Hudak, Jahn, Newell, Roberts, Steadman, White and Williams S.

HB12-1079 by Representative(s) Barker; also Senator(s) King S.--Concerning designation of certain positions in the department of public safety.

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	E
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-sponsor added: Guzman

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:

HB12-1117 by Representative(s) Balmer; also Senator(s) Nicholson--Concerning the ability of a local government to permit, in its discretion, the collection of charitable solicitations from motorists on a certain number of days per calendar year.

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

YES	19	NO	15	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	E
Boyd	Y	Heath	Y	Mitchell	N	Spence	N
Brophy	Y	Hodge	Y	Morse	Y	Steadman	N
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

Co-sponsor added: Aguilar

SB12-023 by Senator(s) Boyd; --Concerning the program of all-inclusive care for the elderly, and, in connection therewith, addressing enrollment of persons who are eligible for the PACE program and addressing how the PACE program works with integrative initiatives involving the medicaid population in Colorado.

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	E
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, Bacon, Foster, Giron, Guzman, Hodge, Hudak, Jahn, Johnston, Newell, Nicholson, Roberts, Steadman, Tochtrop, White and Williams S.

HB12-1013 by Representative(s) Fields and Holbert, Massey; also Senator(s) Hudak and King K., Bacon--Concerning intervention services for middle-grade students.

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

YES	27	NO	7	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	N	Schwartz	E
Boyd	Y	Heath	Y	Mitchell	Y	Spence	N
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	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, Boyd, Foster, Heath, Johnston, Newell, Nicholson, Roberts and Steadman.

On motion of Senator Morse, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB12-1005 was made Special Orders at 9:15 a.m.

Committee of the Whole The hour of 9:15 a.m. having arrived, Senator Williams S. moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Williams S. 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 bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB12-1005 by Representative(s) Pabon; also Senator(s) Harvey--Concerning investment of public funds.

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 Williams S., the report of the Committee of the Whole was adopted on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	E
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: HB12-1005.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, March 6 was laid over until Wednesday, March 7, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1058, HB12-1247, HB12-1248, HB12-1249.
- General Orders -- Second Reading of Bills: SB12-127, HB12-1031, SB12-129, HB12-1089, HB12-1090, HB12-1047, SB12-128, SB12-130, HB12-1008, SB12-116, SB12-134, SB12-059, HB12-1032, HB12-1033.
- Consideration of Resolutions: SJR12-006, SJR12-015, HJR12-1004.
- Consideration of Memorials: SJM12-001, SM12-002.
- Consideration of House Amendments to Senate Bills: SB12-097, SB12-024, SB12-037.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Wednesday, March 7, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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