

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

66th Legislative Day

Friday, March 16, 2012

Prayer	By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.	11
Call to Order	By the President at 9:00 a.m.	13
Pledge	Lead by President Shaffer and joined by University of Colorado at Boulder school mascot Chip and University of Colorado at Colorado Springs school mascot Clyde.	16
Roll Call	Present--34 Excused--1, Mitchell.	19
Quorum	The President announced a quorum present.	22
Reading of Journal	On motion of Senator Nicholson, reading of the Journal of Thursday, March 15, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	24

COMMITTEE OF REFERENCE REPORTS

Education	After consideration on the merits, the Committee recommends that HB12-1144 be referred to the Committee of the Whole with favorable recommendation.	32
Appropriations	After consideration on the merits, the Committee recommends that HB12-1224 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	36
	Amend reengrossed bill, page 5, after line 23 insert:	40
	"(a) LEVY ANY TAXES;"	42
	Reletter succeeding paragraphs accordingly.	44
	Page 5, line 27, strike "NINETEEN" and substitute "TWENTY".	46
	Page 6, line 1, after "(a)" insert "(I)".	48
	Page 6, line 3, strike "(I)" and substitute "(A)".	50
	Page 6, strike line 5 and substitute "APPOINTED AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a);".	52
	Page 6, line 6, strike "(II)" and substitute "(B)".	55
	Page 6, strike lines 7 and 8 and substitute "WHO ARE APPOINTED AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a);".	57
	Page 6, line 9, strike "(III)" and substitute "(C)".	60
	Page 6, line 14, strike "(IV)" and substitute "(D)".	62
	Page 6, strike line 15 and substitute "REGIONS, WHO ARE APPOINTED AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a);".	64
	Page 6, line 16, strike "(V)" and substitute "(E)".	66

Page 6, line 19, strike "(VI)" and substitute "(F)".

Page 6, after line 22 insert:

"(II) FOR THE MEMBERS REPRESENTING THE ENTITIES DESCRIBED IN SUB-SUBPARAGRAPHS (A), (B), AND (D) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), EACH ENTITY MAY NOMINATE ONE OR MORE PERSONS TO THE GOVERNOR FOR APPOINTMENT TO THE POSITIONS. THE GOVERNOR SHALL CONSIDER GEOGRAPHIC REPRESENTATION AND TECHNICAL EXPERTISE IN CHOOSING WHICH NOMINEES TO APPOINT. THE GOVERNOR SHALL NOTIFY THE ENTITIES IN WRITING REGARDING THE APPOINTMENTS MADE. EACH APPOINTEE SERVES AT THE PLEASURE OF THE GOVERNOR. SUCH APPOINTMENTS ARE NOT SUBJECT TO THE CONSENT OF THE SENATE."

Page 7, line 10, strike "ONE MEMBER" and substitute "TWO MEMBERS".

Page 7, line 11, strike "WHO IS" and substitute "ONE" and strike "THE" and substitute "EACH OF THE TWO".

Page 7, line 12, after "(6)" insert "(a)".

Page 7, after line 15 insert:

"(b) THE MEMBERS OF THE BOARD APPOINTED OR SELECTED PURSUANT TO PARAGRAPHS (a) AND (c) OF SUBSECTION (5) OF THIS SECTION SERVE AT THE PLEASURE OF THE APPOINTING OR SELECTING AUTHORITY."

Appropriations

After consideration on the merits, the Committee recommends that **SB12-044** 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 the Transportation Committee Report, dated February 14, 2012, page 3, line 10, strike "MEANS." and substitute "MEANS."

Page 3, after line 10 insert:

SECTION 7. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the driver's license administrative revocation account in the highway users tax fund created in section 42-2-132 (4) (b) (I) (A), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2011, the sum of \$14,800 cash funds, or so much thereof as may be necessary, to be allocated for the purchase of computer center services.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2011, the sum of \$14,800, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of revenue related to the implementation of this act. Said sum is from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section.

(3) In addition to any other appropriation, there is hereby appropriated, to the department of revenue, for the fiscal year beginning July 1, 2011, the sum of \$2,324 cash funds, or so much thereof as may be necessary, related to the implementation of this act. Of said sum, \$2,302 is from the penalty assessments collected and retained for administrative purposes pursuant to section 42-1-217 (2), Colorado Revised Statutes, and \$22 is from administrative processing fees associated with outstanding judgments and warrants collected pursuant to section 42-2-118 (3) (c), Colorado Revised Statutes.

SECTION 8. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of revenue,

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for the fiscal year beginning July 1, 2012, the sum of \$28,639 cash funds and 0.8 FTE, or so much thereof as may be necessary, related to the implementation of this act. Of said sum, \$22,224 is from the driver's license administrative revocation account of the highway users tax fund created in section 42-2-132 (4) (b) (I) (A), Colorado Revised Statutes, \$6,355 is from the penalty assessments collected and retained for administrative purposes pursuant to section 42-1-217 (2), Colorado Revised Statutes, and \$60 is from administrative processing fees associated with outstanding judgments and warrants collected pursuant to section 42-2-118 (3) (c), Colorado Revised Statutes."."

Page 3, line 12, strike ""SECTION 7." and substitute ""SECTION 9.".

Page 3, after line 14 insert:

"Page 1 of the bill, line 102, strike "PAYMENT." and substitute "PAYMENT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."."

Appropriations After consideration on the merits, the Committee recommends that **SB12-156** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the Committee recommends that **HB12-1222** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Health & Human Services After consideration on the merits, the Committee recommends that **HB12-1204** be referred to the Committee on Appropriations with favorable recommendation.

Health & Human Services After consideration on the merits, the Committee recommends that **HB12-1097** be referred to the Committee of the Whole with favorable recommendation.

Health & Human Services After consideration on the merits, the Committee recommends that **HB12-1210** be postponed indefinitely.

Health & Human Services After consideration on the merits, the Committee recommends that **SB12-078** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 16 through 19 and substitute:

"(2) "Caretaker" means a person ~~as such term is defined in subsection (5) of this section~~, who:

(a) Is responsible for the care of an at-risk adult ~~as such term is defined in subsection (1) of this section~~, as a result of a family or legal relationship;

(b) ~~or who~~ Has assumed responsibility for the care of an at-risk adult; OR

(c) IS PAID TO PROVIDE CARE OR SERVICES TO AN AT-RISK ADULT."."

Page 3, strike line 1.

Page 3, strike lines 4 through 22 and substitute:

"(4) "EXPLOITATION" MEANS AN ACT OR OMISSION COMMITTED BY A PERSON THAT:

(a) USES DECEPTION, HARASSMENT, INTIMIDATION, OR UNDUE INFLUENCE TO PERMANENTLY OR TEMPORARILY DEPRIVE AN AT-RISK

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ADULT OF THE USE, BENEFIT, OR POSSESSION OF HIS OR HER MONEY, ASSETS, OR PROPERTY;

(b) IN THE ABSENCE OF LEGAL AUTHORITY:

(I) EMPLOYS THE SERVICES OF A THIRD PARTY FOR THE PROFIT OR ADVANTAGE OF THE PERSON OR ANOTHER PERSON TO THE DETRIMENT OF THE AT-RISK ADULT; OR

(II) FORCES, COMPELS, COERCES, OR ENTICES AN AT-RISK ADULT TO PERFORM SERVICES FOR THE PROFIT OR ADVANTAGE OF THE PERSON OR ANOTHER PERSON AGAINST THE WILL OF THE AT-RISK ADULT;

(c) MISUSES THE PROPERTY OF AN AT-RISK ADULT IN A MANNER THAT ADVERSELY AFFECTS THE AT-RISK ADULT'S ABILITY TO RECEIVE HEALTH CARE OR HEALTH CARE BENEFITS OR TO PAY BILLS FOR BASIC NEEDS OR OBLIGATIONS; OR

(d) BREACHES A FIDUCIARY DUTY EXISTING UNDER A POWER OF ATTORNEY, CONSERVATORSHIP, OR GUARDIANSHIP."

Page 5, line 14, strike "for" and substitute "for,".

Page 6, strike lines 10 and 11 and substitute:

"(I) Physicians, surgeons, physicians' assistants, ~~or~~ osteopaths, including physicians in training, PODIATRISTS, AND OCCUPATIONAL THERAPISTS;"

Page 6, strike line 13 and substitute:

"(III) Registered nurses, ~~or~~ licensed practical nurses, AND NURSE PRACTITIONERS;"

Page 6, line 25, strike "AND".

Page 6, strike lines 26 and 27 and substitute:

~~"(XIV) State and local long-term care ombudsmen.~~

(XV) ~~Any~~ A caretaker, staff member, or employee of or volunteer or consultant for ~~any~~ A licensed OR CERTIFIED care facility, agency, home, or governing board, INCLUDING BUT NOT LIMITED TO HOME HEALTH PROVIDERS; AND

(XVI) ATTORNEYS."

Page 7, strike lines 1 and 2.

Page 8, line 10, after "report" insert "OR FAILS TO MAKE A REPORT".

Page 8, strike line 12 and substitute "testimony, or participation in making such report, OR ON ACCOUNT OF SUCH FAILURE TO REPORT, so long as such action OR INACTION".

Page 8, line 13, after "taken" insert "OR NOT TAKEN".

Page 8, line 16, after "report" insert "OR FAILS TO MAKE A REPORT".

Page 8, line 17, strike "mistreatment" and substitute "mistreatment,".

Page 8, strike lines 25 through 27 and substitute:

~~"(b) Disclosure of the name and address of an at-risk adult or member of said adult's family and other identifying~~ A REPORT OF THE MISTREATMENT, SELF-NEGLECT, OR EXPLOITATION OF AN AT-RISK ADULT AND information contained in RELATING TO AN INVESTIGATION OF SUCH a report shall be permitted only when authorized by a court for good".

Page 9, line 3, strike "or" and substitute "~~or~~".

Page 9, line 21, strike the second "AND" and substitute "AN".

Page 9, line 25, strike "PROVISIONS" and substitute "PROVISION".

Page 10, line 2, strike "Each county" and substitute "EACH COUNTY".

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Page 10, line 3, strike "district attorney's office," and substitute "DISTRICT ATTORNEY'S OFFICE,".

Page 11, line 8, strike "WRITTEN" and substitute "EXECUTION OF A PRIOR WRITTEN CONSENT FORM BY THE AT-RISK ADULT, IN ACCORDANCE WITH SECTION 6-21-103, C.R.S.".

Page 11, strike line 9.

Page 11, line 16, strike "services." and substitute "services, WHICH SERVICES SHALL BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF 28 CFR PART 35, SUBPART B.".

Page 12, strike lines 17 through 20 and substitute:

"26-3.1-107. Background check. EACH COUNTY DEPARTMENT SHALL REQUIRE EACH EMPLOYEE HIRED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION TO COMPLETE A".

Page 12, line 23, strike "PROSPECTIVE".

Page 13, strike lines 10 and 11 and substitute:

"SECTION 2. Repeal of relocated and nonrelocated provisions in this act. In Colorado Revised Statutes, **repeal** part 2 of article 3.1 of title 26; of which 26-3.1-201 through 26-3.1-205 and 26-3.1-208 are not relocated.".

Page 13, strike lines 15 through 17 and substitute:

"ELDER ABUSE TASK FORCE
26-3.1-301. Elder abuse task force - legislative declaration - creation - duties - report - repeal. (1) THE GENERAL".

Page 13, line 20, strike "AT-RISK ADULTS; AND" and substitute "ELDERLY AT-RISK ADULTS;".

Page 13, strike line 21 and substitute:

"(b) AT-RISK ELDERLY ADULTS MAY BE SUBJECTED TO MISTREATMENT AND EXPLOITATION, AND THE STATE HAS A RESPONSIBILITY TO PROTECT THESE PERSONS;

(c) ISSUES RELATED TO PROTECTIONS FOR AT-RISK ELDERLY ADULTS ARE A".

Page 13, strike line 23 and substitute "GENERAL ASSEMBLY; AND

(d) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE RECOMMENDATIONS OF THE TASK FORCE CREATED IN THIS SECTION WILL LEAD TO THE IMPLEMENTATION OF A COMPLETE SYSTEM OF REPORTING OF MISTREATMENT AND EXPLOITATION OF AT-RISK ELDERLY ADULTS BY SEPTEMBER 1, 2013.".

Page 13, strike line 24 and substitute:

"(2) THERE IS HEREBY CREATED THE ELDER ABUSE".

Page 13, line 25, strike "PROTECTIVE SERVICES".

Page 13, line 27, strike "ASSEMBLY TO" and substitute "ASSEMBLY.".

Page 14, strike lines 1 through 11 and substitute:

"(3) THE TASK FORCE SHALL STUDY THE PROBLEM OF MISTREATMENT AND EXPLOITATION OF AT-RISK ELDERLY ADULTS IN COLORADO AND PREPARE RECOMMENDATIONS FOR THE CONSIDERATION OF THE GENERAL ASSEMBLY, WHICH RECOMMENDATIONS, AT A MINIMUM, SHALL INCLUDE:

(a) RECOMMENDATIONS CONCERNING HOW TO REQUIRE CERTAIN PERSONS, ON AND AFTER SEPTEMBER 1, 2013, TO REPORT KNOWN OR

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SUSPECTED MISTREATMENT AND EXPLOITATION OF AT-RISK ELDERLY ADULTS;

(b) RECOMMENDATIONS CONCERNING THE PROVISION OF PROTECTIVE SERVICES BY COUNTY DEPARTMENTS TO AT-RISK ELDERLY ADULTS WHO ARE MISTREATED OR EXPLOITED;

(c) RECOMMENDATIONS CONCERNING THE MINIMUM AGE FOR A PERSON TO BE CONSIDERED AN "AT-RISK ELDERLY ADULT" FOR THE PURPOSES OF THIS PART 3;

(d) AN ESTIMATE OF THE COSTS TO BE INCURRED BY THE STATE DEPARTMENT, COUNTY DEPARTMENTS, AND LAW ENFORCEMENT AGENCIES OF THE STATE AS A RESULT OF REQUIRING CERTAIN PERSONS, ON AND AFTER SEPTEMBER 1, 2013, TO REPORT KNOWN OR SUSPECTED MISTREATMENT AND EXPLOITATION OF AT-RISK ELDERLY ADULTS;

(e) IDENTIFICATION OF SUSTAINABLE SOURCES OF FUNDING, INCLUDING BUT NOT LIMITED TO NEW REVENUES, THAT MAY BE USED TO OFFSET THE COSTS TO BE INCURRED BY THE STATE DEPARTMENT, COUNTY DEPARTMENTS, AND LAW ENFORCEMENT AGENCIES OF THE STATE AS A RESULT OF REQUIRING CERTAIN PERSONS, ON AND AFTER SEPTEMBER 1, 2013, TO REPORT KNOWN OR SUSPECTED MISTREATMENT AND EXPLOITATION OF AT-RISK ELDERLY ADULTS;

(f) RECOMMENDATIONS FOR TRAINING EMPLOYEES OF THE STATE DEPARTMENT AND COUNTY DEPARTMENTS TO USE OUTCOME-BASED BEST PRACTICES IN THE PROVISION OF PROTECTIVE SERVICES TO AT-RISK ELDERLY ADULTS;

(g) RECOMMENDATIONS REGARDING THE ADEQUACY OR INADEQUACY OF EXISTING CRIMINAL PENALTIES FOR OFFENSES AGAINST AT-RISK ADULTS, AS DESCRIBED IN ARTICLE 6.5 OF TITLE 18, C.R.S.; AND

(h) RECOMMENDATIONS CONCERNING THE RECONCILIATION OF THE DEFINITION OF "AT-RISK ADULT" IN SECTION 26-3.1-101 WITH THE DEFINITION OF "AT-RISK ADULT" IN SECTION 18-6.5-102 (1), C.R.S.

(4) THE TASK FORCE SHALL CONSIST OF THE FOLLOWING MEMBERS:

(a) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OR HIS OR HER DESIGNEE; AND

(b) THE FOLLOWING MEMBERS, TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT:".

Re-number succeeding subsections accordingly.

Page 14, strike lines 12 through 14.

Re-number succeeding subparagraphs accordingly.

Page 14, strike line 16 and substitute "WORKERS;".

Page 14, strike lines 17 and 18.

Re-number succeeding subparagraphs accordingly.

Page 14, strike lines 21 through 25 and substitute "NEGLECT, OR EXPLOITATION OF AT-RISK ADULTS;".

Re-number succeeding subparagraphs accordingly.

Page 14, line 27, strike "ADULTS, TO BE APPOINTED BY" and substitute "ADULTS;".

Page 15, strike lines 1 through 4 and substitute:

"(IV) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF PERSONS WHO PROVIDE LEGAL ADVICE TO AT-RISK ADULTS;".

Page 15, strike lines 6 through 12 and substitute "BANKS AND OTHER FINANCIAL ENTITIES;"

(VI) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF LAW ENFORCEMENT OFFICERS;".

Re-number succeeding subparagraphs accordingly.

Page 15, strike lines 14 through 18 and substitute "CARE

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PROFESSIONALS;".

Renumber succeeding subparagraphs accordingly.

Page 15, line 19, strike "DESIGNEE." and substitute "DESIGNEE;".

Page 15, after line 19 insert:

"(IX) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT ADVOCATES ON BEHALF OF ELDERLY PERSONS;

(X) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT ADVOCATES ON BEHALF OF CRIME VICTIMS;

(XI) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT ADVOCATES ON BEHALF OF PERSONS WITH DISABILITIES;

(XII) A REPRESENTATIVE OF COUNTY DEPARTMENTS WHO HAS EXPERIENCE IN THE PROVISION OF PROTECTIVE SERVICES TO AT-RISK ADULTS; AND

(XIII) A REPRESENTATIVE OF STATE AND LOCAL LONG-TERM CARE OMBUDSMEN.".

Page 16, line 4, strike "AUGUST 2, 2012." and substitute "JULY 18, 2012.".

Page 16, strike line 14 and substitute:

"(9) THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL NOT PROVIDE STAFF SUPPORT TO THE TASK FORCE.

(10) THIS PART 3 IS REPEALED, EFFECTIVE NOVEMBER 2, 2013.".

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB12-1276** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 23, strike "REQUEST OR A NEGATIVE LICENSING ACTION," and substitute "REQUEST,".

Page 4, line 18, strike "NEGATIVE LICENSING" and substitute "DENIAL OF A WAIVER".

Page 4, line 19, strike "ACTION".

Page 4, strike line 20 and substitute "APPEAL IS FINAL.".

Page 4, strike lines 21 through 27.

MESSAGE FROM THE HOUSE

March 15, 2012

In response to the request of the Senate for the recall of SB12-116, the bill is transmitted herewith.

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MESSAGE FROM THE REVISOR OF STATUTES

March 15, 2012

We herewith transmit:

Without comment, HB12-1307.
Without comment, as amended, HB12-1131, 1150, 1153, and 1241.
Without comment, as amended, SB12-007 and 146.

SENATE SERVICES REPORT

Correctly Engrossed: SB12-109, 124 and 127; SM12-002.
Correctly Revised: HB12-1070, 1085, 1206 and 1289.
Correctly Rerevised: HB12-1151.
Correctly Enrolled: SJR12-015, 018 and 019; SM12-002.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR12-020 by Senator(s) Heath; also Representative(s) Waller--Concerning the recognition of achievements by the university of Colorado.

On motion of Senator Heath, the resolution was read at length and **adopted** by 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	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		

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

SJR12-021 by Senator(s) Harvey, Scheffel, Grantham, Hodge, Schwartz, Shaffer B.; also Representative(s) Holbert, McNulty, Murray, Looper, Ryden, Sonnenberg--Concerning recognition of the 50th anniversary of Parker water and sanitation district and construction of the Rueter-Hess Reservoir.

Laid over until Tuesday, March 20, retaining its place on the calendar.

**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:

HB12-1289 by Representative(s) Nikkel, DelGrosso; also Senator(s) Jahn, Cadman--Concerning complaints to the division of insurance on certain adverse actions of auto insurers.

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 and King S.

HB12-1206 by Representative(s) Acree, Baumgardner, Becker, Ramirez, Scott, Solano; also Senator(s) Morse--Concerning the implementation of sunset review of the cold case task force.

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, Giron, Jahn, King S., Newell, Roberts and Tochtrop.

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:

SB12-129 by Senator(s) Schwartz, Aguilar, Bacon, Grantham, Harvey, Heath, Hodge, Hudak, Johnston, King S., Lundberg, Newell, Roberts, Steadman, Tochtrop, White, Williams S.; also Representative(s) Coram--Concerning access to affordable broadband internet connectivity in noncompetitive rural areas.

Laid over until Monday, March 19, retaining its place on the calendar.

SB12-127 by Senator(s) Newell, Aguilar, Bacon, Foster, Lundberg, Nicholson, Steadman, White; also Representative(s) Summers--Concerning the participation of providers of long-term care in medicaid care coordination programs.

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

Third Reading Amendment No. 1(L.004), by Senator Newell.

Amend engrossed bill, page 4, line 3, after "A" insert "PROVIDER OR".

The amendment was passed 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	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		

The question being "Shall the bill, as amended, 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: Boyd, Giron, Hudak, Jahn, Roberts and Williams S.

SB12-109 by Senator(s) Johnston; also Representative(s) Coram--Concerning requirements governing the regular maintenance of voter registration lists, and, in connection therewith, making an appropriation.

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	Spence	N
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	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: Brophy, Hodge, Jahn, King S., Schwartz and Tochtrop.

SB12-124 by Senator(s) Harvey, Scheffel, Aguilar, Carroll, Foster, Giron, Jahn, Lambert, Newell, Schwartz; --Concerning the elimination of the limit on the number of regional tourism projects that the Colorado economic development commission may approve.

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

YES	26	NO	8	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	N	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	N	Heath	N	Mitchell	E	Spence	Y
Brophy	Y	Hodge	N	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	N	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	N	Williams S.	Y
Giron	N	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: Grantham, Roberts and Williams S.

Senators Aguilar, Carroll, and Giron, requested their names be removed as sponsors on SB12-124.

HB12-1070 by Representative(s) Peniston; also Senator(s) Hodge--Concerning the modification of statutory provisions governing the ethical conduct of persons involved in government for the purpose of harmonizing such provisions with section 3 (5) of article XXIX of the state constitution.

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-sponsor added: Steadman

HB12-1085 by Representative(s) Fields; also Senator(s) Carroll and Hudak--Concerning an exception to the hearsay rule to allow testimony from persons with developmental disabilities.

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, Boyd, Foster, Giron, Guzman, Heath, Hodge, Jahn, Johnston, King S., Morse, Newell, Nicholson, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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 the Reconsideration of SB12-116. 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		

RECONSIDERATION OF SB12-116

SB12-116 by Senator(s) Foster, Carroll, Johnston, Mitchell, Scheffel; also Representative(s) Brown, Levy, Beezley, Kagan--Concerning penalties associated with cathinones, and, in connection therewith, establishing a misdemeanor penalty for possession of a cathinone.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB12-116.

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

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

SB12-116 by Senator(s) Foster, Carroll, Johnston, Mitchell, Scheffel; also Representative(s) Brown, Levy, Beezley, Kagan--Concerning penalties associated with cathinones, and, in connection therewith, establishing a misdemeanor penalty for possession of a cathinone.

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: Jahn and Schwartz.

MESSAGE FROM THE GOVERNOR

Appointment Letters of designation and appointment from Governor John Hickenlooper were read and assigned to committees as follows:

October 17, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

**MEMBERS OF THE
BOARD OF TRUSTEES FOR THE
UNIVERSITY OF NORTHERN COLORADO**

effective January 1, 2012 for a term expiring December 31, 2012:

Jerry L. Morgensen of Greeley, Colorado to serve as a Republican, reappointed;

effective January 1, 2012 for terms expiring December 31, 2014:

Richard James "Jim" Chavez of Highlands Ranch, Colorado to serve as a Democrat, reappointed;

Richard S. Gast of Timnath, Colorado to serve as a Democrat, reappointed;

effective January 1, 2012 for terms expiring December 31, 2015:

Paul E. Washington of Boulder, Colorado to serve as an Unaffiliated, appointed;

Susan E. Carparelli of Highlands Ranch, Colorado to serve as a Democrat, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 10/27/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Education

July 13, 2011

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
SECURITIES BOARD

for terms expiring July 1, 2014:

Paul E. Washington of Boulder, Colorado, a member of the public at large, reappointed;

Mashenka Lundberg of Golden, Colorado, who is licensed by the state supreme court to practice law in the state of Colorado and who is conversant in securities law, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 8/3/2011
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, and Technology

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 Friday, March 16 was laid over until Monday, March 19, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1229, HB12-1094, HB12-1285, HB12-1178.
General Orders -- Second Reading of Bills: SB12-134, SB12-070, HB12-1002, SB12-001, SB12-086, SB12-132, HB12-1053, SB12-130, SB12-149.
Consideration of Resolutions: SJR12-006, HJR12-1004.
Consideration of Memorials: SJM12-001.
Requests for Conference Committee: SB12-020.

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, March 19, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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