

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

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57th Legislative Day

Wednesday, March 7, 2012

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Prayer	By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.	1
Call to Order	By the President at 10:00 a.m.	2
Pledge	By Senator Aguilar.	3
Roll Call	Present--34 Excused--1, King K. Present later--1, King K.	4
Quorum	The President announced a quorum present.	5
Reading of Journal	On motion of Senator Neville, reading of the Journal of Tuesday, March 6, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	6

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**MESSAGE FROM THE HOUSE**

March 6, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1290.

The House has passed on Third Reading and transmitted to the Revisor of Statutes  
 HB12-1063, amended as printed in House Journal, March 5, page 553.  
 HB12-1299, amended as printed in House Journal, March 5, page 553.  
 HB12-1083, amended as printed in House Journal, March 5, pages 533-534.  
 HB12-1126, amended as printed in House Journal, March 5, page 554.  
 HB12-1215, amended as printed in House Journal, March 5, page 554.  
 HB12-1236, amended as printed in House Journal, March 5, page 554.  
 HB12-1312, amended as printed in House Journal, March 5, page 555.

The House has passed on Third Reading and returns herewith SB12-111, 112, 113, 114, 115.

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**MESSAGE FROM THE REVISOR OF STATUTES**

March 6, 2012

We herewith transmit:

Without comment, HB12-1290.  
 Without comment, as amended, HB12-1063, 1083, 1126, 1215, 1236, 1299, and 1312.

SENATE SERVICES REPORT

Correctly Reengrossed: SB12-023.
Correctly Revised: HB12-1005.
Correctly Rerevised: HB12-1013, 1018, 1074, 1077, 1079, 1117, 1120 and 1127.
Correctly Enrolled: SB12-029, 042 and 048.

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:

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

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

Table with 8 columns: YES, NO, EXCUSED, ABSENT and corresponding counts. Rows list names of senators and their votes (Y for Yes).

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

Co-sponsors added: Aguilar, Boyd, Foster, Guzman, Morse and Schwartz.

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

HB12-1058 by Representative(s) Joshi; also Senator(s) Nicholson--Concerning the requirement that the department of public health and environment provide infant eye prophylaxis.

Amendment No. 1, Health & Human Services Committee Amendment. (Printed in Senate Journal, March 2, page 364 and placed in members' bill files.)

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

HB12-1247 by Representative(s) Gerou, Becker, Levy; also Senator(s) Steadman, Hodge, Lambert-- Concerning annual reductions in the amount of tobacco litigation settlement moneys that are allocated in the fiscal year in which the state receives them, and, in connection therewith, offsetting the reductions with tobacco litigation settlement cash fund moneys made available by the repeal of the short-term innovative health program grant fund.

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

**HB12-1248** by Representative(s) Gerou, Becker, Levy; also Senator(s) Lambert, Hodge, Steadman--  
Concerning the receipt of certain moneys by the department of law.

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

**HB12-1249** by Representative(s) Gerou, Becker, Levy; also Senator(s) Steadman, Hodge, Lambert--  
Concerning the manner in which tobacco litigation settlement moneys are allocated to the  
state auditor's office for the costs of conducting program reviews and evaluations of the  
performance of tobacco settlement programs.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, March 2, page 365 and placed in members' bill files.)

As amended, 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 White, 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: HB12-1058 as amended, HB12-1247, HB12-1248, HB12-1249  
as amended.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**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.

Senator Hodge moved that the Senate concur in House amendments to **SB12-097**, as  
printed in House journal, March 5, page 509. The motion 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		

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	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, as amended, was **repassed**.

**SB12-024**

by Senator(s) Harvey; also Representative(s) Holbert--Concerning the obligations of a residential nonprofit corporation to its residential members, and, in connection therewith, clarifying open meeting provisions and limiting the conditions under which the corporation must refund moneys paid by a residential member.

Senator Harvey moved that the Senate concur in House amendments to **SB12-024**, as printed in House journal, March 5, page 510. The motion 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		

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	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, as amended, was **repassed**.

**SB12-037**

by Senator(s) King S., Aguilar; also Representative(s) Young--Concerning the ability to dispense a controlled substance based on an electronically transmitted prescription drug order.

Senator King S. moved that the Senate concur in House amendments to **SB12-037**, as printed in House journal, March 5, page 510. The motion 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		

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	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, as amended, was **repassed**.

Co-sponsors added: Cadman, Guzman, Lambert and Roberts.

### SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR12-016 and 017.

### INTRODUCTION OF BILLS -- FIRST READING

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

- HB12-1023** by Representative(s) Nikkel; also Senator(s) King S.--Concerning the creation of a fallen heroes license plate, and in connection therewith, making an appropriation.  
Transportation
- HB12-1105** by Representative(s) Becker; also Senator(s) Tochtrop--Concerning wind energy property rights.  
Local Government
- HB12-1123** by Representative(s) Conti, Becker, Brown, DelGrosso, Holbert, Murray, Nikkel, Ramirez, Scott, Summers, Swalm, Szabo; also Senator(s) Williams S.--Concerning an increase in the transparency of proceedings before the public utilities commission by requiring the commission to report annually to the general assembly regarding matters discussed on the record in energy rate cases.  
State, Veterans & Military Affairs
- HB12-1125** by Representative(s) Ramirez, Sonnenberg; also Senator(s) Steadman--Concerning procedures related to the costs of impounded animals.  
Judiciary

<b>HB12-1149</b>	by Representative(s) Beezley, Holbert, Acree, Balmer, Becker, Murray, Ramirez, Summers; also Senator(s) Johnston--Concerning parents' authority to request interventions for low- performing schools. State, Veterans & Military Affairs	1 2 3 4 5 6
<b>HB12-1172</b>	by Representative(s) Swalm, Conti; also Senator(s) Harvey--Concerning the rates charged to consumers for electricity, and, in connection therewith, prohibiting the imputation of certain costs associated with reductions in greenhouse gas emissions. State, Veterans & Military Affairs	7 8 9 10 11 12
<b>HB12-1216</b>	by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman-- Concerning the financing of the division of motor vehicles in the department of revenue, and, in connection therewith, making and reducing appropriations. Appropriations	13 14 15 16 17 18
<b>HB12-1222</b>	by Representative(s) Becker, Gerou, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning the recreation of the department of transportation renovation fund to be used for transportation-related purposes. Appropriations	19 20 21 22 23 24
<b>HB12-1224</b>	by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman-- Concerning the creation of a consolidated communications system authority. Appropriations	25 26 27 28 29
<b>HB12-1237</b>	by Representative(s) Williams A.; also Senator(s) Harvey--Concerning the records kept by the unit owners' association of a common interest community. Local Government	30 31 32 33 34
<b>HB12-1269</b>	by Representative(s) Kerr J.; also Senator(s) Roberts--Concerning the threshold amount of campaign activity by a candidate committee in connection with a special district election that triggers disclosure requirements under the "Fair Campaign Practices Act". State, Veterans & Military Affairs	35 36 37 38 39 40
<b>HB12-1283</b>	by Representative(s) Barker; also Senator(s) Giron--Concerning the department of public safety, and, in connection therewith, renaming and reorganizing certain existing entities. Judiciary	41 42 43 44 45 46 47
<hr/> <p>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 Wednesday, March 7 was laid over until Thursday, March 7, retaining its place on the calendar.</p>		48 49 50 51
<p>General Orders -- Second Reading of Bills: HB12-1181, 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.</p>		52 53 54 55 56 57 58
<hr/> <p style="text-align: center;"><b>TRIBUTES</b></p>		59 60 61 62
<p>Honoring:</p>		63 64
<p>Gabriela Lopez -- by Senator Aguilar.</p>		65
<p>Alyson Pillard -- by Senator Bacon.</p>		66
<p>Hannah Aarestad -- by Senator Boyd.</p>		67
<p>Courtney Ross -- by Senator Brophy.</p>		68
<p>Abby Wigglesworth -- by Senator Cadman.</p>		69
<p>Jill Hoffman -- by Senator Carroll.</p>		70
<p>Madeleine Alms -- by Senator Foster.</p>		71
<p>Kristyna Arguello -- by Senator Giron.</p>		72

Emily Reynolds -- by Senator Grantham.	1
Kate Holguín -- by Senator Guzman.	2
Paige Dzengelewski -- by Senator Harvey.	3
Morgan Selby -- by Senator Heath.	4
Anahi Flores - by Senator Hodge.	5
Giovanna Finamore -- by Senator Hudak.	6
Brenda De La Torre -- by Senator Jahn.	7
Yamilet Roque-Jimenez -- by Senator Johnston.	8
Ashlyn Riley -- by Senator K. King.	9
Hayleigh Myers -- by Senator S. King.	10
Charis Steenmeyer -- by Senator Lambert.	11
Amanda Laib -- by Senator Lundberg.	12
Savannah Terry -- by Senator Morse.	13
Tamiko Ohkawa -- by Senator Mitchell.	14
Ashlyn Higgins -- by Senator Neville.	15
Daphney Parra -- by Senator Newell.	16
Abbey Gothman -- by Senator Nicholson.	17
Makenzie Harris -- by Senator Renfroe.	18
Emily Rockensock -- by Senator Roberts.	19
Kori Barber -- by Senator Scheffel.	20
Brooke Beasley -- by Senator Schwartz.	21
Ashley Degen -- by Senator Shaffer.	22
Sydney Alie -- by Senator Spence.	23
Angelica Rodriguez -- by Senator Steadman.	24
Bridget Lynch -- by Senator Tochtrop.	25
Kinlie Brennise -- by Senator White.	26
Jade Keomanivong -- by Senator Williams.	27
Windsor High School Wrestling Team -- by Senator Renfroe.	28
Eagle Scout Erik Ramirez -- by Senator Bacon.	29

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, March 8, 2012.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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