

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

---

77th Legislative Day

Tuesday, March 27, 2012

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Prayer	By the chaplain, Pastor Robert Schlipp, The Worship Center of Brighton.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Abigail Schlipp, student at Belle Creek Charter School, Henderson.	15
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Roll Call	Present--32	17
	Excused--3, Brophy, Johnston, Williams S.	18
	Present later--2, Johnston, Williams S.	19
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Quorum	The President announced a quorum present.	21
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Reading of Journal	On motion of Senator Guzman, reading of the Journal of Monday, March 26, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	23
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**COMMITTEE OF REFERENCE REPORTS**

Judiciary	The Committee on <u>Judiciary</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed with a favorable recommendation:	30
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**MEMBERS OF THE  
STATE BOARD OF PAROLE**

for a term expiring July 1, 2013:

Patricia Ann Waak, Erie, Colorado, to fill the vacancy occasioned by the resignation of Becky L. Lucero, Pueblo, Colorado, and to serve as a citizen representative, appointed;

for terms expiring July 1, 2014:

Anthony Young of Colorado Springs, Colorado, to serve as a citizen representative, appointed;

Denise K. Balazic of Aurora, Colorado, to serve as a parole or probation representative, appointed;

further, effective July 1, 2011 for a term expiring at the pleasure of the Governor:

Anthony Young of Colorado Springs, Colorado, to serve as Chairperson of the State Board of Parole, appointed;

Patricia Ann Waak of Erie, Colorado, to serve as Vice Chairperson of the State Board of Parole, appointed.

Judiciary	After consideration on the merits, the Committee recommends that <b>HB12-1226</b> be referred to the Committee on <u>Finance</u> with favorable recommendation.	63
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Judiciary After consideration on the merits, the Committee recommends that **HB12-1271** be referred to the Committee of the Whole with favorable recommendation.

Business, Labor, & Technology The Committee on Business, Labor, and Technology has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBERS OF THE BOARD OF REAL ESTATE APPRAISERS**

effective July 2, 2011, for terms expiring July 1, 2014:

Bruce Warren Willard of Greeley, Colorado to serve as a licensed or certified appraiser, appointed;

Robin B. Anderson of Denver, Colorado to serve as a licensed or certified appraiser, reappointed;

Frank R. Beltran of Pueblo, Colorado to serve as a county assessor in office, reappointed;

Deborah K. Delaney of Fort Collins, Colorado an officer or employee of a commercial bank experienced in real estate lending, reappointed.

**SENATE SERVICES REPORT**

- Correctly Printed: SJR12-026.
- Correctly Engrossed: SB12-044 and 078; SJR12-026.
- Correctly Reengrossed: SB12-130.
- Correctly Revised: HB12-1053, 1144, 1168, 1220, 1239, 1244, 1276 and 1307.
- Correctly Rerevised: HB12-1026, 1097, 1224 and 1262.
- Correctly Enrolled: SB12-023, 062 and 133.

**MESSAGE FROM THE HOUSE**

The House has postponed indefinitely SB12-021. The bill is returned herewith.

**THIRD READING OF BILLS -- FINAL PASSAGE --  
CONSENT CALENDAR**

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

**HB12-1244** by Representative(s) Scott; also Senator(s) Foster--Concerning an inventory of local governmental entities maintained by the department of local affairs, and, in connection therewith, requiring the inclusion of certain information in the inventory.

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

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YES	33	NO	0	EXCUSED	2	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	E	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.	E
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.

**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:

**SB12-044** by Senator(s) Guzman; also Representative(s) Pabon--Concerning failure to present valid evidence of mass transit fare payment, and, in connection therewith, making an appropriation.

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

YES	33	NO	0	EXCUSED	2	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	E	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.	E
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, King S., Newell, Schwartz and Steadman.

**SB12-078** by Senator(s) Hudak, Aguilar, Jahn, Newell, Roberts, Tochtrop, White, Williams S.; also Representative(s) Schafer S., Fischer, Kerr A., Kerr J., Ramirez--Concerning protections for at-risk adults.

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

YES	23	NO	10	EXCUSED	2	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	E	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.	E
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

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

Co-sponsors added: Boyd, Foster, Giron, Heath, Hodge, Morse, Nicholson and Schwartz.

**HB12-1053** by Representative(s) Gardner B.; also Senator(s) Giron--Concerning the victims' rights act.

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

YES	33	NO	0	EXCUSED	2	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	E	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.	E
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, Heath, Hodge, Hudak, Jahn, King S., Newell, Nicholson, Roberts, Schwartz and Tochtrop.

**HB12-1144** by Representative(s) Fischer, Duran, Hamner, Hulinghorst, Kefalas, Kerr A., Peniston, Ryden, Schafer S., Solano, Tyler, Young; also Senator(s) Bacon--Concerning authorizing institutions of higher education to enter into employment contracts for non-tenure-track classroom teachers.

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

YES	22	NO	12	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	N	Spence	N
Brophy	E	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.	N	Roberts	Y		

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

Co-sponsors added: Guzman, Heath, Hodge, Hudak, Morse and Steadman.

**HB12-1168** by Representative(s) Young, Fischer, Kerr A., Levy; also Senator(s) Morse--Concerning clarification of provisions authorizing ignition interlock devices.

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

YES	33	NO	1	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	Y	Spence	Y
Brophy	E	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, Hodge, King S., Newell and Williams S.

**HB12-1276** by Representative(s) Duran, Summers, Fields, McCann, Casso, Hullinghorst, Massey, Swerdfeger, Vigil; also Senator(s) Newell--Concerning child care licensure waivers for materials related to a child care center's curriculum.

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	Y	Spence	Y
Brophy	E	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, Heath, King K., Lundberg, Mitchell, Morse, Neville, Schwartz, Spence, White and Williams S.

**HB12-1239** by Representative(s) Vaad; also Senator(s) Carroll--Concerning required county approval for the expansion of special district domestic water or sanitary service into a county that has not previously approved the special district's service plan.

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

YES	33	NO	1	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	Y	Spence	Y
Brophy	E	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	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.	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: King S.

**HB12-1307** by Representative(s) Kerr J. and Summers; also Senator(s) Roberts--Concerning the authority of a nonlawyer trustee of a certain size trust to represent the trust before the board of assessment appeals.

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	Y	Spence	Y
Brophy	E	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 King S.

**HB12-1220** by Representative(s) Becker; also Senator(s) Bacon--Concerning changes to the governance structure of the board of governors of the Colorado state university system, and, in connection therewith, establishing the governance structure for Colorado state university - global campus.

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	Y	Spence	Y
Brophy	E	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, Foster, Heath, King K., Lundberg, Newell, Schwartz, Spence and Williams S.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

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

MEMBERS OF THE  
WATER QUALITY CONTROL COMMISSION

for terms expiring February 15, 2014:

Peter Butler of Durango, Colorado to serve as a representative who lives west of the continental divide, reappointed;

Jill C. Harris McConaughy of Glenwood Springs, Colorado to serve as a representative who lives west of the continental divide, reappointed.

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	Y	Spence	Y
Brophy	E	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		

On motion of Senator Morse, the appointments to the oil and gas conservation commission of the state of Colorado were laid over until Wednesday, March 28, retaining their place on the calendar.

MEMBERS OF THE  
OIL AND GAS CONSERVATION COMMISSION  
OF THE STATE OF COLORADO

for terms expiring July 1, 2015:

Tommy E. Holton of Fort Lupton, Colorado to fill the vacancy as occasioned by the resignation of Tresi B. Houpt of Glenwood Springs, Colorado, and to serve as a local government official and as a Republican, appointed;

Andrew Lawrence Spielman of Denver, Colorado to serve as a member with formal or substantial experience in environmental or wildlife protection and as a Democrat, appointed;

Thomas L. Compton of Hesperus, Colorado to serve as a member actively engaged in agricultural production and also a royalty owner, west of the Continental Divide and as a Republican, reappointed;

Richard D. Alward of Grand Junction, Colorado to serve as a member with formal training or substantial experience in soil conservation or reclamation, west of the Continental Divide and as a Democrat, reappointed.

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

MEMBERS OF THE  
COLORADO WILDLIFE HABITAT STAMP COMMITTEE

for terms expiring December 31, 2015:

Bryan J. Martin of Westminster, Colorado, to serve as a representative of national or regionally recognized conservation organizations whose missions are focused on nongame wildlife and whose membership is composed primarily of nongame wildlife, reappointed;

Thomas L. Kenyon of Grand Junction, Colorado, to serve as a representative of the public at large, reappointed;

Dan C. Prenzlows of Colorado Springs, Colorado, to serve as an ex officio member representing the Division of Wildlife, reappointed.

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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	Y	Spence	Y
Brophy	E	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		

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

The President has signed: SB12-007, 030, 033, 066, 077, 099 and 146.

**MESSAGE FROM THE GOVERNOR**

March 26, 2012

To the Honorable Senate  
 Sixty-Eighth General Assembly  
 Second Regular Session  
 State Capitol  
 Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

**SB12-011:** CONCERNING THE DIFFERENTIAL RESPONSE PILOT PROGRAM FOR CHILD ABUSE OR NEGLECT CASES OF LOW OR MODERATE RISK.

Approved March 24, 2012 at 8:26 a.m.

**SB12-064:** CONCERNING THE COLORADO CHILDREN'S TRUST FUND.

Approved March 24, 2012 at 8:27 a.m.

**SB12-072:** CONCERNING THE COLORADO MOUNTED RANGERS.

Approved March 24, 2012 at 8:28 a.m.

**SB12-079:** CONCERNING REVISIONS TO THE SAFE2TELL PROGRAM RELATING TO ADVANCES IN COMMUNICATIONS TECHNOLOGY.

Approved March 24, 2012 at 8:28 a.m.

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**SB12-096: CONCERNING THE CONTINUATION OF THE OFFICE OF INFORMATION TECHNOLOGY'S AUTHORITY TO AMEND EXISTING CONTRACTS FOR INFORMATION TECHNOLOGY RESOURCES.**

Approved March 24, 2012 at 8:29 a.m.

Sincerely,  
(signed)  
John W. Hickenlooper  
Governor

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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 was laid over until , retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1083, SB12-121, HB12-1012, HB12-1215, HB12-1246.
- General Orders -- Second Reading of Bills: SB12-001, SB12-155, SB12-070, SB12-086, SB12-132, SB12-149, HB12-1204, HB12-1009, SB12-004, HB12-1052, SB12-150, SB12-068.
- Consideration of Resolutions: SJR12-006, HJR12-1004.
- Consideration of Memorials: SJM12-001.
- Conference Committees to Report: SB12-020.

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**NOTICE OF INTENT TO MOVE FOR RECONSIDERATION OF HB12-1168**

Senator Morse gave notice of intent to reconsider HB12-1168.

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, March 28, 2012.

Approved:

Brandon C. Shaffer  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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