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

38th Legislative Day

Friday, February 17, 2012

Prayer By the chaplain, Reverend John Thompson, Park Hill United Methodist Church, Denver.

Call to Order

Roll Call

By the President at 9:00 a.m.

Pledge By Senator Lambert.

Present--33

Excused--2, Renfroe, White. Present later--1, Renfroe.

Quorum The President announced a quorum present.

Reading of Journal

On motion of Senator Jahn, reading of the Journal of Thursday, February 16, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

## 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:

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

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

YES	22	NO	11	EXCUSED	2	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	Y
Brophy	N	Hodge	Y	Morse		Y Steadman	Y
Cadman	N	Hudak	Y	Neville		N Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	•	Y White	E
Foster	Y	Johnston	Y	Nicholson	•	Y Williams S.	Y
Giron	Y	King K.	N	Renfroe		E 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: Bacon, Carroll, Foster, Guzman, Hudak, Morse, Newell, Nicholson, Schwartz, Williams S. and Shaffer B.

\_\_\_\_

67 68 69

## **RECONSIDERATION OF SB12-146**

by Senator(s) Hodge; also Representative(s) Peniston--Concerning limitations on the acceptance of certain benefits by specified governmental actors who are in a position to reward persons offering such benefits with official action.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB12-146.

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

by Senator(s) Hodge; also Representative(s) Peniston--Concerning limitations on the acceptance of certain benefits by specified governmental actors who are in a position to reward persons offering such benefits with official action.

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	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y E Y
Carroll	Y	Jahn	Y	Newell		White 1	Е
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham		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, Carroll, Foster, Giron, Guzman, Harvey, Heath, Johnston, Morse, Neville, Newell, Nicholson, Schwartz, Steadman, Williams S. and Shaffer B.

## COMMITTEE OF REFERENCE REPORTS

Education After consideration on the merits, the Committee recommends that **SB12-098** be postponed indefinitely.

Transportation After consideration on the merits, the Committee recommends that **SB12-034** be referred to the Committee of the Whole with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **SB12-002** be referred to the Committee on <u>Appropriations</u> with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **SB12-052** be postponed indefinitely.

Finance After consideration on the merits, the Committee recommends that **SB12-140** be postponed indefinitely.

Finance

After consideration on the merits, the Committee recommends that **SB12-104** be referred to the Committee on <u>Appropriations</u> with favorable recommendation.

Finance

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>Appropriations</u> with favorable recommendation.

Amend the Senate Judiciary Committee Report, dated February 13, 2012, page 1, line 6, strike the second "OR".

Page 1, line 9, strike "C.R.S."." and substitute "C.R.S.; OR".

Page 1, after line 9, insert:

"(f) Requiring an employer to hire an individual who has received an order of collateral relief issued pursuant to section 16-24-107, or a certificate of rehabilitation issued pursuant to section 16-24-108."."

Local Government

After consideration on the merits, the Committee recommends that **SB12-081** be postponed indefinitely.

Local Government After consideration on the merits, the Committee recommends that **SB12-087** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local Government After consideration on the merits, the Committee recommends that SB12-088 be postponed indefinitely.

Local Government After consideration on the merits, the Committee recommends that **SB12-120** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 4, strike "qualified".

Page 2, line 5, strike "construction".

Page 2, line 9, strike "construction" and strike "qualified".

Page 2, line 12, strike "construction".

Page 2, line 13, strike "qualified".

Page 3, strike lines 3 through 9.

Reletter succeeding paragraphs accordingly.

Page 3, line 10, strike "construction".

Page 3, line 11, strike "qualified".

Page 3, line 18, strike "construction".

Page 3, line 27, strike "qualified".

Page 4, line 1, strike ""QUALIFIED".

Page 4, line 2, strike "INTERIOR" and substitute ""INTERIOR".

Page 4, line 8, strike "CONSTRUCTION".

Page 5, line 10, strike "A QUALIFIED" and substitute "AN".

66

68

Page 5, line 11, strike "CONSTRUCTION".

Page 5, line 18, strike "CONSTRUCTION".

Page 5, line 19, after "ACCEPT" insert "FOR REVIEW".

Page 5, line 21, strike "QUALIFIED INTERIOR" and substitute "INTERIOR".

Page 6, line 3, strike "QUALIFIED".

Page 6, line 7, strike "QUALIFIED".

Page 6, line 8, strike "QUALIFIED".

Page 6, line 23, strike "CONSTRUCTION".

Page 7, line 1, strike "CONSTRUCTION".

Page 7, line 25, strike "qualified".

Page 7, line 27, strike ""QUALIFIED INTERIOR" and substitute ""INTERIOR".

Page 8, line 7, strike "CONSTRUCTION".

Page 9, line 7, strike "A QUALIFIED" and substitute "AN".

Page 9, line 8, strike "CONSTRUCTION".

Page 9, line 15, strike "CONSTRUCTION".

Page 9, line 16, after "ACCEPT" insert "FOR REVIEW".

Page 9, line 19, strike "QUALIFIED INTERIOR" and substitute "INTERIOR".

Page 10, line 1, strike "QUALIFIED".

Page 10, line 5, strike "QUALIFIED".

Page 10, line 6, strike "QUALIFIED".

Page 10, line 21, strike "CONSTRUCTION".

Page 10, line 26, strike "CONSTRUCTION".

## Local Government

After consideration on the merits, the Committee recommends that SB12-124 be referred to the Committee on Appropriations with favorable recommendation.

## Health & Human Services

After consideration on the merits, the Committee recommends that SB12-138 be postponed indefinitely.

## Health & Human Services

After consideration on the merits, the Committee recommends that SB12-054 be postponed indefinitely.

## Health & Human Services

After consideration on the merits, the Committee recommends that SB12-093 be referred to the Committee of the Whole with favorable recommendation.

## Agriculture, Natural Energy

After consideration on the merits, the Committee recommends that SB12-077 be referred to the Committee of the Whole with favorable recommendation and with a Resources, & recommendation that it be placed on the Consent Calendar.

Committee of the Whole

On motion of Senator Guzman, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Guzman was called to the chair to act as Chairman.

## GENERAL 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:

**SB12-051** by Senator(s) Bacon; also Representative(s) Massey--Concerning requirements for contracts executed by local education providers.

Amendment No. 1, Education Committee Amendment. (Printed in Senate Journal, February 6, pages 93-94 and placed in members' bill files.)

Amendment No. 2(L.005), by Senator Hudak.

Amend the Education Committee Report, dated February 2, 2012, page 1, strike lines 9 through 16.

Page 2 of the committee report, strike lines 1 through 11 and substitute:

"Page 6 of the printed bill, strike lines 13 through 20 and substitute:

- "22-44-304. Financial reporting on-line access to information. (1) (d) (I) Additionally, commencing September 1, 2012, each local education provider shall post:
- (A) A LIST OF THE ACTIVE CONTRACTS ENTERED INTO BY THE LOCAL EDUCATION PROVIDER FOR SERVICES, ACTIVITIES, OR UNDERTAKINGS, INCLUDING BUT NOT LIMITED TO CONTRACTS ENTERED INTO PURSUANT TO SECTION 22-32-122, THAT INDIVIDUALLY EXCEED ONE HUNDRED THOUSAND DOLLARS, WITH A BRIEF EXPLANATION OF THE SUBJECT MATTER OF EACH CONTRACT AND THE NAMES OR TITLES OF AND CONTACT INFORMATION FOR ONE OR MORE EMPLOYEES OF THE LOCAL EDUCATION PROVIDER WHO ARE AVAILABLE TO ANSWER QUESTIONS CONCERNING THE CONTRACTS; OR
- (B) A COPY OF EACH ACTIVE CONTRACT ENTERED INTO BY THE LOCAL EDUCATION PROVIDER FOR A SERVICE, ACTIVITY, OR UNDERTAKING, INCLUDING BUT NOT LIMITED TO A CONTRACT ENTERED INTO PURSUANT TO SECTION 22-32-122, THAT INDIVIDUALLY EXCEEDS ONE HUNDRED THOUSAND DOLLARS.
- (II) IF THE LOCAL EDUCATION PROVIDER CHOOSES TO POST A CONTRACT, IT SHALL POST THE CONTRACT IN A DOWNLOADABLE FORMAT FOR FREE PUBLIC ACCESS, BUT THE LOCAL EDUCATION PROVIDER MAY REDACT FROM THE CONTRACT ANY INFORMATION FOR WHICH THE LOCAL EDUCATION PROVIDER MAY DENY INSPECTION UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.
- (III) THE PROVISIONS OF THIS PARAGRAPH (d) DO NOT APPLY TO CONTRACTS FOR INSTRUCTIONAL SERVICES.".".

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

(For further action, see amendments to the report of the Committee of the Whole.)

by Senator(s) Lambert, Newell, Grantham, Scheffel, Cadman, Aguilar, King K., Lundberg, Neville, Renfroe; also Representative(s) Stephens, Holbert, Joshi, Looper, DelGrosso, Gerou--Concerning the Colorado mounted rangers.

<u>Amendment No. 1, Judiciary Committee Amendment</u>. (Printed in Senate Journal, February 7, pages 98-99 and placed in members' bill files.)

## Amendment No. 2(L.004), by Senator Lambert.

Amend the Senate Judiciary Report, dated February 6, 2012, page 3, strike lines 8 through 17 and substitute:

"SECTION 3. In Colorado Revised Statutes, 24-32-2222, add (6) as follows:

County sheriff - local government - local emergency planning committee - memorandum of understanding with volunteer organizations. (6) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION 24-33.5-103, THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION CREATED IN SECTION 24-33.5-401, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS CREATED IN SECTION 24-1-128.5, THE DIVISION OF EMERGENCY MANAGEMENT CREATED BY PART 21 OF THIS ARTICLE, THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY CREATED IN SECTION 24-33.5-1603, AND A COUNTY SHERIFF, POLICE CHIEF, TOWN MARSHAL, OR ANY OTHER LAW ENFORCEMENT ORGANIZATION CERTIFIED PURSUANT TO THE PROVISIONS OF ARTICLE 2.5 OF TITLE 16, C.R.S., WHO ENTERS INTO A MEMORANDUM OF UNDERSTANDING PURSUANT TO THIS SECTION WITH THE COLORADO MOUNTED RANGERS OR A MEMBER OF THE COLORADO MOUNTED RANGERS IS SOLELY RESPONSIBLE FOR, AND IN DIRECT CONTROL OF, THE PERFORMANCE OF ANY COLORADO MOUNTED RANGER, INCLUDING INCURRING ANY AND ALL LIABILITIES FOR MISCONDUCT, AND IS RESPONSIBLE FOR ADDRESSING ANY MISCONDUCT AS IF THE COLORADO MOUNTED RANGER WAS A FULL-TIME EMPLOYEE OF THE **ORGANIZATION** 

**SECTION 4.** In Colorado Revised Statutes, 24-32-2222, **add** (6) as follows:

24-32-2222. County sheriff - local government - local emergency planning committee - memorandum of understanding with volunteer organizations. (6) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION 24-33.5-103, THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION CREATED IN SECTION 24-33.5-401, the executive director of the department of CORRECTIONS CREATED IN SECTION 24-1-128.5, THE DIVISION OF EMERGENCY MANAGEMENT CREATED BY PART 21 OF THIS ARTICLE, THE DIVISION OF HOMELAND SECURITY CREATED IN SECTION 24-33.5-1603, AND A COUNTY SHERIFF, POLICE CHIEF, TOWN MARSHAL, OR ANY OTHER LAW ENFORCEMENT ORGANIZATION CERTIFIED PURSUANT TO THE PROVISIONS OF ARTICLE 2.5 OF TITLE 16, C.R.S., WHO ENTERS INTO A MEMORANDUM OF UNDERSTANDING PURSUANT TO THIS SECTION WITH THE COLORADO MOUNTED RANGERS OR A MEMBER OF THE COLORADO MOUNTED RANGERS IS SOLELY RESPONSIBLE FOR, AND IN DIRECT CONTROL OF, THE PERFORMANCE OF ANY COLORADO MOUNTED RANGER, INCLUDING INCURRING ANY AND ALL LIABILITIES FOR MISCONDUCT, AND IS RESPONSIBLE FOR ADDRESSING ANY MISCONDUCT AS IF THE COLORADO MOUNTED RANGER WAS A FULL-TIME EMPLOYEE OF THE ORGANIZATION. **SECTION 5.** Act subject to petition - effective date. (1) This

act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

official declaration of the vote thereon by the governor.

(2) Section 3 of this act takes effect only if House Bill 12-1283 does not become law

(3) Section 4 of this act takes effect only if House Bill 12-1283 becomes law.".

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

by Senator(s) Williams S., Aguilar, Foster, Giron, Jahn, Lundberg, Newell, Nicholson, Roberts, Steadman; also Representative(s) DelGrosso--Concerning avoiding potential conflicts of interest in the provision of services to a person on probation.

Laid over until Monday, February 20, retaining its place on the calendar.

**SB12-099** by Senator(s) Spence; also Representative(s) Todd--Concerning expansion of access to services for juveniles at the academic model juvenile facility.

Laid over until Monday, February 20, retaining its place on the calendar.

**SB12-022** by Senator(s) Williams S., Boyd, Hudak; also Representative(s) Massey, Fields, Kefalas-Concerning maintaining child care assistance for working families.

Laid over until Monday, February 20, retaining its place on the calendar.

**HB12-1181** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-Concerning a supplemental appropriation to the department of corrections.

Laid over until Monday, February 20, retaining its place on the calendar.

**HB12-1198** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-Concerning a supplemental appropriation to the department of state.

Laid over until Monday, February 20, retaining its place on the calendar.

**SB12-003** by Senator(s) Carroll; also Representative(s) Fischer--Concerning the use of consumer credit information by employers.

Laid over until Monday, February 20, retaining its place on the calendar.

**SB12-056** by Senator(s) Carroll; also Representative(s) Holbert--Concerning judicial appointments in domestic relations cases involving children.

<u>Amendment No. 1, Judiciary Committee Amendment.</u> (Printed in Senate Journal, February 2, pages 79-82 and placed in members' bill files.)

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

**SB12-038** by Senator(s) Tochtrop; also Representative(s) Vaad--Concerning measures to protect consumers who engage a roofing contractor to perform roofing services on residential property.

Laid over until Monday, February 20, retaining its place on the calendar.

by Senator(s) Lambert, Neville, Renfroe; also Representative(s) Beezley, Holbert, Looper, McKinley--Concerning the payment of debts in precious metal coins.

Laid over until Monday, February 20, retaining its place on the calendar.

**SB12-102** by Senator(s) Brophy; --Concerning the repeal of the crime of criminal libel.

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

**SB12-062** by Senator(s) Williams S.; also Representative(s) Looper--Concerning procedures that facilitate voting by military personnel.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment. (Printed in Senate Journal, February 7, page 99 and placed in members' bill files.)

<u>Amendment No. 2, Finance Committee Amendment</u>. (Printed in Senate Journal, February 15, page 165 and placed in members' bill files.)

Amendment No. 3(L.008), by Senator Williams S.

Amend printed bill, page 3, line 27, strike "ballot." and substitute "ballot - definition.".

Page 4, line 1, after "(7)" insert "(a)".

Page 4, line 2, after "VOTER" insert "IN A HOSTILE FIRE ZONE".

Page 4, line 9, after "VOTER" insert "IN A HOSTILE FIRE ZONE".

Page 4, after line 11 insert:

"(b) AS USED IN THIS SUBSECTION (7), "COVERED VOTER IN A HOSTILE FIRE ZONE" MEANS A COVERED VOTER, AS THAT TERM IS DEFINED IN SECTION 1-8.3-102 (2) (a), WHO IS LOCATED IN AN AREA THAT IS DESIGNATED AS HOSTILE FIRE ZONE BY THE UNITED STATES SECRETARY OF DEFENSE AT THE TIME HE OR SHE MAKES THE REQUEST FOR A BALLOT.".

Page 1, line 101, before "VOTING" insert "PROCEDURES THAT FACILITATE".

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

**SB12-092** by Senator(s) Jahn, Cadman, Boyd, Hodge, Hudak, King S., Tochtrop; --Concerning the use of a video display in a motor vehicle that is being operated on a roadway.

Laid over until Monday, February 20, retaining its place on the calendar.

**SB12-011** by Senator(s) Spence; also Representative(s) Summers--Concerning the differential response pilot program for child abuse or neglect cases of low or moderate risk.

Amendment No. 1(L.001), by Senator Spence.

Amend printed bill, page 2, strike lines 15 through 18 and substitute "county departments".".

Amendment No. 2(L.002), by Senator Newell.

Amend printed bill, page 2, line 3, strike "(a)" and substitute "(a), (6),".

Page 2, after line 18 insert:

"(6) The state board may SHALL promulgate rules TO DEFINE AND IMPLEMENT DIFFERENTIAL RESPONSE AND for the administration of the pilot program."

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

# AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

**SB12-051** by Senator(s) Bacon; also Representative(s) Massey--Concerning requirements for contracts executed by local education providers.

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the following Harvey floor amendment, (L.006) to SB 12-051, did pass.

Amend printed bill, page 3, strike lines 15 through 21 and substitute "SELECTING THE CONTRACTOR THAT PROVIDES THE BEST VALUE, REGARDLESS OF WHETHER THE CONTRACTOR SUBMITS THE LOWEST BID; AND".

Call of the Senate. Call raised.

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	14	NO	20	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Lambert		Y Scheffel	Y
Bacon	N	Harvey	Y	Lundberg		Y Schwartz	N
Boyd	N	Heath	N	Mitchell		Y Spence	Y
Brophy	Y	Hodge	N	Morse		N Steadman	N
Cadman	Y	Hudak	N	Neville		Y Tochtrop	N
Carroll	N	Jahn	N	Newell		N White	Е
Foster	N	Johnston	N	Nicholson		N Williams S.	N
Giron	N	King K.	Y	Renfroe		Y President	N
Grantham		King S.	Y	Roberts		Y	

## ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Guzman, 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	Y
Boyd		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	E
Foster	Y	Johnston	Y	Nicholson		Y Williams S.	Y
Giron	Y	King K.	Y	Renfroe		Y President	Y
Grantham		King S.	Y	Roberts		Y	

The Committee of the Whole took the following action:

Passed on second reading: SB12-051 as amended, SB12-072 as amended, SB12-056 as amended, SB12-102, SB12-062 as amended, SB12-011 as amended. Laid over until February 20: SB12-122, SB12-099, SB12-022, HB12-1181, HB12-1198, SB12-003, SB12-038, SB12-137, SB12-092.

## SENATE SERVICES REPORT

Correctly Engrossed: SM12-001.

Correctly Reengrossed: SB12-036, 045, 061, 067, 131 and 146. Correctly Rerevised: HB12-1078.

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, February 17 was laid over until Monday, February 20, retaining its place on the calendar.

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

On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Monday, February 20, 2012.

Approved:

Brandon C. Shaffer President of the Senate

Attest:

Cindi L. Markwell Secretary of the Senate