

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

1st Legislative Day Wednesday, January 11, 2012

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| Prayer | By the chaplain, Rabbi Steven Foster, Congregation Temple Emanuel, Denver. By Terry Knight, Ute Mountain Utes. | 11 12 |
| Presentation of Colors | By American Legion Post 32 Honor Guard, Longmont; Craig Fischer, bugler, performing "To the Color". | 13 14 15 16 |
| Poetry Recitation | By Dennis Sindelir, American Legion Post 32 Honor Guard, reading "Old Glory". | 17 18 19 |
| Singing of National Anthem | By Phil Williams, American Legion Post 32 Honor Guard. | 20 21 22 23 |
| Pledge of Allegiance | By Dick Kounovsky, American Legion Post 32 Honor Guard. | 24 25 26 27 |
| Musical Presentation | By Bella Voce Performance Group - Silvercreek High School, performing "America the Beautiful", "Gift to be simple/God Bless America", and "Siyahamba". | 28 29 30 31 |
| Call to Order | By the President at 10:00 a.m. | 32 33 34 |
| Roll Call | Present--35. | 35 36 |
| Quorum | The President announced a quorum present. | 37 38 39 |

LETTER OF RESIGNATION

October 11, 2011

Ms. Cindi Markwell
Secretary of the Senate
200 E. Colfax
Denver, CO 80203

Madam Secretary:

It has been a privilege to win two elected terms of office to serve the citizens of Senate District 22 and the State of Colorado. This unique honor has been further enhanced by the opportunity to serve as my party's Caucus Chair and Senate Minority Leader. It is without exaggeration that I can say the past five years have been among my most fulfilling. I have thoroughly enjoyed working to craft solutions for Colorado with my senate colleagues - so many of whom will be friends for life.

However, on the eve of an extended period of personal reflection concerning the road that lies ahead of my family and me, it has become apparent that I will be unable to devote the kind of quality attention necessary to serve the remaining three years of my senate term. In short, my constituents and my caucus deserve better than I will have to offer them. But more importantly for me, my beautiful children deserve the best I can give them.

It is therefore with a deep sense of loss and a heavy heart that I hereby resign my Senate

seat, effective October 21, 2011. I trust that this notice will be sufficient to give the Senate District 22 Vacancy Committee the necessary time to utilize its process to find my replacement. Moreover, it will give the Republican caucus and the Senate adequate time before the upcoming legislative session to make a smooth leadership transition.

My prayers go with Colorado's senators as they prepare for January 11th, 2012. The challenges facing our legislature and the State of Colorado are significant and will remain of great interest and concern to me. I intend to remain active and be involved in matters of public policy, albeit as a private citizen and member of the business community.

In closing, I would like to add that nothing in my senate service would have been possible without the loving support of my late wife, Kimberly. My colleagues that knew her can attest to her miraculous strength. Ironically, I was lifted by her perhaps more than she was by me, even as she faced unfathomably difficult days. I would also extend sincere thanks to my family, the wonderful senate Republican staff and my terrific employer, Intermountain Rural Electric Association. Without them I would have been unable to fulfill my duties over these past years.

God bless our great state.

Sincerely,

(signed)
Senator Mike Kopp
Minority Leader

COMMUNICATIONS FROM THE SECRETARY OF STATE

State of Colorado
Department of
State

United States of America, ss. Certificate
State of Colorado

I, Scott Gessler, Secretary of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Designation of Nomination by Vacancy Committee as filed in this office on the seventh day of November, 2011, by the Republican 22nd Senate District Vacancy Committee, designating the appointment of Timothy Neville to fill the vacancy in the office of the Colorado State Senate, District 22, caused by the resignation of the Honorable Mike Kopp.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this ninth day of November, 2011.

(signed)
Scott Gessler
Secretary of State

State of Colorado
Department of
State

United States of America, ss. Certificate
State of Colorado

I, Scott Gessler, Secretary of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Acceptance of Designation by Vacancy Committee as filed in this office on the fourth day of November, 2011, by Timothy Neville, accepting the appointment of the Republican 22nd Senate District Vacancy Committee, to fill the vacancy in the office of the Colorado State Senate, District 22, caused by the resignation of the Honorable Mike Kopp.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this ninth day of November, 2011.

(signed)
Scott Gessler
Secretary of State

(NOTE: On November 10, 2011, at 8:15 a.m., Tim Neville of Littleton was sworn in to the Sixty-eighth General Assembly as Senator for Senate District 22 to fill the vacancy created by the resignation of Senator Mike Kopp. Chief Justice Bender administered the oath of office in the Chamber of the Senate.)

Temporary
Rules

On motion of Senator Morse, and with the unanimous consent of the Senate, the rules of the Senate of the first regular session of the sixty-eighth General Assembly were made the temporary rules of the second regular session of the sixty-eighth General Assembly.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**.

On motion of Senator Morse, and with the unanimous consent of the Senate, the President appointed Senators Tochtrop, Williams, and Roberts as members of the committee to notify the House of Representatives that the Senate was organized and ready for business.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**.

On motion of Senator Morse, and with the unanimous consent of the Senate, the President appointed Senators Heath, Boyd, and Scheffel as members of the committee to notify the Governor that the Senate was organized and ready for business.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**.

Senate in recess. Senate reconvened.

Election of
Secretary

On motion of Senator Morse, Cindi Markwell was nominated to serve as Secretary of the Senate during the second regular session of the sixty-eighth General Assembly. The motion was adopted by a unanimous vote.

Oath of
Office

The President administered the oath of office to Cindi Markwell as Secretary of the Senate.

Senate in recess. Senate reconvened.

INTRODUCTION OF BILLS -- FIRST READING

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

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| SB12-001 | by Senator(s) Hudak, Bacon, Boyd, Foster, Heath, Shaffer B., Steadman; also Representative(s) Duran and Ryden--Concerning contracting preferences for persons who employ at least a specified percentage of Colorado residents to perform the requirements of a government contract. Local Government | 5 6 7 8 9 |
| | | 10 |
| SB12-002 | by Senator(s) Steadman, Guzman; --Concerning authorization of civil unions. Judiciary | 11 12 13 |
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| SB12-003 | by Senator(s) Carroll; also Representative(s) Fischer--Concerning the use of consumer credit information by employers. Judiciary | 15 16 17 18 |
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| SB12-004 | by Senator(s) Foster, Shaffer B.; also Representative(s) Miklosi--Concerning the creation of a procurement preference to be granted for materials manufactured in the United States. Local Government | 20 21 22 23 |
| | | 24 |
| SB12-005 | by Senator(s) Newell; also Representative(s) Massey--Concerning the creation of the Colorado business retention and expansion program. Business, Labor and Technology | 25 26 27 28 |
| | | 29 |
| SB12-006 | by Senator(s) Neville; also Representative(s) Holbert--Concerning the creation of efficiencies in the state regulatory system. Business, Labor and Technology | 30 31 32 33 |
| | | 34 |
| SB12-007 | by Senator(s) Hudak and Spence, Williams S.; also Representative(s) Hamner--Concerning the standardization of the procedural requirements for the issuance of special license plates. Transportation | 35 36 37 38 |
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| SB12-008 | by Senator(s) Brophy, Giron, Hodge, Roberts, Schwartz; also Representative(s) Sonnenberg, Baumgardner, Swerdfeger, Vigil, Wilson--Concerning postponement of the repeal of requirements to replace well depletions to the Denver basin aquifers. Agriculture, Natural Resources, and Energy | 40 41 42 43 44 |
| | | 45 |
| SB12-009 | by Senator(s) Hodge, Brophy, Giron, Roberts, Schwartz; also Representative(s) Swerdfeger, Baumgardner, Sonnenberg, Vigil, Wilson--Concerning the consolidation of cash funds administered by the division of water resources. Agriculture, Natural Resources, and Energy | 46 47 48 49 50 |
| | | 51 |
| SB12-010 | by Senator(s) Hodge; --Concerning the authority of the department of public safety to use gifts, grants, and donations for the purpose of funding the activities of the Colorado bureau of investigation. State, Veterans & Military Affairs | 52 53 54 55 |
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| 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. Health and Human Services | 57 58 59 60 61 |
| | | 62 |
| SB12-012 | by Senator(s) King S., Guzman, Tochtrop; also Representative(s) Miklosi, Gardner D.-- Concerning the department of revenue's audits of automobile emission inspection facilities. Transportation | 63 64 65 66 |
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| SB12-013 | by Senator(s) Schwartz; also Representative(s) Jones--Concerning low-speed electric vehicles. Transportation | 68 69 70 71 |
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| SB12-014 | by Senator(s) Bacon and Roberts, Morse; also Representative(s) Levy and Gardner B.-- Concerning the conformity of the schedule for disclosure of campaign finance information with the date of the primary election. Judiciary | 1 2 3 4 5 6 |
| SB12-015 | by Senator(s) Giron and Johnston, Guzman, Steadman; --Concerning creating an optional category of tuition at state institutions of higher education. Education | 7 8 9 10 |
| SB12-016 | by Senator(s) Lambert, Brophy, Cadman, Grantham, Harvey, King K., Lundberg, Neville; also Representative(s) DelGrosso, Gardner B., Joshi--Concerning the authority of employers in the local government division of the public employees' retirement association to make optional modifications to the contribution rates to the association. State, Veterans & Military Affairs | 11 12 13 14 15 16 17 18 |
| SB12-017 | by Senator(s) King S.; --Concerning the adoption of water quality control rules regarding nutrients, and, in connection therewith, prohibiting the water quality control commission from adopting numeric criteria for a water control standard or control regulation regarding nitrogen or phosphorus. Agriculture, Natural Resources, and Energy | 19 20 21 22 23 24 25 |
| SB12-018 | by Senator(s) Lundberg, Harvey, Neville; --Concerning the development of an alternative medical assistance program for the elderly. Health and Human Services | 26 27 28 29 30 |
| SB12-019 | by Senator(s) Shaffer B.; also Representative(s) Kerr A.--Concerning suspension of payments to a member of the general assembly in the event that the general assembly fails to pass bills critical to financing government operations. State, Veterans & Military Affairs | 31 32 33 34 35 36 |
| SB12-020 | by Senator(s) Aguilar, Steadman; also Representative(s) Summers--Concerning immunity from certain criminal offenses when a person reports in good faith an emergency drug or alcohol overdose event. Judiciary | 37 38 39 40 41 42 |
| SB12-021 | by Senator(s) Nicholson; also Representative(s) Lee--Concerning the creation of a financial literacy pilot program for residents of counties. Local Government | 43 44 45 46 47 |
| SB12-022 | by Senator(s) Williams S., Boyd, Hudak; also Representative(s) Massey, Fields, Kefalas-- Concerning maintaining child care assistance for working families. Health and Human Services | 48 49 50 51 52 |
| 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, addressing how the PACE program works with accountable care collaborative and similar integrative initiatives involving the medicaid population in Colorado, and removing PACE providers from licensing as a home care agency. Health and Human Services | 53 54 55 56 57 58 59 60 |
| SB12-024 | by Senator(s) Harvey; --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. Local Government | 61 62 63 64 65 66 67 |
| SB12-025 | by Senator(s) Neville, Grantham, Harvey, Lambert, Lundberg, Renfroe; also Representative(s) Baumgardner--Concerning the authority of a law-abiding person to carry a concealed handgun without a permit. State, Veterans & Military Affairs | 68 69 70 71 72 |

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| SB12-026 | by Senator(s) Cadman; --Concerning a state agency rule that creates a state mandate on a local government. Local Government | 1 2 3 4 5 |
| SB12-027 | by Senator(s) Scheffel; --Concerning an additional review of rules promulgated pursuant to the "State Administrative Procedure Act" by committees of reference of the general assembly. Judiciary | 6 7 8 9 10 11 |
| SB12-028 | by Senator(s) Grantham; --Concerning aggravated juvenile offenders adjudicated for murder. Judiciary | 12 13 14 15 16 |
| SB12-029 | by Senator(s) Morse, Brophy, Guzman, Roberts, Schwartz; also Representative(s) Gardner B., Labuda, Levy, Murray, Waller--Concerning the enactment of Colorado Revised Statutes 2011 as the positive and statutory law of the state of Colorado. Judiciary | 17 18 19 20 21 22 |
| SB12-030 | by Senator(s) Jahn; --Concerning administrative matters related to a foreclosure sale. Local Government | 23 24 25 26 |
| SB12-031 | by Senator(s) White; --Concerning federal mineral lease districts. Agriculture, Natural Resources, and Energy | 27 28 29 30 |
| SB12-032 | by Senator(s) Brophy; --Concerning reforms to state-administered health care assistance programs by seeking federal authorization to allow the state greater flexibility in the management of the programs. Health and Human Services | 31 32 33 34 35 36 |
| SB12-033 | by Senator(s) Guzman; also Representative(s) Massey--Concerning adding near fatalities to the responsibilities of the department of human services child fatality review team. Health and Human Services | 37 38 39 40 41 |
| SB12-034 | by Senator(s) King S., Tochtrop; also Representative(s) Gardner D.--Concerning repeal of the rapid screen program to identify high-emitting motor vehicles. Transportation | 42 43 44 45 46 |
| SB12-035 | by Senator(s) Hodge; --Concerning limited liability for spaceflight activities. Judiciary | 47 48 49 50 |
| SB12-036 | by Senator(s) Mitchell; --Concerning parental consent for the collection of information from students in schools. Education | 51 52 53 54 55 |
| 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. Health and Human Services | 56 57 58 59 60 61 |
| 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. Business, Labor and Technology | 62 63 64 65 66 67 |
| SB12-039 | by Senator(s) Morse; --Concerning the attestation of a minor that the minor has not used illegal drugs or alcohol during the previous year as a condition of getting an instruction permit or minor driver's license. Judiciary | 68 69 70 71 72 |

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| SB12-040 | by Senator(s) Bacon, Harvey, Renfroe, Schwartz; also Representative(s) Vigil, Brown, Sonnenberg--Concerning the qualification of certain state higher education facilities for state controlled maintenance funding. Education | 1 2 3 4 5 6 7 |
| SB12-041 | by Senator(s) Spence; also Representative(s) Priola--Concerning the continuous appropriation of the moneys in the commercial vehicle enterprise tax fund to the department of revenue for sales and use tax refunds. Finance | 8 9 10 11 12 13 |
| SB12-042 | by Senator(s) Spence; also Representative(s) Summers--Concerning bringing certain statutory provisions related to child support into compliance with federal law. Judiciary | 14 15 16 17 18 |
| SB12-043 | by Senator(s) King K.; also Representative(s) Stephens--Concerning clarification of the ages of children who may attend a children's resident camp. Education | 19 20 21 22 23 |
| SB12-044 | by Senator(s) Guzman; also Representative(s) Pabon--Concerning failure to present valid evidence of mass transit fare payment. Transportation | 24 25 26 27 28 |
| SB12-045 | by Senator(s) Hudak and King K., Bacon; also Representative(s) Massey and Fields, Holbert--Concerning granting associate degrees to students who transfer from a two-year institution. Education | 29 30 31 32 33 34 |
| SB12-046 | by Senator(s) Newell and Hudak; also Representative(s) Nikkel and Levy, Szabo--Concerning disciplinary measures in public schools. Education | 35 36 37 38 39 |
| SB12-047 | by Senator(s) King K. and Bacon; also Representative(s) Massey and Holbert--Concerning the use of assessment results for students enrolled in grades nine through twelve to assist students in graduating from high school without needing subsequent remedial educational services. Education | 40 41 42 43 44 45 46 |
| SB12-048 | by Senator(s) Schwartz; also Representative(s) Coram--Concerning the creation of the "Colorado Cottage Foods Act" for locally produced home foods sold directly to consumers. Agriculture, Natural Resources, and Energy | 47 48 49 50 51 |
| SB12-049 | by Senator(s) Roberts; also Representative(s) Coram, Baumgardner, Brown--Concerning financial responsibility requirements for motor carriers, and, in connection therewith, reducing the surety bond requirement for towing carriers and limiting its applicability to counties of relatively high population density. Transportation | 52 53 54 55 56 57 58 |
| SB12-050 | by Senator(s) Renfroe, Grantham, Harvey, Lambert, Lundberg, Neville; also Representative(s) Baumgardner--Concerning the elimination of the use of automated vehicle identification systems for traffic law enforcement. Transportation | 59 60 61 62 63 64 65 66 |

MESSAGE FROM THE HOUSE

The House has adopted and transmits herewith HJR12-1001.

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INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR12-1001 by Representative(s) Stephens, McNulty, Ferrandino; also Senator(s) Morse, Shaffer B., Cadman--Concerning a Joint Session of the House of Representatives and the Senate for the purpose of hearing a message from His Excellency, Governor John Hickenlooper, and appointing a committee to escort the Governor.

On motion of Senator Morse, the resolution 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 President appointed Senators Guzman, Hudak, and White to serve on the committee to escort the Governor to the State of the State address.

COMMITTEE APPOINTMENTS

January 9, 2012

President Brandon Shaffer
200 East Colfax
Room 257

President Brandon Shaffer,

In accordance with Senate Rule 21(a) I am making the following adjustments to the Senate committees of reference for the Second Regular Session of the 68th General Assembly:

Senate Judiciary Committee -- Reduced in size from nine members to seven, four of whom shall be from the majority party. Additionally, Senator Newell is removed from the committee.

Senate Agriculture, Natural Resources, and Energy Committee -- Senators Jahn and Guzman are removed, Senator Tochtrop is added as the Vice-Chair, and Senator Carroll is added as a member.

Appropriations Committee - Reduced in size from ten members to nine, five of whom shall be from the majority party. Additionally, Senator Nicholson is removed from the committee.

Education Committee - Reduced in size from eight members to seven, four of whom shall be from the majority party. Additionally, Senator Nicholson is removed from the committee.

Health and Human Services Senate Committee -- Senator Carroll is removed and Senator Nicholson is added.

Transportation Committee -- Senator Tochtrop is removed and Senator Newell is added.

I am happy to answer any questions you may have. I am, as always

Sincerely yours,
(signed)
John P. Morse
Senate Majority Leader

cc: Senator Irene Aguilar 1
 Senator Bob Bacon 2
 Senator Morgan Carroll 3
 Senator Joyce Foster 4
 Senator Angela Giron 5
 Senator Lucia Guzman 6
 Senator Rollie Heath 7
 Senator Mary Hodge 8
 Senator Evie Hudak 9
 Senator Cheri Jahn 10
 Senator Mike Johnston 11
 Senator Linda Newell 12
 Senator Jeanne Nicholson 13
 Senator Gail Schwartz 14
 President Brandon Shaffer 15
 Senator Pat Steadman 16
 Senator Lois Tochtrop 17
 Senator Suzanne Williams 18
 Senate Minority Leader Bill Cadman 19
 Cindi Markwell Senate Secretary 20
 Mr. Dan Cartin, Director of the Office of Legislative Legal Services 21
 Mike Mauer, Director of the Office of Legislative Council 22

October 17, 2011 23
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The Honorable Brandon Shaffer 26
 President of the Senate 27
 State Capitol 28
 Denver, CO 29
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Dear Mr. President: 31
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In accordance with C.R.S. 2-3-301, I recommend Senator Kevin Grantham be appointed to 34
 the Legislative Council Committee for the remainder of the 68th General Assembly. 35

Sincerely, 36
 (signed) 37
 Bill L. Cadman 38
 Senate Minority Leader 39
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cc: Representative Frank McNulty, Speaker of the House 41
 Senator John Morse, Majority Leader 42
 Representative Sal Pace, Minority Leader of the House 43
 Senator Kevin Grantham 44
 Cindi Markwell, Secretary of the Senate 45
 Mike Mauer, Legislative Council 46
 Dan Cartin, Office of Legislative Legal Services 47
 Susan Liddle, Legislative Council 48
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December 5, 2011 51
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The Honorable Brandon Shaffer 53
 President of the Senate 54
 State Capitol 55
 Denver, CO 56
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Dear Mr. President: 58
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I am pleased to appoint Senator Tim Neville to serve on State, Veterans, & Military 60
 Affairs and also Local Government & Energy for the Second Regular Session of the 61
 Sixty-eighth General Assembly. Senator Neville will be replacing me on these two Senate 62
 Committees of Reference. 63
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Sincerely, 65
 (signed) 66
 Bill L. Cadman 67
 Senate Minority Leader 68
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cc: Representative Frank McNulty, Speaker of the House 70
 Senator John Morse, Majority Leader 71
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Representative Mark Ferrandino, Minority Leader of the House
 Senator Tim Neville
 Cindi Markwell, Secretary of the Senate
 Mike Mauer, Legislative Council
 Dan Cartin, Office of Legislative Legal Services
 Susan Liddle, Legislative Council

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January 9, 2012

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The Honorable Brandon Shaffer
 President of the Senate
 State Capitol
 Denver, CO

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Dear Mr. President:

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Due to the Senate Judiciary's reduction in size from nine members to seven, I was asked to reduce the Senate Minority from four members down to three members. Accordingly, Senator Mark Scheffel is removed from Senate Judiciary Committee for the Second Regular Session of the 68th General Assembly.

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Sincerely,
 (signed)
 Bill L. Cadman
 Senate Minority Leader

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cc: Representative Frank McNulty, Speaker of the House
 Senator John Morse, Majority Leader
 Representative Mark Ferrandino, Minority Leader of the House
 Senator Mark Scheffel
 Senator Kevin Lundberg
 Senator Steve King
 Senator Ellen Roberts
 Cindi Markwell, Secretary of the Senate
 Mike Mauer, Legislative Council
 Dan Cartin, Office of Legislative Legal Services
 Susan Liddle, Legislative Council

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On motion of Senator Morse, and with the unanimous consent of those elected to the Senate, the words of Senate President Brandon C. Shaffer and Minority Leader Bill Cadman were ordered spread upon the pages of the journal.

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Senate in recess.

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Remarks of President Shaffer:

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Good morning and welcome to the second regular session of the 68th General Assembly of Colorado.

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My first session started in January 2005. When I first stepped on the Senate floor I came through the center doors on my way to my desk, where Senator Aguilar is sitting now. I had a feeling at the time that I was embarking on an amazing adventure, but I had no idea how amazing it would actually be.

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Several of you were new to the Senate at the same time. Senators Spence and Mitchell, on the Republican side; and Senators Williams, Tochtrop, and Bacon on the Democratic side. Over the past seven years, we've laughed and cried together; we've fought and cooperated; we've had victories and defeats; and, all-in-all we've done a pretty good job of governing and moving Colorado forward.

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The reason I mention these things is to make a point for the rest of the Senators in the

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room. In 2005, we came in with a class of 18 new Senators. Today, only the six of us remain. 1
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Some of the others weren't able to stay because of term limits, others left for opportunities in the private sector, and yet others left for personal reasons, but the sheer magnitude of turnover should impress upon each of us that our time here is temporal. 4
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The thing to constantly remember during this session and future ones is that the people of Colorado need and deserve our very best. 8
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You may have two years to accomplish your goals, or eight, but my message to you is the same: time is too short to waste in partisan battles ... in petty politics ... in small skirmishes. At a time when so many Coloradans are out of work, or working harder for less, or struggling to give their kids the basic ingredients to succeed in life; it's our duty, our mission, to do everything in our power to revitalize the engine of Colorado's economy. We must create new jobs, and better jobs, for our fellow Coloradans. 11
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And we must remember that the conversations we have this year ... the debates and disputes ... the collaborations and cooperations ... can't be about us. They can't be about politics and upcoming elections. Rather, they must be about the people of Colorado ... the people who elected us ... the people we represent. 18
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It should surprise no one that there is one issue that's more important to Coloradans today than all others: that's strengthening our economy by putting people back to work. 23
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Today, for too many Coloradans there is little opportunity to earn a productive living, and for some, despair has replaced the buoyancy of hope. 26
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The responsibility for finding gainful employment lies not solely with the individual. Our public and private institutions must create the opportunities we need to thrive as individuals and succeed as a society. 29
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The statistics sober even the most optimistic. Despite our best efforts, our rate of unemployment is 8 percent. In raw numbers that's approximately 216,000 Coloradans still out of work. It's better than last year's rate of 8.9 percent, but it's not good enough. 33
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Unemployment has far reaching consequences. We live in a state with one-in-six children living in poverty, and one-in-five living in food insecurity. 37
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Our institutions fail when we do not feed our children. 40
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We risk our legacy. We risk our future. 42
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In the words of Hubert Humphrey, the former United States Senator from Minnesota, "We will be judged by how we care for those who are in the dawn of life, our children, those in the twilight of life, our elderly, and those in the shadows of life, our sick, our needy and our disabled." 44
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Today, more than any time in a generation, we must marshal our energies. We must provide Coloradans the opportunity to work. We must provide Coloradans jobs. 49
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The task is formidable, and some say one state cannot affect a recession in a global economy. 52
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I say they're wrong. 55
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In the next 17 weeks we will introduce the 2012 Colorado Works Jobs Package. It will reduce regulation on small business, enhance the business climate for Colorado, and promote job creation throughout our state. 57
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The Senate will work with the House of Representatives and the Governor to pass legislation to improve our business climate and to create opportunities to put people back to work. 61
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This is a time for multiplication, not division. It's a time to identify, not as Republican or Democrat, but as Coloradans. And it's a time to act. 65
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With this in mind, Senate Bill 1 is the "HIRE Colorado Act". It simply says we want the State of Colorado to hire Coloradans when contracting for services. 68
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It's similar to a proposal that's been considered in the legislature before, and it's similar to provisions that have been adopted by 26 other states across our nation. 71
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There are nay-sayers out there, and they've successfully stopped this proposal in years past, but this year is different. This is the year we look at every piece of legislation through the eyes of an unemployed Coloradan, and we ask, "Does it make sense?"

Hiring Coloradans to work on projects paid for by Colorado tax-dollars makes sense. It creates jobs, and it's a smart use of government resources. Let's all come together to support this legislation.

Hiring Coloradans is a step in the right direction, but we can do more. Over the last two years, our state government spent an estimated \$794.5 million beyond our borders. When possible, these funds should stay in Colorado. If there is a Colorado source for materials, it should be the first choice for those who hold state contracts.

To that end, we will introduce the "Buy Colorado and Buy American Act". This initiative will reward companies doing business with our state for buying their raw products, wholesale goods, and manufactured goods from Colorado and American companies.

Finally, creating opportunities for our economy to thrive goes beyond how our state does business. We must also develop new industries, and bring new jobs to Colorado along with them.

One such endeavor is embodied in the Colorado Aerospace Jobs Act. There is a new Space Race developing in our world; a race among private companies to market aerospace technology. Our goal is to land those companies here in Colorado.

The Colorado Aerospace Jobs Act will help us do just that by clearing the way for the construction of a spaceport in Colorado. This is a perfect compliment to exciting developments already taking place in the aerospace industry on college campuses and in high-tech office parks around our state.

These are just a few of the exciting initiatives that will be introduced in our Senate in the coming days. There will be many, many more on both sides of the aisle. But in a time of so many challenges, our legislative process is as important as our legislative product.

A maxim now two thousand years old entered the American lexicon 150 years ago with our 16th President: A house divided against itself cannot stand.

There is no Republican or Democratic voice. There is no progressive or conservative voice. There is only one voice, and that's the voice of the people of Colorado.

We are sent here to solve problems, to improve the quality of life for our neighbors, our friends and our fellow citizens. They did not send us here to argue about how to get the work done. They just sent us here to do the work.

As we apply ourselves through this session, let us be civil, let us be respectful and be of good cheer. Let us use our collective wisdom to provide common sense solutions for Colorado.

Now let the work begin.

Thank you.

Remarks of Minority Leader Cadman:

Thank you Mr. President, good morning Mr. Majority Leader, colleagues. Welcome special friends, guests, and families.

Please welcome my Wife Lisa. Welcome my predecessor, my mentor and my friend, Senator Ron May.

Welcome to our new Senator Tim Neville and his wife and family.

I would be remiss if I didn't ask for a special acknowledgement of our former colleague senator Mike Kopp, who just a few months ago watched his beautiful wife Kim close her eyes in this world, knowing she would open them again in heaven.

Mike gracefully regretted he could not join us today...but he sends his best. I hope you will continue to keep him and their four children in your thoughts and prayers.

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So here we are...now, only 119 days to go. A little less Pomp and Circumstance than the opening day of a new General Assembly. The second session doesn't get the same amount of focus or the same amount of press coverage. It was not an election year, so no major changes in our ranks.

We don't swear in again.

I don't think we elect new leadership....or do we Mr. President? Ok, just checking.

So those are some of the things we don't do....but what do we do here on opening day, 2012? We share our thoughts and hopes for a better tomorrow for our state and our country.

As legislators, as policy makers, I truly believe we share a similar desire to find common ground among us for the un-common challenges before us.

It is such a privilege to serve here, we are the Colorado Senate. Just saying this still gives me goose bumps – anyone else feel that way? Term limits, redistricting, and elections mean we are wholly unique at this place, in this time, a group of 35 individuals who will never serve together in this capacity again.

Somewhat nostalgic.

2012 is our chance to make our mark in this place in two significant areas, Policies and Principles.

As far as policies go, we will address countless issues, hundreds of bills. We will pass a budget, we always do. We will pass the school finance act, we always do.

What do we do with the rest of our time, our bills and our efforts? We must do everything we can to promote economic development and job growth in this state.

Colorado works when Coloradans are working.

Private sector jobs are the economic engines that fill private sector and public sector coffers. Colorado needs jobs, period!

Our Centennial State lost 128,000 jobs between 2008 and 2010 – 2011 brought some relief but we are still short 100,000 jobs from four years ago. We have 17 counties with unemployment rates of 19 ½ percent or higher.

Even the Governor's own "Colorado Outlook" for 2012-2013 forecasts only a 0.2% increase in General Fund revenues from individual and corporate taxes.

Unfortunately, over the last decade Colorado has fallen to 38th in the nation for private sector job creation while climbing to 6th for creating government jobs.

Empowering the private sector to create more jobs has been a consistent theme of opening day speeches here for years. From the leaders in both houses, and our governors, the rhetoric has been repeated, but the reality is that these lofty goals have proven to be elusive.

So we asked Colorado's business community to help us, we asked them to help us help them. Our colleagues traveled around the state to ask business owners what they needed to stay in business and to grow.

We met with executives and entrepreneurs, and we didn't care if they were an R or a D, -- we didn't even ask. We only cared that they were an "E" – for employer. WE GOT AN EARFUL. ACTUALLY, WE GOT MORE THAN AN EAR FULL.

Their requests were fairly simple – not necessarily easy – but they were simple. They wanted a consistent, stable business climate. They wanted reduced bureaucracy, lower fees, less red tape, and they wanted us to stop trying to "help" them with new mandates, requirements and programs that cost them money, or reduce their productivity.

One woman, a very successful IT entrepreneur, shared her concerns about specific legislation that has negatively impacted her company. She politely shared her impression of us with the following quote from C.S. Lewis:

"Of all tyrannies, a tyranny sincerely exercised for the good of its victims may be the most oppressive. It would be better to live under robber barons than under omnipotent moral busybodies..." Ouch, did I mention how polite she was as she said this with a smile?

OMNIPOTENT MORAL BUSIBODY...Does anybody here want to be THAT GUY? 1

We can help Colorado businesses by reducing or eliminating numerous statutes and 2
regulations and we have developed thoughtful, specific and reasonable proposals to do just 3
that. 4
5
6
Coloradans told us what they needed to be successful ...and our Policy Agenda reflects 7
their desires. Let me reiterate that our proposals aren't Republican ideas, and they are not 8
Democrat ideas...maybe that's why they are pretty good ideas. 9
10
Hopefully, we can spend the next four months working together on pretty good ideas to 11
turn our job growth rhetoric into Colorado's economic reality. 12
13
Now, what about the principles? 14
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We each have an opportunity to leave behind a legacy that has nothing to do with what's 16
written in those red books. It won't be measured by how many laws we add or statutes we 17
change. 18
19
I think it will be measured by how we invest in each other and how we exhibit civility and 20
respect, not only for each other, but for the historic institution in which we are so 21
privileged to serve. 22
23
I know some of my greatest legislative victories here, both passing bills and stopping bills 24
have come down to something greater than the idea of the bill itself, greater than the bill 25
summary or the fiscal note, it has come down to the relationships established with 26
members on both sides of the aisle. 27
28
I've been doing this long enough that I can share stories about most of you in these seats, 29
and countless others we served with, but I will limit myself to just a few. 30
31
When I was a freshman in the house, Senator Gordon helped me get an amendment passed 32
that replicated an entire bill that I carried that had been killed. He was always willing to 33
offer assistance and share his knowledge, although we didn't agree on very many 34
issues...but that didn't stop him from sharing his time and his experience with me and 35
making me a better legislator. 36
37
Senator Tochtrop, how many times have we worked together to count to 33 in the house, 38
or 18 here. How many conversations have we had over the years from everything under the 39
sun. From baseball, to handguns, texas - holdem, to your new knees. You even helped me 40
find a yard sign vendor...for Republican signs! 41
42
Senator Carroll, we have worked together to protect civil rights on more than one 43
occasion, and in both chambers. 44
45
Senator Jahn...how about our times together in both chambers working to pass something 46
or stop something...and how about your tricky bill last year SB234 that worked us harder 47
than we worked it. Or how about something really personal, the night a few of us in the 48
house got the call about your son and got down on our knees and prayed for you and for 49
him. 50
51
Mr. President, with your help we finally saw the repeal of more than a dozen special 52
interest money grabs on taxpayer refunds...a bill I had tried to get passed while serving in 53
both the majority and the minority, in both houses too many times to count..., FINDING 54
SUCCESS WITH YOUR HELP, not just because it was a good idea, but I truly believe 55
because of our relationship. 56
57
This place is more than the bills, and we are more than how we vote or where we sit. We 58
are so much more than the D or the R next to our name. 59
60
When we take the time to invest in each other we'll get better results on the issues we care 61
about and the bills we carry. 62
63
I'm not suggesting that we are going to agree with each other all the time – or like each 64
other all the time, because we won't and we don't. If you haven't lost your temper here at 65
least once like I have, or felt your blood boil because of a fellow member, then it must be 66
your first day – Congratulations Senator Neville. 67
68
There is something that holds people together that is stronger than how they feel at any 69
given moment. Relationships – Relationships built on respect and civility and yes, trust. 70
71
When these break down, relationships are weakened and this institution becomes 72

vulnerable to the toxic effects of extreme partisanship.

As we begin a new session, we must deal with these effects in the aftermath of redistricting. A process that is supposed to be partisan-neutral has failed us, and even more important it has failed the people of Colorado.

Here are a few headlines a few weeks ago:

- A tale of decoy maps, gerrymandering and reapportionment Colorado Springs Gazette - Dec 5, 2011

- Casualties of reapportionment, GOP lawmakers step aside – Senator Keith King, Your loss to this institution will be felt far into the future. The honor you have shown for me personally leaves me deeply humbled. You are my colleague, my mentor and will always be my friend.

- Dems win political game of reapportionment The Colorado Statesman - Dec 2, 2011

Should reapportionment ever, ever be alluded to as a game – it should not, because this foundational tenet of our Democratic republic is too important to be considered as a game.

Wouldn't a better headline have been, "Coloradans Get new Constitutionally Sound Maps, Supported Unanimously by the Commission."

I think the failure of the redistricting process was greater than the loss of a vote -- our relationships failed and that's not the kind of legacy we should leave. That's not what we should be passing on to those who follow us here, regardless of which party is in the majority.

I hope we can find consensus to move in a better direction, so that 10 years from now redistricting will truly be non-partisan, and we can restore the integrity of the process and protect those who are tasked to complete it. To do this we must insulate this process from the extreme partisanship of political operatives on both sides.

IN THIS NEW YEAR, IN 2012 we must strive to heal the political wounds of 2011, and rebuild relationships, because we have a lot of work to do, and on any given day solutions to our significant challenges will require working across the aisle.

Our legacies will be so much more than the policies we pass, they will be the principles we establish and the way we teach our successors to treat each other when we leave.

We are the Colorado Senate. We are Colorado senators. And our words and deeds should always be reflective of this great honor.

Thank You!

Senate reconvened.

**MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadlines:

Early introduction deadline for House bills:

The Monday, January 16 deadline (the 6th legislative day) for the introduction of the two remaining House bills requested prior to the December 1 bill request deadline is extended until Tuesday, January 17, 2012 (the 7th legislative day).

Last bill request deadline for the House and Senate:

The Monday, January 16 deadline (the 6th legislative day) for all remaining bill requests to the Office of Legislative Legal Services is extended until Tuesday, January 17, 2012 (the 7th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(signed)
Representative McNulty
Speaker of the House of Representatives

(signed)
Senator Shaffer
President of the Senate

(signed)
Representative Stephens
House Majority Leader

(signed)
Senator Morse
Senate Majority Leader

(signed)
Representative Ferrandino
House Minority Leader

(signed)
Senator Cadman
Senate Minority Leader

TRIBUTES

Honoring:

Thomas Xaysana -- By Senator Hudak.
Orion Multi Purpose Crew Vehicle -- By Senator Morse.
Arapahoe Community College -- By Senator Newell.
Manning and Company -- By Senator Newell.
Dr. Dale Retzer -- By Senator Newell.
The South Metro Denver Small Business Development Center and Marcia McGilley --
By Senator Newell.
Town Hall Arts Center -- By Senator Newell.
Narconon Colorado -- By Senator Lundberg.
The Town of Littleton -- By Senator Newell.
Elaine Ducoff -- By Senator Keith King.
Jim Woods -- By Senator Newell.
Kyle Piccola -- By Senator Shaffer.
Briant McKellips -- By Senator Kopp.
Scented Studio -- By Senator Aguilar.
Daniel Edward Patterson -- By Senator Hudak.
Sarah Hernandez -- By Senator Williams.
Ursula Running Bear -- By Senator Williams.
Crystal Loudhawk-Hedgpeth -- By Senator Williams.
Daniel Cordials -- By Senator Williams.
Amanda Skenadore -- By Senator Williams.
Zak Kaszubowski -- By Senator Kopp.
Quinten Tyler Nichols -- By Senator Shaffer.
Detective James "Jim" Hebenstreit -- By Senator Steve King.
Kristin Donley -- By Senator Brandon Shaffer.
Mary Zinn -- By Senator Linda Newell.
Christopher Anderson -- By Senator Brandon Shaffer.
Mapleton Public Schools Board of Education -- By Senator Lois Tochtrop.
Charlotte Ciancio -- By Senator Lois Tochtrop.
Almost Home -- By Senator Hodge.
Boys and Girls Club, Robert Shopneck Branch -- By Senator Hodge.
Brighton Cares -- By Senator Hodge.
Brighton Shares the Harvest -- By Senator Hodge.
CASA -- By Senator Hodge.
Harmony Angels Foundation -- By Senator Hodge.
HeART of Brighton -- By Senator Hodge.
Legacy Foundation -- By Senator Hodge.
North Metro Community Services -- By Senator Hodge.
Pennock Counseling -- By Senator Hodge.
Rocky Mountain Bird Observatory -- By Senator Hodge.
United Power Round Up -- By Senator Hodge.
Warm Hearts, Warm Babies -- By Senator Hodge.
Hunger Free Colorado -- By Senator Hodge.
Platte Valley Medical Center -- By Senator Hodge.
Brighton Chamber of Commerce Nonprofit Council -- By Senator Hodge.
Eugene Darrow -- By Senator Newell.
Joseph M. Trujillo -- By Senator Newell.
Elwood Johnsen -- By Senator Newell.
Chandra S. Sookram -- By Senator Newell.

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|--|----|
| Essie M. Rutledge -- By Senator Newell. | 1 |
| Danny Phillip Dietz Jr. -- By Senator Newell. | 2 |
| Jeff Johnson -- By Senator Newell. | 3 |
| Joe Rice -- By Senator Newell. | 4 |
| Dean Casey -- By Senator Newell. | 5 |
| Frank Atwood -- By Senator Newell. | 6 |
| Tom Mulvey -- By Senator Newell. | 7 |
| Ray Koernig -- By Senator Newell. | 8 |
| Arvada Community Food Bank -- By Senator Hudak. | 9 |
| Developmental Disabilities Resource Center -- By Senator Hudak. | 10 |
| Metro Community Provider Network -- By Senator Hudak. | 11 |
| Ralston House -- By Senator Hudak. | 12 |
| Family Tree -- By Senator Hudak. | 13 |
| Carin Clinic -- By Senator Hudak. | 14 |
| Ginny's Kids International -- By Senator Hudak. | 15 |
| Children's Outreach Project -- By Senator Hudak. | 16 |
| Colorado Homeless Families -- By Senator Hudak. | 17 |
| Jefferson Center for Mental Health -- By Senator Hudak. | 18 |
| Bessie's Hope -- By Senator Hudak. | 19 |
| Conejos County -- By Senator Schwartz. | 20 |
| The Citizen Volunteers of the Colorado Wing of the Civil Air Patrol -- By Senator | 21 |
| Lambert and Representative John Soper. | 22 |
| Mary Sommerfeld -- By Senator Steve King. | 23 |
| Ginny Vidulich -- By Senator Shaffer. | 24 |
| The Greater Brighton Neighborhood Volunteers -- By Senator Hodge. | 25 |
| Rocky Top Middle School -- By Senator Tochtrop. | 26 |
| Jacque Kerr -- By Senator Tochtrop. | 27 |
| Eisenhower Elementary School -- By Senator Shaffer. | 28 |
| Eldorado K-8 School -- By Senator Shaffer. | 29 |
| Foothill Elementary School -- By Senator Shaffer. | 30 |
| Heatherwood Elementary School -- By Senator Shaffer. | 31 |
| Jamestown Elementary -- -- By Senator Shaffer. | 32 |
| Nevin Platt Middle School -- By Senator Shaffer. | 33 |
| Southern Hills Middle School -- By Senator Shaffer. | 34 |
| Summit Middle Charter School -- By Senator Shaffer. | 35 |
| Bear Creek Elementary School -- By Senator Shaffer. | 36 |
| Boulder Community School of Integrated Studies -- By Senator Shaffer. | 37 |
| Douglass Elementary School -- By Senator Shaffer. | 38 |
| High Peaks Elementary School -- By Senator Shaffer. | 39 |
| Horizon K-8 School -- By Senator Shaffer. | 40 |
| Monarch K-8 School -- By Senator Shaffer. | 41 |
| Superior Elementary School -- By Senator Shaffer. | 42 |
| Cameron G. Leavitt -- By Senator Steve King. | 43 |
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| On motion of Senator Morse, the Senate adjourned until 10:00 a.m., Thursday, January 12, | 48 |
| 2012. | 49 |
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| Approved: | 51 |
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| Brandon C. Shaffer | 55 |
| President of the Senate | 56 |
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| Attest: | 58 |
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| | 61 |
| Cindi L. Markwell | 62 |
| Secretary of the Senate | 63 |