

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

27th Legislative Day Monday, February 6, 2012

Prayer	By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.	1 2 3 4 5 6 7 8 9 10 11
Call to Order	By the President at 10:00 a.m.	12 13 14 15
Pledge	By Senator Morse.	16 17
Roll Call	Present--33 Absent--1, Johnston. Excused--1, King S. Present later--1, Johnston.	18 19 20 21 22
Quorum	The President announced a quorum present.	23 24
Reading of Journal	On motion of Senator Guzman, reading of the Journal of Thursday, February 2, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	25 26 27 28 29

MESSAGE FROM THE HOUSE

February 2, 2012

The House has adopted and returns herewith SJR12-012, SJR12-011.

MESSAGE FROM THE REVISOR OF STATUTES

February 2, 2012

We herewith transmit:

Without comment, as amended, HB12-1002.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions.

CONSIDERATION OF RESOLUTIONS

SJR12-009 by Senator(s) Heath; also Representative(s) Summers and Miklosi--Concerning recognition of career and technical education month.

On motion of Senator Heath, the resolution was read at length and **adopted** by the following roll call vote:

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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	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.	E	Roberts	Y		

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

SJR12-013 by Senator(s) Steadman, Shaffer B., Bacon, Heath, Hodge, Hudak, Johnston, King K., Renfroe, Spence; also Representative(s) Massey--Concerning the designation of February 6 through 10, 2012, as "National School Counseling Week".

On motion of Senator Steadman, the resolution was read at length and **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	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.	E	Roberts	Y		

Co-sponsors added: Aguilar, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Jahn, Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Roberts, Scheffel, Schwartz, Tochtrop, White and Williams S.

HJR12-1004 by Representative(s) Massey and Kerr A., Todd, Summers, Kerr J., Beezley, Hamner, Holbert, Joshi, Murray, Peniston, Ramirez, Ryden, Schafer S., Solano; also Senator(s) Roberts and Johnston--Concerning teen suicide prevention in Colorado.

A majority of all members elected to the Senate having voted in the affirmative, the bill was referred to the Committee on Education.

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

**GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

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.

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

SB12-066 by Senator(s) Nicholson; also Representative(s) Gardner B.--Concerning expanding those persons eligible as guardians in the guardianship assistance program to include persons ascribed by the family as having a family-like relationship with the child.

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

On motion of Senator Boyd, 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	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.	E	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB12-009, SB12-066.

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

SB12-033 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.

Amendment No. 1, General Orders Amendment.
(Printed in Senate Journal, January 30, page 56 and placed in members' bill files.)

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

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.

Laid over until February 7, retaining its place on the calendar.

SB12-030 by Senator(s) Jahn; --Concerning administrative matters related to a foreclosure sale.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, January 25, page 45 and placed in members' bill files.)

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

SB12-015 by Senator(s) Giron and Johnston, Guzman, Steadman; also Representative(s) Duran--
Concerning creating an optional category of tuition at state institutions of higher education.

Laid over until February 7, retaining its place on the calendar.

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.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.
(Printed in Senate Journal, January 30, page 53 and placed in members' bill files.)

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

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.

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

SB12-079 by Senator(s) King S., Cadman, Morse; also Representative(s) Stephens, Fields, Priola,
Schafer S.--Concerning revisions to the safe2tell program relating to advances in
communications technology.

Laid over until February 7, retaining its place on the calendar.

SB12-013 by Senator(s) Schwartz; also Representative(s) Jones--Concerning low-speed electric
vehicles.

Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, February 1, pages 75-76 and placed in members' bill files.)

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Boyd, 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	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.	E	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB12-033 as amended, SB12-030 as amended, SB12-048 as
amended, SB12-010, SB12-013 as amended.

Laid over until February 7: SB12-011, SB12-015, SB12-079.

SENATE SERVICES REPORT

Correctly Engrossed: SJR12-011 and 012.
Correctly Revised: HJR12-1009.

COMMITTEE OF REFERENCE REPORTS

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| Finance | After consideration on the merits, the Committee recommends that SB12-063 be postponed indefinitely. | 1
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| Finance | After consideration on the merits, the Committee recommends that SB12-055 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar. | 18
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| Finance | After consideration on the merits, the Committee recommends that SB12-041 be referred to the Committee on <u>Appropriations</u> with favorable recommendation. | 23
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| Education | After consideration on the merits, the Committee recommends that SB12-051 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. | 27
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| | Amend printed bill, page 2, line 15, strike "SECTION, WHICH POLICY," and substitute "SECTION, OTHER THAN CONTRACTS FOR INSTRUCTIONAL SERVICES. A POLICY ADOPTED PURSUANT TO THIS SUBSECTION (2),". | 32
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| | Page 3, line 2, strike "INCLUDING AN". | 36
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| | Page 3, line 3, strike "EDUCATIONAL SERVICE,". | 38
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| | Page 3, line 19, strike "INCLUDING EDUCATIONAL SERVICE,". | 40
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| | Page 4, line 8, strike "INCLUDING EDUCATIONAL". | 42
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| | Page 4, line 9, strike "SERVICES,". | 44
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| | Page 6, strike line 15, and substitute "EDUCATION PROVIDER SHALL POST:
(I) THE NAME OR TITLE OF AND CONTACT INFORMATION FOR AN EMPLOYEE OF THE LOCAL EDUCATION PROVIDER WHO IS AVAILABLE TO ANSWER QUESTIONS CONCERNING CONTRACTS THAT EXCEED \$100,000 ENTERED INTO BY THE LOCAL EDUCATION PROVIDER; OR
(II) A COPY OF EACH CONTRACT THAT EXCEEDS \$100,000 ENTERED". | 46
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| | Page 6, line 16, strike "INCLUDING AN EDUCATIONAL SERVICE,". | 54
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| | Page 6, line 18, strike "22-32-122. THE" and substitute "22-32-122; EXCEPT THAT THE LOCAL EDUCATION PROVIDER, PRIOR TO POSTING A CONTRACT, 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. IF A". | 56
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| | Page 6, line 19, strike "SHALL POST EACH" and substitute "CHOOSES TO POST A CONTRACT, IT SHALL POST THE". | 63
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| | Page 6, line 20, after the period, add "THE PROVISIONS OF THIS PARAGRAPH (d) DO NOT APPLY TO CONTRACTS FOR INSTRUCTIONAL SERVICES.". | 66
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Education

After consideration on the merits, the Committee recommends that **SB12-040** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 4, line 7, after "(a)" insert "(I)".

Page 4, line 8, strike "BEGINNING JANUARY 1, 2010,".

Page 4, line 9, strike "CONSTRUCTED" and substitute "CONSTRUCTED, OR AN AUXILIARY FACILITY REPURPOSED FOR USE AS AN ACADEMIC FACILITY,".

Page 4, line 18, strike "FIFTEEN-YEAR RULE ESTABLISHED" and substitute "ELIGIBILITY GUIDELINES DESCRIBED".

Page 4, strike lines 20 through 27.

Page 5, strike lines 1 through 4 and substitute:

"(II) FOR PURPOSES OF THIS PARAGRAPH (a), THE ELIGIBILITY FOR STATE CONTROLLED MAINTENANCE FUNDING COMMENCES ON THE DATE OF THE ACCEPTANCE OF THE CONSTRUCTION OR REPURPOSING OF THE FACILITY OR THE CLOSING DATE OF ANY ACQUISITION. THE DATE OF THE ACCEPTANCE OF CONSTRUCTION OR REPURPOSING SHALL BE DETERMINED BY THE OFFICE OF THE STATE ARCHITECT."

Page 5, line 5, strike "(c)" and substitute "(b)".

Page 5, line 20, strike "PROMULGATED" and substitute "ESTABLISHED".

Page 5, line 21, strike "(c)" and substitute "(b)".

Page 6, strike lines 1 through 4 and substitute "INSTITUTION AS SET FORTH IN THIS TITLE. EXAMPLES INCLUDE, BUT ARE NOT LIMITED TO,"

Page 6, strike lines 15 through 24 and substitute:

"SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Agriculture, Natural Resources, & Energy

After consideration on the merits, the Committee recommends that **SB12-031** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Agriculture, Natural Resources, & Energy

After consideration on the merits, the Committee recommends that **SB12-097** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 9 through 12 and substitute "ANY DITCH DIVERSION OR OTHER POINT OF DIVERSION FOR A DECREED SURFACE WATER RIGHT, POINT OF REPLACEMENT OR POINT OF DIVERSION BY EXCHANGE THAT IS PART OF AN EXISTING DECREED EXCHANGE, WELL OR WELL FIELD THAT IS DECREED TO OPERATE AS A SURFACE DIVERSION, OR POINT OF INFLOW FROM A TRIBUTARY SURFACE STREAM."

Page 3, line 1, after "POINT" insert "TO A NEW SURFACE DIVERSION POINT".

Page 3, line 3, strike everything after "INFLOW".

Page 3, line 4, strike everything before "BETWEEN".

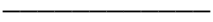
Page 3, line 7, after "BELOW" insert "OR WITHIN".

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	Page 3, line 8, strike "OR".	1
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	Page 3, line 9, strike everything before "LOCATION" and substitute "TO AN UPSTREAM".	3
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	Page 5, line 8, strike everything after the period.	5
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	Page 5, strike lines 9 through 12.	7
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	Page 5, line 19, strike "OR OTHER".	9
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	Page 5, line 20, strike "SIMILAR REQUIREMENTS".	11
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	Page 5, strike line 23 and substitute "1996).".	13
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Health & Human Services	After consideration on the merits, the Committee recommends that SB12-018 be postponed indefinitely.	17
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Health & Human Services	After consideration on the merits, the Committee recommends that SB12-053 be postponed indefinitely.	22
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Health & Human Services	After consideration on the merits, the Committee recommends that SB12-090 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	27
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Health & Human Services	After consideration on the merits, the Committee recommends that SB12-060 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	32
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	Amend printed bill, page 2, line 11, strike "DATA AND INFORMATION".	37
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	Page 2, line 19, after the semicolon, insert "AND".	39
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	Page 2, line 20, strike "FRAUD; AND" and substitute "FRAUD, EXCLUDING LAW ENFORCEMENT-SENSITIVE INFORMATION.".	41
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	Page 2, strike lines 21 and 22.	44
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	Page 3, line 10, strike "DATA AND INFORMATION".	46
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	Page 3, line 17, after "CLAIMS;" insert "AND".	48
		49
	Page 3, line 18, strike "FRAUD; AND" and substitute "FRAUD, EXCLUDING LAW ENFORCEMENT-SENSITIVE INFORMATION.".	50
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	Page 3, strike lines 19 and 20.	53
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	MESSAGE FROM THE HOUSE	58
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	February 6, 2012	60
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	The House has adopted and returns herewith SJR12-009 and SJR12-013.	62
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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 Monday, February 6 was laid over until Tuesday, February 7, retaining its place on the calendar.

Consideration of Resolutions: SJR12-007.



On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, February 7, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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