

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

100th Legislative Day

Thursday, April 19, 2012

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| Prayer | By the chaplain, Reverend Tawana Davis, Shorter Community AME Church, Denver. | 11 |
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| Call to Order | By the President at 9:00 a.m. | 13 |
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| | | 15 |
| Pledge | By Senator Jahn. | 16 |
| | | 17 |
| Roll Call | Present--34 | 18 |
| | Excused--1, Williams S. | 19 |
| | Present later--1, Williams S. | 20 |
| | | 21 |
| Quorum | The President announced a quorum present. | 22 |
| | | 23 |
| Reading of Journal | On motion of Senator Steadman, reading of the Journal of Wednesday, April 18, 2012, was dispensed with and the Journal was approved as corrected by the Secretary. | 24 |
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SENATE SERVICES REPORT

Correctly Printed: SB12-171, 172 and 173; SJM12-003; SJR12-037, 038, 039, 040, 041, 042, 043 and 044.
Correctly Revised: HB12-1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343 and 1344.

MESSAGE FROM THE HOUSE

April 19, 2012

The House has postponed indefinitely SB12-120. The bill is returned herewith.

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:

HCR12-1001 by Representative(s) Ferrandino and Vaad; also Senator(s) Johnston and King K.-- Submitting to the registered electors of the state of Colorado amendments to the Colorado constitution concerning the state personnel system, and, in connection therewith, expanding the veterans' preference; increasing the number of candidates eligible to be appointed to a position; adjusting the duration of allowable temporary employment; allowing the flexibility to remove a limited number of positions from the system; modifying the residency requirement; adjusting the terms of service for members of the state personnel board; and requiring merit-based appointments to be made through a comparative analysis process.

Laid over until Friday, April 20, retaining its place on the calendar.

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HB12-1344 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning transfers of moneys relating to capital construction.

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 |
| Carroll | Y | Jahn | Y | Newell | Y | White | Y |
| Foster | Y | Johnston | Y | Nicholson | Y | Williams S. | E |
| Giron | Y | King K. | Y | Renfroe | Y | President | Y |
| Grantham | Y | King S. | Y | Roberts | Y | | |

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

HB12-1336 by Representative(s) Becker and Levy, Gerou; also Senator(s) Steadman and Lambert, Hodge--Concerning authorization of a prison utilization analysis, and, in connection therewith, making an appropriation.

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

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar | Y | Guzman | Y | Lambert | Y | Scheffel | Y |
| Bacon | Y | Harvey | Y | Lundberg | Y | Schwartz | Y |
| Boyd | Y | Heath | Y | Mitchell | Y | Spence | Y |
| Brophy | Y | Hodge | Y | Morse | Y | Steadman | Y |
| Cadman | Y | Hudak | Y | Neville | Y | Tochtrop | Y |
| Carroll | Y | Jahn | Y | Newell | Y | White | Y |
| Foster | Y | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron | Y | King K. | Y | Renfroe | Y | President | Y |
| Grantham | Y | King S. | Y | Roberts | Y | | |

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

Co-sponsor added: Aguilar, Brophy, Heath and King S.

HB12-1337 by Representative(s) Gerou and Levy, Becker; also Senator(s) Steadman and Lambert, Hodge--Concerning the closure of the south campus of the Centennial correctional facility for housing purposes.

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

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar | Y | Guzman | Y | Lambert | Y | Scheffel | Y |
| Bacon | Y | Harvey | Y | Lundberg | Y | Schwartz | Y |
| Boyd | Y | Heath | Y | Mitchell | Y | Spence | Y |
| Brophy | Y | Hodge | Y | Morse | Y | Steadman | Y |
| Cadman | Y | Hudak | Y | Neville | Y | Tochtrop | Y |
| Carroll | Y | Jahn | Y | Newell | Y | White | Y |
| Foster | Y | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron | Y | King K. | Y | Renfroe | Y | President | Y |
| Grantham | Y | King S. | Y | Roberts | Y | | |

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

Co-sponsor added: Aguilar, Carroll, Foster, Giron, Guzman, Hudak, King S., Newell, Nicholson, Schwartz, Spence, Tochtrop and Williams S.

HB12-1338 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--
Concerning the transfer of general fund surplus moneys to the state education fund at the
end of certain fiscal years.

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

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar | Y | Guzman | Y | Lambert | Y | Scheffel | Y |
| Bacon | Y | Harvey | Y | Lundberg | Y | Schwartz | Y |
| Boyd | Y | Heath | Y | Mitchell | Y | Spence | Y |
| Brophy | Y | Hodge | Y | Morse | Y | Steadman | Y |
| Cadman | Y | Hudak | Y | Neville | Y | Tochtrop | Y |
| Carroll | Y | Jahn | Y | Newell | Y | White | Y |
| Foster | Y | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron | Y | King K. | Y | Renfroe | Y | President | Y |
| Grantham | Y | King S. | Y | Roberts | Y | | |

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

Co-sponsor added: Aguilar, Bacon, Foster, Guzman, Heath, Hudak, King K., Lundberg,
Newell, Nicholson, Schwartz, Spence, White and Williams S.

HB12-1339 by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman--
Concerning the Colorado benefits management system improvement and modernization
project, and, in connection therewith, making an appropriation.

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

| YES | 33 | NO | 2 | 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. | N | Renfroe | N | President | Y |
| Grantham | Y | King S. | Y | Roberts | Y | | |

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

Co-sponsor added: Boyd, Nicholson and Tochtrop.

HB12-1340 by Representative(s) Becker, Gerou, Levy; also Senator(s) Lambert, Hodge, Steadman--
Concerning a reduction in the general fund portion of the per diem rates paid to nursing
facilities, and, in connection therewith, reducing an appropriation.

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

| YES | 34 | NO | 1 | 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 | N | Hodge | Y | Morse | Y | Steadman | Y |
| Cadman | Y | Hudak | Y | Neville | Y | Tochtrop | Y |
| Carroll | Y | Jahn | Y | Newell | Y | White | Y |
| Foster | Y | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron | Y | King K. | Y | Renfroe | Y | President | Y |
| Grantham | Y | King S. | Y | Roberts | Y | | |

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

Co-sponsor added: Aguilar.

HB12-1341 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning the repeal of the statewide strategic use fund.

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

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar | Y | Guzman | Y | Lambert | Y | Scheffel | Y |
| Bacon | Y | Harvey | Y | Lundberg | Y | Schwartz | Y |
| Boyd | Y | Heath | Y | Mitchell | Y | Spence | Y |
| Brophy | Y | Hodge | Y | Morse | Y | Steadman | Y |
| Cadman | Y | Hudak | Y | Neville | Y | Tochtrop | Y |
| Carroll | Y | Jahn | Y | Newell | Y | White | Y |
| Foster | Y | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron | Y | King K. | Y | Renfroe | Y | President | Y |
| Grantham | Y | King S. | Y | Roberts | Y | | |

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

HB12-1342 by Representative(s) Levy, Becker, Gerou; also Senator(s) Hodge, Steadman, Lambert-- Concerning a work therapy program in the department of human services, and, in connection therewith, making an appropriation.

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

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar | Y | Guzman | Y | Lambert | Y | Scheffel | Y |
| Bacon | Y | Harvey | Y | Lundberg | Y | Schwartz | Y |
| Boyd | Y | Heath | Y | Mitchell | Y | Spence | Y |
| Brophy | Y | Hodge | Y | Morse | Y | Steadman | Y |
| Cadman | Y | Hudak | Y | Neville | Y | Tochtrop | Y |
| Carroll | Y | Jahn | Y | Newell | Y | White | Y |
| Foster | Y | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron | Y | King K. | Y | Renfroe | Y | President | Y |
| Grantham | Y | King S. | Y | Roberts | Y | | |

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

Co-sponsor added: Aguilar, Boyd, Newell, Schwartz, Tochtrop and Williams S.

HB12-1343 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning the transfer of moneys from the state rail bank fund to the general fund.

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

| YES | 33 | NO | 2 | 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 | N | 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. | N | Roberts | Y | | |

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

HB12-1335 by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert-- Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2012, except as otherwise noted.

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

| YES | 30 | NO | 5 | EXCUSED | 0 | ABSENT | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar | Y | Guzman | Y | Lambert | Y | Scheffel | Y |
| Bacon | Y | Harvey | N | Lundberg | Y | Schwartz | Y |
| Boyd | Y | Heath | Y | Mitchell | N | Spence | Y |
| Brophy | N | Hodge | Y | Morse | Y | Steadman | Y |
| Cadman | Y | Hudak | Y | Neville | N | Tochtrop | Y |
| Carroll | Y | Jahn | Y | Newell | Y | White | Y |
| Foster | Y | Johnston | Y | Nicholson | Y | Williams S. | Y |
| Giron | Y | King K. | Y | Renfroe | N | President | Y |
| Grantham | Y | King S. | Y | Roberts | Y | | |

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

Co-sponsor added: Boyd, Guzman, Heath, Morse and Nicholson.

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 an expression of personal privilege.

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

SJR12-032 by Senator(s) Guzman, Carroll, Foster, Giron, Grantham, Harvey, Hodge, Hudak, Mitchell, Nicholson, Renfroe, Shaffer B.; also Representative(s) Waller, Court, Duran, Ferrandino, Kagan, Levy, McNulty, Nikkel, Pace, Schafer S., Singer, Todd--Concerning the declaration of April 16 through 22, 2012, as "Holocaust Awareness Week".

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

| YES | 33 | NO | 0 | EXCUSED | 2 | ABSENT | 0 |
|----------|----|----------|---|-----------|---|-------------|---|
| Aguilar | Y | Guzman | Y | Lambert | Y | Scheffel | Y |
| Bacon | Y | Harvey | Y | Lundberg | Y | Schwartz | Y |
| Boyd | Y | Heath | Y | Mitchell | Y | Spence | Y |
| Brophy | Y | Hodge | E | 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. | E | Renfroe | Y | President | Y |
| Grantham | Y | King S. | Y | Roberts | Y | | |

Co-sponsor added: Aguilar, Bacon, Boyd, Brophy, Cadman, Heath, Jahn, Johnston, King S., Lambert, Lundberg, Morse, Neville, Newell, Roberts, Scheffel, Schwartz, Spence, Steadman, Tochtrop, White and Williams S.

Senate in recess. Senate reconvened.

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 Thursday, April 19 was laid over until Friday, April 20, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: HB12-1258, SB12-166. 13
- General Orders -- Second Reading of Bills: SB12-155, SB12-070, SB12-086, SB12-132, HB12-1160, SCR12-001, HB12-1237, SB12-144, SB12-005, HB12-1041, HB12-1304, HB12-1081, HB12-1059, SB12-101, SB12-139, SB12-047, SB12-027, SB12-028, HB12-1153, SB12-106, HB12-1140, SB12-135, SB12-002, SB12-159, SB12-164, SB12-165, HB12-1131, HB12-1162, HB12-1275. 14-19
- Consideration of Resolutions: SJR12-023, SJR12-032, SJR12-033, SJR12-034, SJR12-036, SJR12-038, SJR12-039, SJR12-040, SJR12-041, SJR12-042, SJR12-043, SJR12-044, HJR12-1017. 20-22
- Consideration of Memorials: SM12-003. 23
- Consideration of House Amendments to Senate Bills: SB12-128, SB12-036. 24
- Consideration of Governor's Appointments: 25
 - Members of the Colorado School of Mines, Board of Trustees. 26
 - Members of the Board of Assessment Appeals. 27
 - Member of the State Electrical Board. 28
 - Members of the Colorado Commission on Judicial Discipline. 29
 - Members of the State Board of the Great Outdoors Colorado Trust Fund. 30
 - Members of the Energy and Mineral Impact Assistance Advisory Committee. 31
 - Members of the Colorado Channel Authority Board of Directors. 32
 - Members of the Ground Water Commission. 33
 - Members of the State Board of Land Commissioners. 34
 - Members of the Colorado Tourism Office Board of Directors. 35
 - Members of the Board of Trustees for the University of Northern Colorado. 36
 - Member of the Board of Governors of the Colorado State University System. 37
 - Members of the Air Quality Control Commission. 38
 - Member of the Hospital Provider Fee Oversight and Advisory Board. 39
- Conference Committees to Report: SB12-020, HB12-1053, HB12-1002. 40
- Requests for Conference Committee: HB12-1168. 41

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On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, April 20, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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