

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

92nd Legislative Day Wednesday, April 11, 2012

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Prayer	By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator King S.	15
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Roll Call	Present--34	17
	Excused--1, Newell.	18
	Present later--1, Newell.	19
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Quorum	The President announced a quorum present.	21
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Reading of Journal	On motion of Senator Giron, reading of the Journal of Tuesday, April 10, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	23
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COMMITTEE OF REFERENCE REPORTS

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Judiciary	The Committee on <u>Judiciary</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	32
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**MEMBERS OF THE
COLORADO CIVIL RIGHTS COMMISSION**

for terms expiring March 13, 2016: 35

Marvin R. Adams of Fountain, Colorado, to serve as a representative of state (or local) government entities and as a Republican, appointed; 36

Diann L. Rice of Loveland, Colorado, to serve as a representative of the community at large and as an Unaffiliated, reappointed. 37

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Trans- portation	The Committee on <u>Transportation</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	40
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**MEMBERS OF THE
COLORADO AERONAUTICAL BOARD**

for terms expiring December 19, 2014: 53

Kenneth Edward Maenpa of Thornton, Colorado, a representative of the statewide association of airport managers, appointed; 54

Joseph H. Thibodeau of Denver, Colorado, a representative of the statewide association of pilots, reappointed. 55

Trans- After consideration on the merits, the Committee recommends that **HB12-1302** be referred to the Committee on Finance with favorable recommendation.

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Trans- After consideration on the merits, the Committee recommends that **HB12-1162** be referred to the Committee on Finance with favorable recommendation.

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Trans- After consideration on the merits, the Committee recommends that **HB12-1258** be referred to the Committee of the Whole with favorable recommendation.

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Finance The Committee on Finance has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

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**MEMBERS OF THE
FINANCIAL SERVICES BOARD**

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for terms expiring July 1, 2015:

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Claudia J. Milan of Arvada, Colorado to serve as an executive officer of a state credit union and as a Democrat, reappointed;

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Horacio Peralta of Denver, Colorado, to serve as an executive officer of a state credit union and as a Democrat, reappointed.

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Finance The Committee on Finance has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

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**MEMBER OF THE
COLORADO LOTTERY COMMISSION**

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for a term expiring July 1, 2015:

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Margie Martinez Perusek of Greeley, Colorado, to serve as a representative of law enforcement and as a Republican, appointed.

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Finance After consideration on the merits, the Committee recommends that **SB12-163** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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Amend printed bill, page 3, line 21, strike "(2) (d)" and substitute "(2) (d) and (2) (e)".

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Page 4, strike line 2, and substitute "MISDEMEANOR; EXCEPT THAT A THIRD OR SUBSEQUENT CONVICTION PURSUANT TO THIS SECTION WITHIN FIVE PRECEDING YEARS IS A CLASS 6 FELONY.".

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Page 4, line 10, strike "MISDEMEANOR." and substitute "MISDEMEANOR; EXCEPT THAT A THIRD OR SUBSEQUENT CONVICTION PURSUANT TO THIS SECTION WITHIN FIVE PRECEDING YEARS IS A CLASS 6 FELONY.".

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Page 4, strike lines 14 through 22 and substitute:

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"(d) IN ORDER FOR A DEFENDANT TO BE ABLE TO PARTICIPATE IN A TREATMENT COURT PROGRAM ESTABLISHED BY A CHIEF JUDGE IN A JUDICIAL DISTRICT, A DISTRICT ATTORNEY MAY FILE MISDEMEANOR CHARGES PURSUANT TO THIS SECTION IN DISTRICT COURT BY DIRECT INFORMATION WITHOUT THE CONSENT OF THE DISTRICT COURT.

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(e) IF THE DISTRICT COURT SENTENCES A DEFENDANT TO PROBATION FOR A MISDEMEANOR VIOLATION OF THIS SECTION, THE

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DEFENDANT SHALL BE SUPERVISED BY STATE PROBATION."

Amend the Judiciary Committee Report, dated March 28, 2012, page 1, line 17, strike "MISDEMEANOR." and substitute "MISDEMEANOR; EXCEPT THAT A THIRD OR SUBSEQUENT CONVICTION PURSUANT TO THIS SECTION WITHIN FIVE PRECEDING YEARS IS A CLASS 6 FELONY."

Page 2 of the committee report, line 6, strike "MISDEMEANOR." and substitute "MISDEMEANOR; EXCEPT THAT A THIRD OR SUBSEQUENT CONVICTION PURSUANT TO THIS SECTION WITHIN FIVE PRECEDING YEARS IS A CLASS 6 FELONY."

Finance

After consideration on the merits, the Committee recommends that **HB12-1131** be referred to the Committee on Appropriations with favorable recommendation.

SENATE SERVICES REPORT

- Correctly Printed: SJR12-031 and 032.
- Correctly Engrossed: SB12-001.
- Correctly Reengrossed: SB12-068, 160 and 168.
- Correctly Revised: HB12-1080 and 1297.
- Correctly Rerevised: HB12-1006, 1017, 1019, 1023, 1063, 1105, 1126, 1146 and 1290.

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

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

HB12-1297 by Representative(s) Gardner B., Barker, Ryden, Waller; also Senator(s) Tochtrop-- Concerning the committee on anticompetitive conduct, and, in connection therewith, continuing the committee's statutory authorization until September 1, 2013.

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	E	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.

HB12-1080 by Representative(s) Vigil; also Senator(s) Schwartz--Concerning changing the name of Adams state college to Adams state university.

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

YES	33	NO	1	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	Y	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	N
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	E	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: Bacon, Giron, Guzman, Heath, Johnston and King S.

Call of the Senate.

Call raised.

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:

SB12-001

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, and, in connection therewith, making an appropriation.

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

YES	19	NO	16	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	N
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

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

Co-sponsor added: Aguilar, Carroll, Giron, Guzman, Morse, Nicholson, Schwartz, Tochtrop and Williams S.

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 Wednesday, April 11 was laid over until Thursday, April 12, retaining its place on the calendar.

IMMEDIATE RECONSIDERATION

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, laying over the balance of the calendar.

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

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

SJR12-031 by Senator(s) Aguilar; also Representative(s) Kefalas--Concerning Hepatitis C Awareness Day.

On motion of Senator Aguilar, the resolution was read at length and **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		

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

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 Wednesday, April 11 was laid over until Thursday, April 12, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: SB12-106.
- General Orders -- Second Reading of Bills: SB12-155, SB12-070, SB12-086, SB12-132, SB12-004, HB12-1160, SCR12-001, HB12-1237, SB12-144, SB12-005, HB12-1041, HB12-1304, HB12-1081, HB12-1059.
- Consideration of Resolutions: SJR12-032, HJR12-1004.
- Consideration of Memorials: SM12-003.
- Consideration of Governor's Appointments:
 - Members of the Colorado Housing and Finance Authority.
 - Member of the Colorado Racing Commission.
 - Statewide Internet Portal Authority.
 - Members of the Board of Trustees of Metropolitan State College of Denver.
 - Member of the Higher Education Competitive Research Authority Board of Directors.
 - Members of the Colorado Commission on Higher Education.
 - Members of the Board of Trustees for Adams State College.
 - Members of the Colorado School of Mines, Board of Directors.
 - Members of the Colorado Children's Trust Fund Board.

Member of the Colorado Commission on the Aging.	1
Member of the Hospital Provider Fee Oversight and Advisory Board.	2
Members of the State Board of Human Services.	3
Members of the Colorado Health Facilities Authority Board of Directors.	4
Conference Committees to Report: SB12-020, HB12-1053, HB12-1002.	5
Requests for Conference Committee: HB12-1168.	6

Senate in recess.	Senate reconvened.
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TRIBUTES

Honoring:

Joel Salomon, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.	20
Jacob Meismer, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.	22
Seth Villa, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.	24
Jacob Ring, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.	25
Josh Donkle, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.	26
Kennen Lanteri, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.	28
Troy Carroll, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.	30
Vinny Gonzales, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.	32
Brandon Brauser, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.	34
Cosme Martinez, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.	36
Jacob Winter, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.	38
Jack Kuck, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.	40
Robert Bishop-Cotner, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.	41
Jonathan Lewis, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.	43
Monte Trusty – Head Coach, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.	45
Richard Thomas - Coach, 2012 4A State Wrestling Title, Windsor High School -- by Senator Renfroe.	47
Lewis Entz, Colorado Foundation for Water Education's President's Award for lifetime achievement in water education -- by Senator Schwartz.	49
Diane Hoppe, Colorado Foundation for Water Education's President's Award for lifetime achievement in water education -- by Senator Schwartz.	51
VelociRFTA for the First Rural Bus Rapid Transit System in the Nation -- by Senator Schwartz.	53

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, April 12, 2012.

Approved:

Betty Boyd
President *pro tem* of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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