

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

21st Legislative Day

Tuesday, January 31, 2012

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Prayer	By the chaplain, Rabbi Eliot Baskin, Jewish Family Services of Colorado, 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 Jahn.	15
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Roll Call	Present--33	17
	Absent--1, Giron.	18
	Excused--1, King S.	19
	Present later--1, Giron.	20
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Quorum	The President announced a quorum present.	23
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Reading of Journal	On motion of Senator Grantham, reading of the Journal of Monday, January 30, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.	25
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COMMITTEE OF REFERENCE REPORTS

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Judiciary	After consideration on the merits, the Committee recommends that SB12-066 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	34
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Judiciary	After consideration on the merits, the Committee recommends that SB11-028 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	39
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	Amend printed bill, page 2, strike line 3 and substitute "(b) and (8); and add (5) (a) (I) (D) as follows:".	43
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	Page 2, line 10, strike "ALL ADJUDICATED" and substitute "ANY CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, C.R.S., OR AGGRAVATED JUVENILE OFFENDER PETITION".	46
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	Page 2, line 11, strike "OFFENSES".	50
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	Page 2, line 14, strike "16 and 17," and substitute "16, and 17, AND 18,".	52
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	Page 2, line 17, strike "TWENTY-YEAR" and substitute "TEN-YEAR".	54
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	Page 3, line 4, strike "parties" and substitute "parties, APPOINT COUNSEL FOR THE JUVENILE,".	56
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	Page 3, line 4, after the period, add "THE COURT SHALL, AS PART OF THIS HEARING, RECONSIDER THE LENGTH OF THE REMAINING SENTENCE AND CONSIDER THE FACTORS AS SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (8) HEREIN.".	59
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	Page 3, line 7, strike "PSYCHOLOGICAL EVALUATION" and substitute "MENTAL HEALTH EVALUATION".	64
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	Page 3, line 8, strike "PSYCHIATRIST" and substitute "APPROPRIATE	67

MENTAL HEALTH PROFESSIONAL".
Page 3, line 10, strike "PSYCHIATRIST" and substitute "APPROPRIATE MENTAL HEALTH PROFESSIONAL".

Page 3, after line 15 insert:

"(b) At the hearing upon the motion, the court may either transfer the custody of and jurisdiction over the juvenile to the department of corrections FOR PLACEMENT IN A CORRECTIONAL FACILITY, THE YOUTH OFFENDER SERVICE PROGRAM, OR A COMMUNITY CORRECTIONS PROGRAM; authorize early release of the juvenile pursuant to subsection (7) of this section; PLACE THE JUVENILE ON ADULT PAROLE FOR A PERIOD OF FIVE YEARS; or order that custody and jurisdiction over the juvenile shall remain with the department of human services; except that the custody of and jurisdiction over the juvenile by the department of human services shall terminate when the juvenile reaches twenty-one years of age."

Page 3, line 19, strike "PSYCHOLOGICAL".

Page 3, line 20, strike "EXAMINATION," and substitute "MENTAL HEALTH EVALUATION,".

Page 3, line 21, after the second "OFFENDER," insert "THE OFFENDER'S BEHAVIOR IN CUSTODY, THE OFFENDER'S PROGRESS AND PARTICIPATION IN CLASSES, PROGRAMS, AND EDUCATIONAL IMPROVEMENT,".

Page 3, line 23, after "REHABILITATION," insert "THE PLACEMENT WHERE THE OFFENDER IS MOST LIKELY TO SUCCEED IN REINTEGRATING IN THE COMMUNITY,".

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB12-016** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB12-010** be referred to the Committee of the Whole with favorable recommendation.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB12-005** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 7, after "businesses," insert "including nonprofit businesses,".

Page 4, after line 6 insert:

"(b) "BUSINESS" MEANS ANY CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, SOLE PROPRIETORSHIP, TRUST, OR FOUNDATION, OR OTHER LEGAL ENTITY CARRYING ON A BUSINESS, WHETHER OR NOT OPERATED FOR PROFIT."

Reletter succeeding paragraphs accordingly.

Page 5, line 27, strike the second "AND".

Page 6, line 4, strike "LEVEL." and substitute "LEVEL; AND".

Page 6, after line 4 insert:

"(e) TO IDENTIFY OBSTACLES AND IMPEDIMENTS TO BUSINESS RETENTION AND EXPANSION WITHIN THE RULES CURRENTLY

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ADMINISTERED BY STATE AGENCIES AND TO COORDINATE EFFORTS TO REMOVE OR MODIFY THOSE OBSTACLES AND IMPEDIMENTS IN ORDER TO IMPROVE COLORADO'S BUSINESS CLIMATE.".

MESSAGE FROM THE HOUSE

January 30, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1028, 1010, 1022.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1001, amended as printed in House Journal, January 26, page 89. HB12-1054, amended as printed in House Journal, January 27, page 98.

The House has passed on Third Reading and returns herewith SB12-014.

The House has adopted and returns herewith SJR12-002, SJR12-005.

MESSAGE FROM THE REVISOR OF STATUTES

January 30, 2012

We herewith transmit:

Without comment, HB12-1010, 1022, and 1028. Without comment, as amended, HB12-1001 and 1054.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR12-011 by Senator(s) Schwartz; also Representative(s) Sonnenberg--Concerning the recognition of Colorado Centennial Farms.

Laid over until February 2, retaining its place on the calendar.

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.

Laid over one day under Senate Rule 30(e).

INTRODUCTION OF BILLS -- FIRST READING

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

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

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SB12-103	by Senator(s) Bacon; --Concerning the allocation of at-risk funding for public schools. Education	1 2 3 4
SB12-104	by Senator(s) Steadman, Aguilar, Guzman, Morse, Newell, Renfroe, Roberts; also Representative(s) DelGrosso, Kerr A., Lee, Pabon, Vigil--Concerning consolidation of drug treatment funding into the correctional treatment fund. Judiciary	5 6 7 8 9 10
SB12-105	by Senator(s) Steadman, Carroll, Guzman; also Representative(s) Levy, Hullinghorst, Lee, Pabon--Concerning provisions that improve the reintegration opportunities for persons involved in the criminal justice system. Judiciary	11 12 13 14 15 16
SB12-106	by Senator(s) King K.; --Concerning education. Education	17 18 19 20
SB12-107	by Senator(s) Carroll; also Representative(s) Wilson--Concerning additional protections for water relating to hydraulic fracturing. Judiciary	21 22 23 24 25
SB12-108	by Senator(s) Nicholson; --Concerning providing oral health services to pregnant women who are enrolled in medicaid. Health and Human Services	26 27 28 29 30
SB12-109	by Senator(s) Johnston; also Representative(s) Coram--Concerning requirements governing the regular maintenance of voter registration lists. State, Veterans & Military Affairs	31 32 33 34 35
SB12-110	by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Levy, Becker, Gerou-- Concerning a fund consisting of surcharges on insurance premiums to pay for costs associated with criminal prosecution of insurance fraud investigations, and, in connection therewith, making an appropriation. Appropriations	36 37 38 39 40 41 42
SB12-111	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Levy, Becker, Gerou-- Concerning departmental reporting of full-time equivalent employees. Appropriations	43 44 45 46 47
SB12-112	by Senator(s) Hodge, Steadman, Lambert; also Representative(s) Levy, Becker, Gerou-- Concerning the headnote definition of full-time equivalent employees used in the annual general appropriation act. Appropriations	48 49 50 51 52 53
SB12-113	by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Gerou, Becker, Levy-- Concerning the designation in the annual general appropriations act of the portion to be redirected to the counties of the state's share of recoveries for public assistance paid for family support obligations. Appropriations	54 55 56 57 58 59 60
SB12-114	by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Levy, Becker, Gerou-- Concerning the crediting of all disputed payments received by the state pursuant to the tobacco litigation settlement agreement on or after July 1, 2008, to the state general fund. Appropriations	61 62 63 64 65 66 67

- SB12-115** by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Becker, Gerou, Levy--
Concerning a requirement that the limited gaming control commission receive testimony
from authorized recipients of gaming tax revenue when considering changes in rules
governing the taxes on limited gaming activity.
Appropriations
- SB12-116** by Senator(s) Foster, Carroll, Johnston, Mitchell, Scheffel; also Representative(s) Brown,
Levy, Beezley, Kagan--Concerning penalties associated with cathinones, and, in connection
therewith, establishing a misdemeanor penalty for possession of a cathinone.
Local Government
- SB12-117** by Senator(s) King S.; --Concerning the penalties for persons who drive while under the
influence of alcohol or drugs.
State, Veterans & Military Affairs
- SB12-118** by Senator(s) White, Jahn; also Representative(s) Acree--Concerning the repeal of the
requirement for a hotel and restaurant alcohol license that twenty-five percent of sales must
be from meals.
Local Government
- SB12-119** by Senator(s) Neville, Lambert, Harvey, Grantham, King K., Lundberg, Renfroe; also
Representative(s) Holbert--Concerning measures to increase the fiscal sustainability of the
public employees' retirement association.
Finance
- SB12-120** by Senator(s) Foster; also Representative(s) Massey and Fischer--Concerning the existing
ability of qualified interior designers to submit certain interior design construction
documents to local government officials in connection with an application for a building
permit.
Local Government
- SB12-121** by Senator(s) King K.; also Representative(s) Massey--Concerning charter schools.
Education
- SB12-122** by Senator(s) Williams S., Aguilar, Foster, Giron, Jahn, Lundberg, Newell, Nicholson,
Roberts, Steadman; also Representative(s) DelGrosso--Concerning avoiding potential
conflicts of interest in the provision of services to a person on probation.
Judiciary
- SB12-123** by Senator(s) Renfroe, Brophy, Cadman, Grantham, Harvey, King K., King S., Lambert,
Lundberg, Mitchell, Neville, Roberts, Scheffel, Steadman, White; also Representative(s)
Brown--Concerning the secretary of state's on-line business filing system, and, in
connection therewith, authorizing enhancements to the system, the designation of
commercial registered agents, and changes to a reporting entity's anniversary month.
State, Veterans & Military Affairs
- SB12-124** by Senator(s) Harvey, Scheffel, Aguilar, Carroll, Foster, Giron, Jahn, Lambert, Newell,
Schwartz; --Concerning the elimination of the limit on the number of regional tourism
projects that the Colorado economic development commission may approve.
Local Government
- SB12-125** by Senator(s) Harvey, Cadman, Grantham, Brophy, King K., Lundberg, Neville, Renfroe;
also Representative(s) Holbert, Swalm, Sonnenberg, Szabo--Concerning crimes against an
unborn child.
Judiciary

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SB12-126	by Senator(s) Renfroe, Brophy, Lundberg, Cadman, Grantham, Harvey, King K., King S., Lambert, Mitchell, Neville, Roberts, Scheffel, White; also Representative(s) Vaad, Holbert--Concerning motor vehicle emissions inspections. Transportation	1 2 3 4 5 6
SB12-127	by Senator(s) Newell, Aguilar, Bacon, Foster, Lundberg, Nicholson, Steadman, White; also Representative(s) Summers--Concerning the participation of providers of long-term care in medicaid care coordination programs. Health and Human Services	7 8 9 10 11 12
SB12-128	by Senator(s) Roberts; also Representative(s) Summers--Concerning achieving efficiencies in the medicaid long-term care program through greater utilization of alternative care facilities. Health and Human Services	13 14 15 16 17 18
SB12-129	by Senator(s) Schwartz, Aguilar, Bacon, Grantham, Harvey, Heath, Hodge, Hudak, Johnston, King S., Lundberg, Newell, Roberts, Steadman, Tochtrop, White, Williams S.; also Representative(s) Coram--Concerning access to affordable broadband internet connectivity in noncompetitive rural areas. Agriculture, Natural Resources, and Energy	19 20 21 22 23 24 25
SB12-130	by Senator(s) Newell and Hodge, Steadman; also Representative(s) Massey and Hamner, Peniston--Concerning governance of child development programs, and, in connection therewith, requiring a post-enactment review of the implementation of this act. Health and Human Services	26 27 28 29 30 31
SB12-131	by Senator(s) Guzman, Steadman; --Concerning the responsibilities of a fiduciary with regard to the estate of a person who may have executed a designated beneficiary agreement. Judiciary	32 33 34 35 36
SB12-132	by Senator(s) Grantham, Cadman, Scheffel, Brophy, Harvey, King S., Lambert, Lundberg, Neville, Renfroe, Roberts, Spence; also Representative(s) Becker--Concerning timely issuance of environmental control permits. Agriculture, Natural Resources, and Energy	37 38 39 40 41 42
SB12-133	by Senator(s) Schwartz, Aguilar, King S., Newell, White; --Concerning the diversion of electronic devices from landfills. Agriculture, Natural Resources, and Energy	43 44 45 46 47
SB12-134	by Senator(s) Aguilar, Boyd, Carroll, Foster, Nicholson; --Concerning financial assistance in Colorado hospitals. Health and Human Services	48 49 50 51 52
SB12-135	by Senator(s) Lundberg, Scheffel, Cadman, Harvey, King K., Lambert, Mitchell, White; also Representative(s) Murray--Concerning the development of an on-line program to which the secretary of state posts election returns by the evenings of specified election days, and, in connection therewith, making an appropriation. State, Veterans & Military Affairs	53 54 55 56 57 58 59
SB12-136	by Senator(s) Lambert, Renfroe, Cadman, Harvey, Scheffel, Lundberg, Neville; also Representative(s) Swalm, Holbert, Szabo, Kefalas, Kerr J., DelGrosso, Gerou, Looper--Concerning the compensation report of the state personnel system prepared by the state personnel director. Finance	60 61 62 63 64 65 66 67

SB12-137	by Senator(s) Lambert, Neville, Renfroe; also Representative(s) Beezley, Holbert, Looper, McKinley--Concerning the payment of debts in precious metal coins. Finance	1 2 3 4 5
SB12-138	by Senator(s) Lundberg, Renfroe, Harvey, Cadman, Lambert, Grantham, Scheffel, Mitchell, King K., Brophy, King S., Neville, Roberts; --Concerning the regulation of child care centers by the department of human services. Health and Human Services	6 7 8 9 10 11
SB12-139	by Senator(s) Boyd; --Concerning the "Colorado Job Support Act". Health and Human Services	12 13 14 15
SB12-140	by Senator(s) Grantham, Cadman, Scheffel, Harvey, King S., Lundberg, Neville, Renfroe, Roberts; --Concerning the adoption of generally accepted accounting principles by the government of the state. Finance	16 17 18 19 20 21
SB12-141	by Senator(s) Shaffer B.; --Concerning measures to alleviate difficulties faced by military personnel in qualifying for home mortgage loans. State, Veterans & Military Affairs	22 23 24 25 26
SB12-142	by Senator(s) Brophy; also Representative(s) Sonnenberg--Concerning the creation of pilot projects to empower the state engineer to reduce augmentation requirements. Agriculture, Natural Resources, and Energy	27 28 29 30 31
SB12-143	by Senator(s) Carroll; also Representative(s) Pabon--Concerning the development of a local businesses database by the Colorado office of economic development. Business, Labor and Technology	32 33 34 35 36
SB12-144	by Senator(s) Heath and Scheffel; also Representative(s) Summers and Ryden, Kerr A.--Concerning efforts by the Colorado office of economic development to grow the state's key industries. Business, Labor and Technology	37 38 39 40 41 42
SB12-145	by Senator(s) Steadman, Hodge, Lambert; also Representative(s) Becker, Gerou, Levy--Concerning a cap on the 2011-12 state fiscal year transfers to the state public school fund from public school land moneys. Education	43 44 45 46 47 48
SB12-146	by Senator(s) Hodge; also Representative(s) Peniston--Concerning limitations on the acceptance of certain benefits by specified governmental actors who are in a position to reward persons offering such benefits with official action. State, Veterans & Military Affairs	49 50 51 52 53 54
HB12-1015	by Representative(s) Holbert; also Senator(s) Neville--Concerning the procedure for the review of a proposal to regulate an unregulated profession or occupation. Business, Labor and Technology	55 56 57 58 59
HB12-1033	by Representative(s) Swalm; also Senator(s) Newell--Concerning conditions on the authority of the director of the division of workers' compensation to impose administrative fines as a result of compliance audits finding instances of late reporting of injuries under the "Workers' Compensation Act of Colorado". Business, Labor and Technology	60 61 62 63 64 65 66 67

HB12-1050 by Representative(s) Wilson; also Senator(s) Nicholson--Concerning the voluntary contribution designation benefiting the nongame and endangered wildlife fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.
Finance

HB12-1078 by Representative(s) Vigil, Baumgardner, Sonnenberg, Swerdfeger, Wilson; also Senator(s) Schwartz, Brophy, Giron, Hodge, Roberts--Concerning the exemption of drinking water treatment facilities from the requirement to obtain a certificate of designation.
Agriculture, Natural Resources, and Energy

**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:

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.

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.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	E	Roberts	Y		

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

Co-sponsors added: Boyd and Guzman.

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.

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.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	E	Roberts	Y		

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

Co-sponsor added: White

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.

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	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.	E	Roberts	Y		

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

Co-sponsors added: Foster

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.

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.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	E	Roberts	Y		

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

SB12-024 by Senator(s) Harvey; also Representative(s) Holbert--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.

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.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	E	Roberts	Y		

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

SB12-094

by Senator(s) Hodge, Carroll, Aguilar, Boyd, Giron, Guzman, Harvey, Hudak, Jahn, Mitchell, Neville, Newell, Nicholson, Schwartz, Steadman, Tochtrop, White; also Representative(s) Szabo, Acree, Balmer, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, DelGrosso, Ferrandino, Gardner B., Holbert, Hullinghorst, Jones, Joshi, Kerr J., Liston, Looper, Murray, Nikkel, Pabon, Priola, Ramirez, Scott, Swalm, Swerdfeger, Todd, Tyler, Waller, Williams A.--Concerning clarification of the definition of food used in state sales tax laws to ensure that the treatment for sales tax purposes of a food product sold for domestic home consumption by a grocery store, supermarket, or convenience store does not change solely because the store sells the food product or markets the food product for sale as a convenience food.

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.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	E	Roberts	Y		

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

Co-sponsors added: Cadman, Grantham, Heath, Johnston, King K., Lambert, Lundberg, Morse, Renfroe, Scheffel, Williams S. and Shaffer B.

SENATE SERVICES REPORT

Correctly Engrossed: SB12-007, 008, 024, 029, 043 and 094; SJR12-005.
 Correctly Revised: HJR12-1007.
 Correctly Enrolled: SB12-014; SJR12-010.

RECONSIDERATION OF SB12-024

SB12-024

by Senator(s) Harvey; also Representative(s) Holbert--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.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage -- Consent Calendar, on SB12-024. 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.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	E	Roberts	Y		

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

**THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR - cont'd**

SB12-024 by Senator(s) Harvey; also Representative(s) Holbert--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.

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	Y
Cadman	Y	Hudak	Y	Neville	Y	Tochtrop	Y
Carroll	N	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		

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

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB12-014.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Monday, January 30, 2012, at 1:38 p.m.:
SB12-014.

MESSAGE FROM THE GOVERNOR

January 30, 2012

To the Honorable Senate
Sixty-Eighth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

S.B.12-014 – Concerning The Conformity Of The Schedule For Disclosure Of Campaign Finance Information With The Date Of The Primary Election.

Approved January 30, 2012 at 2:03 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

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 Tuesday, January 31 was laid over until Wednesday, February 1, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB12-033, SB12-011, SB12-030, SB12-015.
Consideration of Resolutions - Consent Calendar: HJR12-1003, HJR12-1005, HJR12-1006, HJR12-1008.
Consideration of Resolutions: SJR12-009.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Wednesday, February 1, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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