

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

55th Legislative Day

Monday, March 5, 2012

Prayer By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.

Call to Order By the President at 10:00 a.m.

Pledge By Girls with Goals.

Roll Call Present--34
Excused--1, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Neville, reading of the Journal of Friday, March 2, 2012, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

March 2, 2012

The House has adopted and returns herewith SJR12-016.
The House has adopted and returns herewith SJR12-017.

SENATE SERVICES REPORT

Correctly Engrossed: SB12-095, 118, 141 and 143; SJR12-017.
Correctly Revised: HB12-1071, 1139, 1221 and 1231.

**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:

HB12-1071 by Representative(s) Liston; also Senator(s) Jahn--Concerning portable electronics insurance.

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

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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	E	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-sponsors added: White and Williams S.

HB12-1221 by Representative(s) Liston, Kerr J., Balmer, Miklosi, Summers, Swalm, Williams A.; also Senator(s) Tochtrop, Boyd, Morse--Concerning billing for anatomic pathology services.

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	E	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-sponsors added: Aguilar, Carroll, Giron, Heath, Jahn, King S., Newell, Spence, White and Williams S.

SB12-095 by Senator(s) Lundberg; also Representative(s) Barker--Concerning requirements for the valid transfer of title to a motor vehicle.

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	E	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-sponsors added: Grantham, Harvey, Hudak, King K., King S., Lambert and Williams S.

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:

SB12-015 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 Monday, March 12, retaining its place on the calendar.

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.

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

YES	20	NO	14	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	Spence	N
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	Y	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-sponsors added: Bacon, Boyd, Foster, Giron, Guzman, Heath, Hudak, Johnston, Morse, Nicholson, Schwartz, Shaffer B., Tochtrop and Williams S.

HB12-1231 by Representative(s) Ryden, Gardner B., Kagan, Pabon, Singer, Wilson; also Senator(s) Spence--Concerning the authority of the department of revenue to allow licensed private investigators access to certain motor vehicle records for specified purposes.

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	E	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-sponsors added: Giron, Guzman, Jahn and Newell.

HB12-1139 by Representative(s) Levy, Fields, Barker, Court, Kagan, Massey, McCann, McKinley, Nikkel, Solano, Young; also Senator(s) Guzman--Concerning pretrial detention of children prosecuted as adults.

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	E	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-sponsors added: Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Heath, Hodge, Hudak, Jahn, King S., Lundberg, Newell, Nicholson, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

SB12-141 by Senator(s) Shaffer B.; --Concerning measures to alleviate difficulties faced by military personnel in qualifying for home mortgage loans.

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	E	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-sponsors added: Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Grantham, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Morse, Newell, Nicholson, Roberts, Schwartz, Spence, Steadman, Tochtrop, White and Williams S.

RECONSIDERATION OF HB12-1231

HB12-1231 by Representative(s) Ryden, Gardner B., Kagan, Pabon, Singer, Wilson; also Senator(s) Spence--Concerning the authority of the department of revenue to allow licensed private investigators access to certain motor vehicle records for specified purposes.

Having voted on the prevailing side, Senator Morse moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB12-1231.

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

THIRD READING OF BILLS -- FINAL PASSAGE - cont'd

HB12-1231 by Representative(s) Ryden, Gardner B., Kagan, Pabon, Singer, Wilson; also Senator(s) Spence--Concerning the authority of the department of revenue to allow licensed private investigators access to certain motor vehicle records for specified purposes.

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

YES	32	NO	2	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lundberg	Y	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	E	Spence	Y
Brophy	Y	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	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 declared **passed**.

Co-sponsors added: Giron, Guzman, Jahn and Newell.

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.

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	E	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-sponsors added: Aguilar, Cadman, Foster and King S.

Upon request of Senator Cadman, **HB12-1031** was removed from the General Orders--Second Reading of Bills Consent Calendar of Monday, March 5 and was placed at the end of the General Orders--Second Reading of Bills Calendar of Monday, March 5.

Upon request of Senator Morse, **HB12-1013** was removed from the General Orders--Second Reading of Bills Consent Calendar of Monday, March 5 and was placed at the end of the General Orders--Second Reading of Bills Calendar of Monday, March 5.

Committee of the Whole

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

HB12-1077 by Representative(s) Gardner B., Barker, Duran, Labuda, Liston, Peniston, Ramirez, Schafer S., Scott, Waller; also Senator(s) Tochtrop, King S., White--Concerning modifications to the investment confidentiality provisions related to police officers' and firefighters' pension plans.

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

HB12-1018 by Representative(s) Labuda, Barker, Duran, Gardner B., Liston, Peniston, Ramirez, Schafer S., Scott, Waller; also Senator(s) Tochtrop, Morse, King S., White--Concerning modifications to available affiliation by social security employers with the fire and police pension association.

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

HB12-1127 by Representative(s) Liston, Priola, Holbert, Swalm, Swerdfeger, Szabo; also Senator(s) Williams S.--Concerning elimination of an increase in the unemployment insurance premium rate for new employers.

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

HB12-1120 by Representative(s) Swerdfeger, Brown, Duran, Liston, Massey, Pabon, Pace, Williams A.; also Senator(s) Tochtrop--Concerning the creation of the division of unemployment insurance in the department of labor and employment to administer the unemployment insurance program.

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

HB12-1074 by Representative(s) Kerr J., Miklosi; also Senator(s) King S., Tochtrop--Concerning access to data to assist the courts in overseeing persons appointed to manage the affairs of persons under disability.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 1, pages 341-342 and placed in members' bill files.)

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

HB12-1079 by Representative(s) Barker; also Senator(s) King S.--Concerning designation of certain positions in the department of public safety.

Ordered revised 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 Steadman, 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	E	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 Committee of the Whole took the following action:

Passed on second reading: HB12-1077, HB12-1018, HB12-1127, HB12-1120,
HB12-1074 as amended, HB12-1079.

Laid over to the end of the General Orders -- Second Reading of Bills calendar, Monday,
March 5: HB12-1031, HB12-1013.

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

HB12-1117 by Representative(s) Balmer; also Senator(s) Nicholson--Concerning the ability of a local government to permit, in its discretion, the collection of charitable solicitations from motorists on a certain number of days per calendar year.

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

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.

Laid over until Tuesday, March 6, retaining its place on the calendar.

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.

Amendment No. 1, Health & Human Services Committee Amendment.

(Printed in Senate Journal, March 1, pages 342-344 and placed in members' bill files.)

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

HB12-1031 by Representative(s) Peniston, Labuda, Duran, Ramirez, Schafer S.; also Senator(s) Tochtrop, King S., Morse--Concerning the authority of the board of the fire and police pension association to make amendments to plans for the administration of benefits.

Laid over until Tuesday, March 6, retaining its place on the calendar.

HB12-1013 by Representative(s) Fields and Holbert, Massey; also Senator(s) Hudak and King K., Bacon--Concerning intervention services for middle-grade students.

Ordered revised 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 Steadman, 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	E	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 Committee of the Whole took the following action:

Passed on second reading: SB12-023 as amended, HB12-1117, HB12-1013.
Laid over until Tuesday, March 6: SB12-127, HB12-1031.

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, March 5 was laid over until Tuesday, March 6, retaining its place on the calendar.

Consideration of Resolutions: SJR12-005, SJR12-015, HJR12-1004.
Consideration of Memorials: SJM12-001, SM12-002.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

March 5, 2012

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1017, 1262, 1220.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB12-1005, amended as printed in House Journal, March 2, page 508.
HB12-1026, amended as printed in House Journal, March 2, page 508.
HB12-1140, amended as printed in House Journal, March 2, page 508.
HB12-1228, amended as printed in House Journal, March 2, page 508.
HB12-1036, amended as printed in House Journal, March 2, pages 508-509.
HB12-1239, amended as printed in House Journal, March 2, pages 509-510.
The House has passed on Third Reading and returns herewith SB12-048, 029, 042.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB12-097, amended as printed in House Journal, March 2, page 509.
SB12-024, amended as printed in House Journal, March 2, page 510.
SB12-037, amended as printed in House Journal, March 2, page 510.

MESSAGE FROM THE REVISOR OF STATUTES

March 5, 2012

We herewith transmit:

Without comment, HB12-1017, 1262, and 1220.
Without comment, as amended, HB12-1005, 1026, 1140, 1228, 1036, and 1239.
Without comment, as amended, SB12-097, 024, and 037.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

HB12-1005 by Representative(s) Pabon; also Senator(s) Harvey--Concerning investment of public funds.
Judiciary

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Tuesday, March 6, 2012.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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